

1 **UTAH COMMUNICATIONS AUTHORITY ACT AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: Brad L. Dee

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the Utah Communications Authority.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ requires the Utah Communications Authority Board to create a comprehensive
- 14 strategic plan that includes a plan for the authority's activities and duties in each of
- 15 the authority's divisions;
- 16 ▶ requires each division of the Utah Communications Authority to contribute to the
- 17 comprehensive strategic plan;
- 18 ▶ extends a restriction on the allocation of funds from the Unified Statewide 911
- 19 Emergency Service Account;
- 20 ▶ extends a due date for a performance audit and study; and
- 21 ▶ requires a county, city, or town that levies and receives money from a monthly 911
- 22 charge to remit the money directly to a public safety answering point.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **63H-7a-103**, as renumbered and amended by Laws of Utah 2015, Chapter 411

- 30 **63H-7a-204**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 31 **63H-7a-206**, as enacted by Laws of Utah 2015, Chapter 450 and last amended by
- 32 Coordination Clause, Laws of Utah 2015, Chapter 450
- 33 **63H-7a-302**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 34 **63H-7a-402**, as enacted by Laws of Utah 2015, Chapter 411
- 35 **63H-7a-502**, as enacted by Laws of Utah 2015, Chapter 411
- 36 **69-2-2**, as last amended by Laws of Utah 2014, Chapters 36 and 320
- 37 **69-2-5**, as last amended by Laws of Utah 2015, Chapters 352 and 411
- 38 **69-2-5.5**, as last amended by Laws of Utah 2015, Chapters 352 and 411
- 39 **69-2-5.6**, as last amended by Laws of Utah 2015, Chapters 352 and 411
- 40 **69-2-5.7**, as last amended by Laws of Utah 2015, Chapters 352 and 411

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

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

44 **63H-7a-103. Definitions.**

45 As used in this chapter:

- 46 (1) "Authority" means the Utah Communications Authority, an independent state
- 47 agency created in Section **63H-7a-201**.
- 48 (2) "Board" means the Utah Communications Authority Board created in Section
- 49 **63H-7a-203**.
- 50 (3) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase
- 51 agreements, or other evidences of indebtedness or borrowing issued or incurred by the
- 52 authority pursuant to this chapter.
- 53 (4) "FirstNet" means the First Responder Network Authority created by Congress in
- 54 the Middle Class Tax Relief and Job Creation Act of 2012.
- 55 (5) "Lease" means any lease, lease purchase, sublease, operating, management, or
- 56 similar agreement.
- 57 (6) "Local entity" means a county, city, town, local district, special service district, or

58 interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act.

59 (7) "Member" means a public agency which:

60 (a) adopts a membership resolution to be included within the authority; and

61 (b) submits an originally executed copy of an authorizing resolution to the authority's
62 office.

63 (8) "Member representative" means a person or that person's designee appointed by the
64 governing body of each member.

65 (9) "Public agency" means any political subdivision of the state, including cities,
66 towns, counties, school districts, local districts, and special service districts, dispatched by a
67 public safety answering point.

68 (10) "Public safety answering point" or "PSAP" means ~~[an organization, entity, or
69 combination of entities that have joined together to form a central answering point for the
70 receipt, management, and dissemination to the proper responding agency, of emergency and
71 nonemergency communications, including 911 communications, police, fire, emergency
72 medical, transportation, parks, wildlife, corrections, and any other governmental
73 communications.]~~ an entity that:

74 (a) receives direct 911 emergency and non-emergency communications requesting a
75 public safety service;

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

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

78 (d) transfers the communication to the proper responding agency.

79 (11) "Public safety communications network" means:

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

83 (b) 911 emergency services, including radio communications, [~~microwave~~]
84 connectivity, [~~FirstNet coordination,~~] and computer aided dispatch [~~system~~] systems.

85 (12) "State" means the state of Utah.

86 (13) "State representative" means the six appointees of the governor or their designees
87 and the Utah State Treasurer or his designee.

88 Section 2. Section **63H-7a-204** is amended to read:

89 **63H-7a-204. Board -- Powers and duties -- Strategic plan.**

90 The board shall:

- 91 (1) manage the affairs and business of the authority consistent with this chapter
92 including adopting bylaws by a majority vote of its members;
- 93 (2) appoint an executive director to administer the authority;
- 94 (3) receive and act upon reports covering the operations of the public safety
95 communications network and funds administered by the authority;
- 96 (4) ensure that the public safety communications network and funds are administered
97 according to law;
- 98 (5) examine and approve an annual operating budget for the authority;
- 99 (6) receive and act upon recommendations of the chair;
- 100 (7) recommend to the governor and Legislature any necessary or desirable changes in
101 the statutes governing the public safety communications network;
- 102 (8) develop broad policies for the long-term operation of the authority for the
103 performance of its functions;
- 104 (9) make and execute contracts and other instruments on behalf of the authority,
105 including agreements with members and other entities;
- 106 (10) authorize the borrowing of money, the incurring of indebtedness, and the issuance
107 of bonds as provided in this chapter;
- 108 (11) adopt rules consistent with this chapter and in accordance with Title 63G, Chapter
109 3, Utah Administrative Rulemaking Act, for the management of the public safety
110 communications network in order to carry out the purposes of this chapter, and perform all
111 other acts necessary for the administration of the public safety communications network;
- 112 (12) exercise the powers and perform the duties conferred on it by this chapter;
- 113 (13) provide for audits of the authority;

- 114 (14) establish the following divisions within the authority:
- 115 (a) 911 Division;
- 116 (b) Radio Network Division;
- 117 (c) Interoperability Division; and
- 118 (d) Administrative Services Division;
- 119 (15) establish a 911 advisory committee to the 911 Division in accordance with Section
- 120 [63H-7a-307](#);

121 (16) establish one or more advisory committees to the Radio Network Division in
122 accordance with Section [63H-7a-405](#); [~~and~~]

123 (17) establish one or more advisory committees to the Interoperability Division in
124 accordance with Section [63H-7a-504](#)[~~-~~]; and

125 (18) create and maintain a statewide, comprehensive strategic plan that:

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

127 (i) 911 Division;

128 (ii) Radio Network Division;

129 (iii) Interoperability Division; and

130 (iv) Administrative Services Division; and

131 (b) the board updates before July 1 of each year.

132 Section 3. Section **63H-7a-206** is amended to read:

133 **63H-7a-206. Functional consolidation of PSAPs study.**

134 (1) As used in this section:

135 (a) "Exigent circumstance" means an unexpected or unforeseen circumstance that, if not
136 addressed, will result in imminent injury or loss.

137 [~~(a)~~] (b) "Functional consolidation" means the process of ensuring that disparate public
138 safety answering points and public safety dispatching centers work together in an efficient and
139 effective way.

140 [~~(b)~~] (c) "PSAP operator":

141 (i) means a public agency that operates a PSAP; and

142 (ii) does not include an institution of higher education, a school district, or an airport
143 authority that operates a PSAP.

144 (2) Beginning on or after July 1, 2015, the board shall commission and oversee a
145 performance audit and study of the state's 911 emergency response system and related elements
146 of the public safety communications network, which shall include:

147 (a) a review of statutory provisions and efforts of the authority, executive director,
148 Utah 911 Division, and Interoperability Division regarding the assessment, planning, rules,
149 technology review, and standardization of the state's 911 emergency response system and
150 related elements of the public safety communications network;

151 (b) working with state and local stakeholders to determine potential cost savings and
152 increases in quality and efficiency that may be achieved by the functional consolidation of
153 PSAPs and dispatch centers throughout the state, including recommendations regarding:

154 (i) an efficient and effective public safety communications management structure to
155 ensure that high quality 911 emergency services are available to the state's citizens;

156 (ii) common standard operating procedures that ensure the least amount of call
157 processing time;

158 (iii) efficient methods to transfer calls between PSAPs and from a PSAP to a first
159 responder, regardless of jurisdiction;

160 (iv) uniformity of equipment and software protocols to accomplish seamless
161 functionality between computer aided dispatch systems;

162 (v) interoperable telephonic and radio systems to ensure coordination between
163 jurisdictions; and

164 (vi) how unnecessary duplication of services may be reduced or eliminated;

165 (c) making recommendations for inclusion in the strategic plan for the state's 911
166 emergency response system and related elements of the public safety communications network,
167 which recommendations may include:

168 (i) how PSAPs may benefit from functional consolidation;

169 (ii) how PSAPs within designated regions may accept calls and provide emergency

170 communication services for first responders using interoperable equipment, software,
171 protocols, and standard operating procedures; ~~[and]~~

172 (iii) how PSAPs, regardless of physical location, may operate on interoperable, shared,
173 or hosted technology platforms and with common policies to reduce the need to transfer calls
174 between PSAPs;

175 (iv) whether a PSAP should be required to meet minimum operational, technical, or
176 financial standards;

177 (v) whether PSAP staff should be required to meet minimum training standards; and
178 (vi) how PSAPs can better use the available communications spectrum to reduce the
179 number of devices that first responders are required to use;

180 (d) describing and recommending potential solutions to the biggest impediments to
181 functional consolidation of PSAPs; and

182 (e) making recommendations regarding necessary personnel and associated job duties
183 within the authority.

184 (3) On or before ~~[July 1, 2016,]~~ September 30, 2016, the board shall complete and
185 submit the performance audit and study described in Subsection (2) ~~[shall be completed and~~
186 ~~submitted by the board]~~, in writing₂ to the Law Enforcement and Criminal Justice Interim
187 Committee and the Retirement and Independent Entities Interim Committee.

188 (4) (a) Money from the Unified Statewide 911 Emergency Service Account created in
189 Section [63H-7a-304](#) may not be used to fund a new local PSAP, call taking, or dispatching
190 ~~[project before the completion of the performance audit and study described in Subsection (2)]~~
191 project or entity before June 30, 2017, unless the board determines that an exigent
192 circumstance requires the allocation of funds.

193 (b) Money from the Unified Statewide 911 Emergency Service Account may be used to
194 fund ongoing maintenance of existing equipment and projects approved before July 1, 2015.

195 (5) After July 1, ~~[2016]~~ 2017, money spent from the Unified Statewide 911 Emergency
196 Service Account created in Section [63H-7a-304](#) for projects, including state and local PSAP
197 and dispatching projects, shall be made after consideration of the:

198 (a) recommendations of the performance audit and study described in Subsection (2);
199 and

200 (b) strategic plan for the state's network 911 emergency response system and related
201 elements of the public safety communications network described in Subsection (2)(c).

202 Section 4. Section **63H-7a-302** is amended to read:

203 **63H-7a-302. 911 Division duties and powers.**

204 (1) The 911 Division shall:

205 (a) review and make recommendations to the executive director:

206 (i) regarding:

207 (A) technical, administrative, fiscal, network, and operational standards for the
208 implementation of unified statewide 911 emergency services;

209 (B) emerging technology; and

210 (C) expenditures from the restricted accounts created in Section **69-2-5.6** by the 911
211 Division on behalf of local public safety answering points in the state, with an emphasis on
212 efficiencies and coordination in a regional manner;

213 (ii) to assure implementation of a unified statewide 911 emergency services network;

214 (iii) to establish standards of operation throughout the state; and

215 (iv) regarding mapping systems and technology necessary to implement the unified
216 statewide 911 emergency services;

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

218 (i) an annual budget for the 911 Division; ~~and~~

219 (ii) an annual plan for the programs funded by the Computer Aided Dispatch Restricted
220 Account created in Section **63H-7a-303** and the Unified Statewide 911 Emergency Service
221 Account created in Section **63H-7a-304**; and

222 (iii) information required by the director to contribute to the comprehensive strategic
223 plan described in Subsection **63H-7-204**(18);

224 (c) assist local Utah public safety answering points with the implementation and
225 coordination of the 911 Division responsibilities as approved by the executive director and the

226 board;

227 (d) reimburse the state's Automated Geographic Reference Center in the Division of
228 Integrated Technology of the Department of Technology Services, an amount equal to 1 cent
229 per month levied on telecommunications service under Section 69-2-5.6 to enhance and
230 upgrade digital mapping standards for unified statewide 911 emergency service as required by
231 the division; and

232 (e) fulfill all other duties imposed on the 911 Division by this chapter.

233 (2) The 911 Division may recommend to the executive director to sell, lease, or
234 otherwise dispose of equipment or personal property purchased, leased, or belonging to the
235 authority that is related to funds expended from the restricted account created in Sections
236 69-2-5.5 and 69-2-5.6, the proceeds from which shall return to the respective restricted
237 accounts.

238 (3) The 911 Division may make recommendations to the executive director to own,
239 operate, or enter into contracts for the use of the funds expended from the restricted account
240 created in Section 69-2-5.5.

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

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

244 (ii) network costs;

245 (iii) public safety answering point costs;

246 (iv) system engineering information; and

247 (v) a computer aided dispatch system.

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

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

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

253 (c) The information requested by and provided to the 911 Division under Subsection

254 (4) is a protected record in accordance with Section 63G-2-305.

255 (5) The 911 Division shall recommend to the executive director, for approval by the
256 board, rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

257 (a) administer the program funded by the Unified Statewide 911 Emergency Service
258 restricted account created in Section 63H-7a-304, including rules that establish the criteria,
259 standards, technology, and equipment that a public safety answering point in Utah must adopt
260 in order to qualify for goods or services that are funded from the restricted account; and

261 (b) administer the Computer Aided Dispatch Restricted Account created in Section
262 63H-7a-303, including rules that establish the criteria, standards, technology, and equipment
263 that a public safety answering point must adopt in order to qualify as a recipient of goods or
264 services that are funded from the restricted account.

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

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

270 Section 5. Section 63H-7a-402 is amended to read:

271 **63H-7a-402. Radio Network Division duties.**

272 (1) The Radio Network Division shall:

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

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

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

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

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

- 282 (i) an annual budget for the Radio Network Division; [~~and~~]
283 (ii) an annual plan for the program funded by the Utah Statewide Radio System
284 Restricted Account created in Section [63H-7a-403](#); and
285 (iii) information required by the director to contribute to the comprehensive strategic
286 plan described in Subsection [63H-7-204\(18\)](#);
287 (c) conduct bi-monthly meetings:
288 (i) including:
289 (A) if retained, a consultant assisting with the design and development of a public
290 safety radio network;
291 (B) all private and public vendors; and
292 (C) all public safety radio users;
293 (ii) for the purpose of discussing public safety radio network emerging technologies;
294 and
295 (iii) for which minutes shall be made available to the public;
296 (d) recommend to the executive director administrative rules for approval by the board
297 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer
298 the program funded by the restricted account created in Section [63H-7a-403](#), including rules
299 that establish the criteria, standards, technology, equipment, and services that will qualify for
300 goods or services that are funded from the restricted accounts; and
301 (e) fulfill other duties assigned to the Radio Network Division under this chapter.
302 (2) The Radio Network Division may:
303 (a) recommend to the executive director to sell, lease, or otherwise dispose of
304 equipment or personal property purchased, leased, or belonging to the authority that is related
305 to the public safety communications network;
306 (b) recommend to the executive director to own, operate, or enter into contracts for the
307 public safety communications network;
308 (c) review information regarding:
309 (i) in aggregate, the number of radio service subscribers by service type in a political

310 subdivision; and

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

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

313 (i) local and state entities; and

314 (ii) public safety agencies; and

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

316 (i) the public safety communications network;

317 (ii) radio technologies and services;

318 (iii) microwave connectivity;

319 (iv) fiber connectivity; and

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

321 (3) The information requested by and provided to the Radio Network Division under

322 Subsections (2)(c) and (d) is a protected record in accordance with Section [63G-2-305](#).

323 (4) This section does not expand the authority of the State Tax Commission to request

324 additional information from a telecommunication service provider.

325 Section 6. Section **63H-7a-502** is amended to read:

326 **63H-7a-502. Interoperability Division duties.**

327 (1) The Interoperability Division shall:

328 (a) review and make recommendations to the executive director, for approval by the

329 board, regarding:

330 (i) statewide interoperability coordination and FirstNet standards;

331 (ii) technical, administrative, fiscal, technological, network, and operational issues for

332 the implementation of statewide interoperability, coordination, and FirstNet;

333 (iii) assisting local agencies with the implementation and coordination of the

334 Interoperability Division responsibilities; and

335 (iv) training for the public safety communications network and unified statewide 911

336 emergency services;

337 (b) review information and records regarding:

- 338 (i) aggregate information of the number of service subscribers by service type in a
- 339 political subdivision;
- 340 (ii) matters related to statewide interoperability coordination;
- 341 (iii) matters related to FirstNet including advising the governor regarding FirstNet; and
- 342 (iv) training needs;
- 343 (c) prepare and submit to the executive director for approval by the board;
- 344 (i) an annual plan for the Interoperability Division; and
- 345 (ii) information required by the director to contribute to the comprehensive strategic
- 346 plan described in Subsection 63H-7-204(18); and
- 347 (d) fulfill all other duties imposed on the Interoperability Division by this chapter.
- 348 (2) The Interoperability Division may:
- 349 (a) recommend to the executive director to own, operate, or enter into contracts related
- 350 to statewide interoperability, FirstNet, and training;
- 351 (b) request information needed under Subsection (1)(b)(i) from:
- 352 (i) the State Tax Commission; and
- 353 (ii) public safety agencies;
- 354 (c) employ an outside consultant to study and advise the Interoperability Division on:
- 355 (i) issues of statewide interoperability;
- 356 (ii) FirstNet; and
- 357 (iii) training; and
- 358 (d) request the board to appoint an advisory committee in accordance with Section
- 359 63H-7a-504.
- 360 (3) The information requested by and provided to the Interoperability Division under
- 361 Subsection (1)(b)(i) is a protected record in accordance with Section 63G-2-305.
- 362 (4) This section does not expand the authority of the State Tax Commission to request
- 363 additional information from a telecommunication service provider.
- 364 Section 7. Section **69-2-2** is amended to read:
- 365 **69-2-2. Definitions.**

366 As used in this chapter:

367 (1) "911 emergency service" means a unified statewide communication system which
368 provides citizens with rapid direct access to public safety answering points by accessing "911"
369 with the objective of reducing the response time to situations requiring law enforcement, fire,
370 medical, rescue, and other emergency services.

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

375 (3) "Local exchange service switched access line" means the transmission facility and
376 local switching equipment used by a wireline common carrier to connect a customer location to
377 a carrier's local exchange switching network for providing two-way interactive voice, or voice
378 capable, services.

379 (4) "Mobile telecommunications service" is as defined in Section [54-8b-2](#).

380 (5) "Public agency" means any county, city, town, special service district, or public
381 authority located within the state which provides or has authority to provide fire fighting, law
382 enforcement, ambulance, medical, or other emergency services.

383 (6) "Public safety agency" means a functional division of a public agency which
384 provides fire fighting, law enforcement, medical, or other emergency services.

385 (7) "Public safety answering point" means ~~[a facility that:]~~ the same as that term is
386 defined in Section [63H-7a-203](#).

387 ~~[(a) is equipped and staffed under the authority of a political subdivision; and]~~

388 ~~[(b) receives 911 communications, other calls for emergency services, and~~
389 ~~asynchronous event notifications for a defined geographic area.]~~

390 (8) "Public switched telecommunications network" means the network of equipment,
391 lines, and controls assembled to establish communication paths between calling and called
392 parties in North America.

393 ~~[(8)]~~ (9) "Radio communications access line" means the radio equipment and assigned

394 customer identification number used to connect a mobile or fixed radio customer in Utah to a
395 radio communication service provider's network for two-way interactive voice, or voice
396 capable, services.

397 ~~[(9)]~~ (10) "Radio communications service" means a public telecommunications service
398 providing the capability of two-way interactive telecommunications between mobile and fixed
399 radio customers, and between mobile or fixed radio customers and the local exchange service
400 network customers of a wireline common carrier. Radio communications service providers
401 include corporations, persons or entities offering cellular telephone service, enhanced
402 specialized mobile radio service, rural radio service, radio common carrier services, personal
403 communications services, and any equivalent wireless public telecommunications service, as
404 defined in 47 CFR, parts 20, 22, 24, and 90.

405 ~~[(10)]~~ (11) "Voice over Internet protocol service" is as defined in Section 54-19-102.

406 ~~[(11)]~~ (12) "Wireline common carrier" means a public telecommunications service
407 provider that primarily uses metallic or nonmetallic cables and wires for connecting customers
408 to its local exchange service networks.

409 Section 8. Section 69-2-5 is amended to read:

410 **69-2-5. Funding for 911 emergency service -- Administrative charge.**

411 (1) In providing funding of 911 emergency service, any public agency establishing a
412 911 emergency service may:

413 (a) seek assistance from the federal or state government, to the extent constitutionally
414 permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or
415 indirectly;

416 (b) seek funds appropriated by local governmental taxing authorities for the funding of
417 public safety agencies; and

418 (c) seek gifts, donations, or grants from individuals, corporations, or other private
419 entities.

420 (2) For purposes of providing funding of 911 emergency service, special service
421 districts may raise funds as provided in Section 17D-1-105 and may borrow money and incur

422 indebtedness as provided in Section 17D-1-103.

423 (3) (a) (i) Except as provided in Subsection (3)(b) and subject to the other provisions of
424 this Subsection (3), a county, city, town, or metro township within which 911 emergency
425 service is provided may levy a monthly 911 emergency services charge on:

426 (A) each local exchange service switched access line within the boundaries of the
427 county, city, town, or metro township;

428 (B) each revenue producing radio communications access line with a billing address
429 within the boundaries of the county, city, town, or metro township; and

430 (C) any other service, including voice over Internet protocol, provided to a user within
431 the boundaries of the county, city, town, or metro township that allows the user to make calls to
432 and receive calls from the public switched telecommunications network, including commercial
433 mobile radio service networks.

434 (ii) (A) Except as provided in Subsections (3)(a)(ii)(B) and (C), if a subscriber of a
435 service subject to a levy described in Subsection (3)(a)(i) is not required to pay for the service,
436 the provider of the service shall collect the levy from the person that is required to pay for the
437 service.

438 (B) The levy described in Subsection (3)(a)(i) is not imposed on a provider or a
439 consumer of federal wireless lifeline service if the consumer does not pay the provider for the
440 service.

441 (C) A consumer of federal wireless lifeline service shall pay, and the provider of the
442 service shall collect and remit, the levy described in Subsection (3)(a)(i) when the consumer
443 purchases from the provider optional services in addition to the federally funded lifeline
444 benefit.

445 ~~[(ii)]~~ (iii) If a metro township levies a charge under this chapter, the metro township is
446 subject to the same requirements a city is required to meet under this chapter.

447 ~~[(iii)]~~ (iv) Except as provided in Subsection (3)(a)~~[(iv)]~~(v) and notwithstanding any
448 other provision of this chapter, if a metro township levies a charge described in Subsection
449 (3)(a)(i) under this chapter, the State Tax Commission shall distribute the revenue collected

450 from the charge to the metro township.

451 ~~[(iv)]~~ (v) The State Tax Commission shall transfer the revenues collected within a
452 metro township under this chapter to a municipal services district created under Title 17B,
453 Chapter 2a, Part 11, Municipal Services District Act, if the metro township:

454 (A) provides written notice to the State Tax Commission requesting the transfer; and

455 (B) designates the municipal services district to which the metro township requests the
456 State Tax Commission to transfer the revenues.

457 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin
458 telecommunications service is exempt from 911 emergency service charges.

459 (c) The amount of the charge levied under this section may not exceed:

460 (i) 61 cents per month for each local exchange service switched access line;

461 (ii) 61 cents per month for each radio communications access line; and

462 (iii) 61 cents per month for each service under Subsection (3)(a)~~[(iii)]~~(i)(C).

463 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as
464 provided in Section [59-12-102](#) or [59-12-215](#):

465 (A) "mobile telecommunications service";

466 (B) "place of primary use";

467 (C) "service address"; and

468 (D) "telecommunications service."

469 (ii) An access line described in Subsection (3)(a) is considered to be within the
470 boundaries of a county, city, or town if the telecommunications services provided over the
471 access line are located within the county, city, or town:

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

474 (B) determined in accordance with Section [59-12-215](#).

475 (iii) The rate imposed on an access line under this section shall be determined in
476 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection
477 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,

478 city, or town in which is located:

479 (A) for a telecommunications service, the purchaser's service address; or

480 (B) for mobile telecommunications service, the purchaser's place of primary use.

481 (iv) The rate imposed on an access line under this section shall be the lower of:

482 (A) the rate imposed by the county, city, or town in which the access line is located

483 under Subsection (3)(d)(ii); or

484 (B) the rate imposed by the county, city, or town in which it is located:

485 (I) for telecommunications service, the purchaser's service address; or

486 (II) for mobile telecommunications service, the purchaser's place of primary use.

487 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent

488 to levy the charge under this Subsection (3) at least 30 days before the effective date of the

489 charge being levied.

490 (ii) For purposes of this Subsection (3)(e):

491 (A) "Annexation" means an annexation to:

492 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or

493 (II) a county under Title 17, Chapter 2, County Consolidations and Annexations.

494 (B) "Annexing area" means an area that is annexed into a county, city, or town.

495 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if a county, city, or

496 town enacts or repeals a charge or changes the amount of the charge under this section, the

497 enactment, repeal, or change shall take effect:

498 (I) on the first day of a calendar quarter; and

499 (II) after a 90-day period beginning on the date the State Tax Commission receives

500 notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.

501 (B) The notice described in Subsection (3)(e)(iii)(A) shall state:

502 (I) that the county, city, or town will enact or repeal a charge or change the amount of

503 the charge under this section;

504 (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);

505 (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and

506 (IV) if the county, city, or town enacts the charge or changes the amount of the charge
507 described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.

508 (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge
509 increase under this section shall take effect on the first day of the first billing period:

510 (I) that begins after the effective date of the enactment of the charge or the charge
511 increase; and

512 (II) if the billing period for the charge begins before the effective date of the enactment
513 of the charge or the charge increase imposed under this section.

514 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge
515 decrease under this section shall take effect on the first day of the last billing period:

516 (I) that began before the effective date of the repeal of the charge or the charge
517 decrease; and

518 (II) if the billing period for the charge begins before the effective date of the repeal of
519 the charge or the charge decrease imposed under this section.

520 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if the annexation will
521 result in the enactment, repeal, or a change in the amount of a charge imposed under this
522 section for an annexing area, the enactment, repeal, or change shall take effect:

523 (I) on the first day of a calendar quarter; and

524 (II) after a 90-day period beginning on the date the State Tax Commission receives
525 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that
526 annexes the annexing area.

527 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

528 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an
529 enactment, repeal, or a change in the charge being imposed under this section for the annexing
530 area;

531 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

532 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

533 (IV) if the county, city, or town enacts the charge or changes the amount of the charge

534 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

535 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge
536 increase under this section shall take effect on the first day of the first billing period:

537 (I) that begins after the effective date of the enactment of the charge or the charge
538 increase; and

539 (II) if the billing period for the charge begins before the effective date of the enactment
540 of the charge or the charge increase imposed under this section.

541 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge
542 decrease under this section shall take effect on the first day of the last billing period:

543 (I) that began before the effective date of the repeal of the charge or the charge
544 decrease; and

545 (II) if the billing period for the charge begins before the effective date of the repeal of
546 the charge or the charge decrease imposed under this section.

547 (f) Subject to Subsection (3)(g), a 911 emergency services charge levied under this
548 section shall:

549 (i) be billed and collected by the person that provides the:

550 (A) local exchange service switched access line services; or

551 (B) radio communications access line services; and

552 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax
553 Commission.

554 (g) A 911 emergency services charge on a mobile telecommunications service may be
555 levied, billed, and collected only to the extent permitted by the Mobile Telecommunications
556 Sourcing Act, 4 U.S.C. Sec. 116 et seq.

557 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:

558 (i) bill the charge imposed by this section in combination with the charge levied under
559 Section [69-2-5.6](#) as one line item charge; and

560 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as
561 reimbursement for the cost of billing, collecting, and remitting the levy.

562 (i) The State Tax Commission shall collect, enforce, and administer the charge
563 imposed under this Subsection (3) using the same procedures used in the administration,
564 collection, and enforcement of the state sales and use taxes under:

- 565 (i) Title 59, Chapter 1, General Taxation Policies; and
- 566 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:
 - 567 (A) Section 59-12-104;
 - 568 (B) Section 59-12-104.1;
 - 569 (C) Section 59-12-104.2;
 - 570 (D) Section 59-12-104.6;
 - 571 (E) Section 59-12-107.1; and
 - 572 (F) Section 59-12-123.

573 (j) (i) The State Tax Commission shall transmit money collected under this Subsection
574 (3) monthly by electronic funds transfer to the county, city, or town that imposes the charge.

- 575 (ii) A county, city, or town that receives money under Subsection (3)(j)(i):
 - 576 (A) shall remit the money directly to a public safety answering point; and
 - 577 (B) may not disburse the money to a local dispatch center that is not a public safety
578 answering point.

579 (k) A person that pays a charge under this section shall pay the charge to the
580 commission:

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

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

585 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
586 12, Sales and Use Tax Act; or

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

590 (l) A charge a person pays under this section shall be paid using a form prescribed by
591 the State Tax Commission.

592 (m) The State Tax Commission shall retain and deposit an administrative charge in
593 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from a
594 charge under this section.

595 (n) A charge under this section is subject to Section 69-2-5.8.

596 (4) (a) Any money received by a public agency for the provision of 911 emergency
597 service shall be deposited in a special emergency telecommunications service fund.

598 (b) (i) Except as provided in Subsection (5)(b), the money in the 911 emergency
599 service fund shall be expended by the public agency to pay the costs of:

600 (A) establishing, installing, maintaining, and operating a 911 emergency service
601 system;

602 (B) receiving and processing emergency communications from the 911 system or other
603 communications or requests for emergency services;

604 (C) integrating a 911 emergency service system into an established public safety
605 dispatch center, including contracting with the providers of local exchange service, radio
606 communications service, and vendors of appropriate terminal equipment as necessary to
607 implement the 911 emergency services; or

608 (D) indirect costs associated with the maintaining and operating of a 911 emergency
609 services system.

610 (ii) Revenues derived for the funding of 911 emergency service may be used by the
611 public agency for personnel costs associated with receiving and processing communications
612 and deploying emergency response resources when the system is integrated with any public
613 safety dispatch system.

614 (c) Any unexpended money in the 911 emergency service fund at the end of a fiscal
615 year does not lapse, and must be carried forward to be used for the purposes described in this
616 section.

617 (5) (a) Revenue received by a local entity from an increase in the levy imposed under

618 Subsection (3) after the 2004 Annual General Session:

619 (i) may be used by the public safety answering point for the purposes under Subsection
620 (4)(b); and

621 (ii) shall be deposited into the special 911 emergency service fund described in
622 Subsection (4)(a).

623 (b) Revenue received by a local entity from disbursements from the 911 Division under
624 Section 63H-7a-602:

625 (i) shall be deposited into the special 911 emergency service fund under Subsection
626 (4)(a); and

627 (ii) shall only be used for that portion of the costs related to the development and
628 operation of wireless and land-based enhanced 911 emergency telecommunications service and
629 the implementation of 911 services as provided in Subsection (5)(c).

630 (c) The costs allowed under Subsection (5)(b)(ii) include the public safety answering
631 point's costs for:

632 (i) acquisition, upgrade, modification, maintenance, and operation of public service
633 answering point equipment capable of receiving 911 information;

634 (ii) database development, operation, and maintenance; and

635 (iii) personnel costs associated with establishing, installing, maintaining, and operating
636 wireless 911 services, including training emergency service personnel regarding receipt and use
637 of 911 wireless service information and educating consumers regarding the appropriate and
638 responsible use of 911 wireless service.

639 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the
640 2004 Annual General Session shall increase the levy to the maximum amount permitted by
641 Subsection (3)(c).

642 Section 9. Section 69-2-5.5 is amended to read:

643 **69-2-5.5. Emergency services telecommunications charge to fund the Computer**
644 **Aided Dispatch Restricted Account -- Administrative charge.**

645 (1) Subject to Subsection (6), there is imposed an emergency services

646 telecommunications charge of 6 cents per month on a service that is subject to an emergency
647 services telecommunications charge levied by a county, city, town, or metro township under
648 Section 69-2-5, including:

649 (a) each local exchange service switched access line [~~and~~];

650 (b) each revenue producing radio communications access line [~~that is subject to an~~
651 ~~emergency services telecommunications charge levied by a county, city, town, or metro~~
652 ~~township under Section 69-2-5.~~]; and

653 (c) each other service line, including voice over Internet protocol, used to make calls to
654 and receive calls from the public switched telecommunications network, including a
655 commercial mobile radio service network.

656 (2) (a) Subject to Subsection (6), an emergency services telecommunications charge
657 imposed under this section shall be billed and collected by the person that provides:

658 (i) local exchange service switched access line services; [~~or~~]

659 (ii) radio communications access line services[~~;~~]; or

660 (iii) any other service line, including voice over Internet protocol, that allows a user to
661 make calls to and receive calls from the public switched telecommunications network,
662 including a commercial mobile radio service network.

663 (b) A person that pays an emergency services telecommunications charge under this
664 section shall pay the emergency services telecommunications charge to the commission:

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

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

669 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
670 12, Sales and Use Tax Act; or

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

674 (c) If a subscriber of a service subject to a charge described in Subsection (3)(a) is not
675 required to pay for the service, the provider of the service shall collect the charge from the
676 person that is required to pay for the service.

677 ~~[(c)]~~ (d) An emergency services telecommunications charge imposed under this section
678 shall be deposited into the Computer Aided Dispatch Restricted Account created in Section
679 63H-7a-303.

680 (3) Emergency services telecommunications charges remitted to the State Tax
681 Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the
682 State Tax Commission.

683 (4) (a) The State Tax Commission shall administer, collect, and enforce the charge
684 imposed under Subsection (1) according to the same procedures used in the administration,
685 collection, and enforcement of the state sales and use tax under:

- 686 (i) Title 59, Chapter 1, General Taxation Policies; and
687 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:
688 (A) Section 59-12-104;
689 (B) Section 59-12-104.1;
690 (C) Section 59-12-104.2;
691 (D) Section 59-12-104.6;
692 (E) Section 59-12-107.1; and
693 (F) Section 59-12-123.

694 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
695 State Tax Commission may make rules to administer, collect, and enforce the emergency
696 services telecommunications charges imposed under this section.

697 (c) The State Tax Commission shall retain and deposit an administrative charge in
698 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from
699 an emergency services telecommunications charge under this section.

700 (d) A charge under this section is subject to Section 69-2-5.8.

701 (5) A provider of local exchange service switched access line services or radio

702 communications access line services who fails to comply with this section is subject to
703 penalties and interest as provided in Sections 59-1-401 and 59-1-402.

704 (6) An emergency services telecommunications charge under this section on a mobile
705 telecommunications service may be imposed, billed, and collected only to the extent permitted
706 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

707 Section 10. Section 69-2-5.6 is amended to read:

708 **69-2-5.6. 911 services charge to fund unified statewide 911 emergency service --**
709 **Administrative charge.**

710 (1) Subject to Subsection 69-2-5(3)(g), there is imposed a unified statewide 911
711 emergency service charge of 9 cents per month on each local exchange service switched access
712 line and each revenue producing radio communications access line that is subject to a 911
713 emergency services charge levied by a county, city, town, or metro township under Section
714 69-2-5.

715 (2) (a) A 911 emergency services charge imposed under this section shall be:

716 (i) subject to Subsection 69-2-5(3)(g); and

717 (ii) billed and collected by the person that provides:

718 (A) local exchange service switched access line services;

719 (B) radio communications access line services; or

720 (C) service described in Subsection 69-2-5(3)(a)(i)(C).

721 (b) A person that pays a charge under this section shall pay the charge to the
722 commission:

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

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

727 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
728 12, Sales and Use Tax Act; or

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

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

732 (c) A charge imposed under this section shall be deposited into the Unified Statewide
733 911 Emergency Service Account created by Section 63H-7a-304.

734 (d) If a subscriber of a service subject to a charge described in Subsection (1) is not
735 required to pay for the service, the provider of the service shall collect the charge from the
736 person that is required to pay for the service.

737 (3) The person that bills and collects the charges levied by this section pursuant to
738 Subsections (2)(b) and (c) may:

739 (a) bill the charge imposed by this section in combination with the charge levied under
740 Section 69-2-5 as one line item charge; and

741 (b) retain an amount not to exceed 1.5% of the charges collected under this section as
742 reimbursement for the cost of billing, collecting, and remitting the levy.

743 (4) The State Tax Commission shall collect, enforce, and administer the charges
744 imposed under Subsection (1) using the same procedures used in the administration, collection,
745 and enforcement of the emergency services telecommunications charge to fund the Computer
746 Aided Dispatch Restricted Account under Section 63H-7a-303.

747 (5) Notwithstanding Section 63H-7a-304, the State Tax Commission shall retain and
748 deposit an administrative charge in accordance with Section 59-1-306 from the revenues the
749 State Tax Commission collects from a charge under this section.

750 (6) A charge under this section is subject to Section 69-2-5.8.

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

752 Section 11. Section 69-2-5.7 is amended to read:

753 **69-2-5.7. Prepaid wireless telecommunications charge to fund 911 service --**
754 **Administrative charge.**

755 (1) As used in this section:

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

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

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

762 (A) is paid for in advance;

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

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

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

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

769 (B) in a manner that includes the emergency services telecommunications charges,
770 described in Sections 69-2-5, 69-2-5.5, and 69-2-5.6, for each radio communication access line
771 assigned to the customer.

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

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

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

778 (2) There is imposed a prepaid wireless 911 service charge of 1.9% of the sales price
779 per transaction.

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

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

785 (ii) The charge described in Subsection (2) is not imposed on a seller or a consumer of

786 federal wireless lifeline service if the consumer does not pay the seller for the service.

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

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

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

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

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

800 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under
801 Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller
802 remits to the State Tax Commission money collected by the person under Title 59, Chapter 12,
803 Sales and Use Tax Act.

804 (9) The State Tax Commission:

805 (a) shall collect, enforce, and administer the charge imposed under this section using
806 the same procedures used in the administration, collection, and enforcement of the state sales
807 and use taxes under:

808 (i) Title 59, Chapter 1, General Taxation Policies; and

809 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

810 (A) Section 59-12-104;

811 (B) Section 59-12-104.1;

812 (C) Section 59-12-104.2;

813 (D) Section 59-12-107.1; and

814 (E) Section 59-12-123;

815 (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected

816 under Subsection (9)(a) as reimbursement for administering this section;

817 (c) shall distribute the prepaid wireless 911 service charge revenue, except as retained

818 under Subsection (9)(b), as follows:

819 (i) 80.3% of the revenue shall be distributed to each county, city, town, or metro

820 township in the same percentages and in the same manner as the entities receive money to fund

821 911 emergency telecommunications services under Section 69-2-5;

822 (ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch

823 Restricted Account created in Section 63H-7a-303;

824 (iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911

825 emergency service as in Section 69-2-5.6; and

826 (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative

827 Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.

828 (10) A charge under this section is subject to Section 69-2-5.8.