

**Representative Brad L. Dee** proposes the following substitute bill:

1                   **UTAH COMMUNICATION AUTHORITY EMERGENCY RADIO**  
2                                   **AND 911 AMENDMENTS**

3                                   2015 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Brad L. Dee**

6                                   Senate Sponsor: \_\_\_\_\_

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill amends the Utah Communications Authority Act and the Emergency  
11 Telephone Service Law to implement a statewide public communications network for  
12 911 emergency services.

13                   **Highlighted Provisions:**

14                   This bill:

- 15                   ▶ renumbers the Utah Communications Authority Act;
- 16                   ▶ amends definitions;
- 17                   ▶ amends powers of the Utah Communications Authority;
- 18                   ▶ amends the duties of the board of the authority;
- 19                   ▶ creates the 911 Division within the authority and:
- 20                   • establishes the division's duties;
- 21                   • specifies the role of the 911 Division in recommending disbursements from  
22 certain restricted accounts;
- 23                   • requires the 911 Division to report to the executive director of the authority; and
- 24                   • creates a 911 advisory committee to the 911 Division and designates  
25 membership and duties of the advisory committee;



- 26           ▶ creates the Radio Network Division within the authority and:
  - 27           • establishes the division's duties;
  - 28           • creates a Utah Statewide Radio System Restricted Account within the General
  - 29 Fund and specifies its purpose;
  - 30           • specifies the role of the Radio Network Division in the disbursement of money
  - 31 from certain restricted accounts; and
  - 32           • authorizes the appointment of an advisory committee and designates
  - 33 membership and duties;
- 34           ▶ creates the Interoperability Division within the authority and:
  - 35           • establishes the division's duties;
  - 36           • creates a statewide interoperability coordinator and the coordinator's duties; and
  - 37           • authorizes the appointment of an advisory committee and designates
  - 38 membership and duties;
- 39           ▶ creates the Administrative Services Division within the authority and:
  - 40           • establishes the division's duties, which include the investment, safekeeping of
  - 41 funds, and financial reporting for the authority; and
  - 42           • appoints a financial officer for the authority and establishes the duties of the
  - 43 financial officer; and
  - 44           ▶ makes technical and conforming amendments.

45 **Money Appropriated in this Bill:**

46           None

47 **Other Special Clauses:**

48           This bill provides a special effective date.

49 **Utah Code Sections Affected:**

50 AMENDS:

51           **26-8b-102**, as last amended by Laws of Utah 2014, Chapter 320

52           **59-1-403**, as last amended by Laws of Utah 2014, Chapter 320

53           **63A-4-205.5**, as last amended by Laws of Utah 2014, Chapter 320

54           **63E-1-102**, as last amended by Laws of Utah 2014, Chapters 320, 426, and 426

55           **63G-2-305**, as last amended by Laws of Utah 2014, Chapters 90 and 320

56           **63I-4a-102**, as last amended by Laws of Utah 2014, Chapter 320

- 57 **63J-7-102**, as last amended by Laws of Utah 2014, Chapter 320
- 58 **69-2-5**, as last amended by Laws of Utah 2014, Chapter 320
- 59 **69-2-5.5**, as last amended by Laws of Utah 2014, Chapter 320
- 60 **69-2-5.6**, as last amended by Laws of Utah 2014, Chapter 320
- 61 **69-2-5.7**, as last amended by Laws of Utah 2014, Chapter 320
- 62 **69-2-7**, as last amended by Laws of Utah 2014, Chapter 36

63 ENACTS:

- 64 **63H-7a-402**, Utah Code Annotated 1953
- 65 **63H-7a-403**, Utah Code Annotated 1953
- 66 **63H-7a-404**, Utah Code Annotated 1953
- 67 **63H-7a-405**, Utah Code Annotated 1953
- 68 **63H-7a-502**, Utah Code Annotated 1953
- 69 **63H-7a-503**, Utah Code Annotated 1953
- 70 **63H-7a-504**, Utah Code Annotated 1953
- 71 **63H-7a-601**, Utah Code Annotated 1953
- 72 **63H-7a-603**, Utah Code Annotated 1953
- 73 **63H-7a-700**, Utah Code Annotated 1953
- 74 **63H-7a-800**, Utah Code Annotated 1953

75 RENUMBERS AND AMENDS:

- 76 **63H-7a-101**, (Renumbered from 63H-7-101, as renumbered and amended by Laws of  
77 Utah 2014, Chapter 320)
- 78 **63H-7a-102**, (Renumbered from 63H-7-102, as renumbered and amended by Laws of  
79 Utah 2014, Chapter 320)
- 80 **63H-7a-103**, (Renumbered from 63H-7-103, as renumbered and amended by Laws of  
81 Utah 2014, Chapter 320)
- 82 **63H-7a-201**, (Renumbered from 63H-7-201, as renumbered and amended by Laws of  
83 Utah 2014, Chapter 320)
- 84 **63H-7a-202**, (Renumbered from 63H-7-202, as renumbered and amended by Laws of  
85 Utah 2014, Chapter 320)
- 86 **63H-7a-203**, (Renumbered from 63H-7-203, as renumbered and amended by Laws of  
87 Utah 2014, Chapter 320)

- 88           **63H-7a-204**, (Renumbered from 63H-7-204, as renumbered and amended by Laws of  
89 Utah 2014, Chapter 320)
- 90           **63H-7a-205**, (Renumbered from 63H-7-205, as renumbered and amended by Laws of  
91 Utah 2014, Chapter 320)
- 92           **63H-7a-301**, (Renumbered from 63H-7-301, as enacted by Laws of Utah 2014, Chapter  
93 320)
- 94           **63H-7a-302**, (Renumbered from 63H-7-303, as renumbered and amended by Laws of  
95 Utah 2014, Chapter 320)
- 96           **63H-7a-303**, (Renumbered from 63H-7-310, as enacted by Laws of Utah 2014, Chapter  
97 320)
- 98           **63H-7a-304**, (Renumbered from 63H-7-304, as renumbered and amended by Laws of  
99 Utah 2014, Chapter 320)
- 100          **63H-7a-305**, (Renumbered from 63H-7-305, as renumbered and amended by Laws of  
101 Utah 2014, Chapter 320)
- 102          **63H-7a-306**, (Renumbered from 63H-7-307, as renumbered and amended by Laws of  
103 Utah 2014, Chapter 320)
- 104          **63H-7a-307**, (Renumbered from 63H-7-302, as renumbered and amended by Laws of  
105 Utah 2014, Chapter 320)
- 106          **63H-7a-401**, (Renumbered from 63H-7-308, as enacted by Laws of Utah 2014, Chapter  
107 320)
- 108          **63H-7a-501**, (Renumbered from 63H-7-309, as enacted by Laws of Utah 2014, Chapter  
109 320)
- 110          **63H-7a-602**, (Renumbered from 63H-7-306, as renumbered and amended by Laws of  
111 Utah 2014, Chapter 320)
- 112          **63H-7a-701**, (Renumbered from 63H-7-401, as renumbered and amended by Laws of  
113 Utah 2014, Chapter 320)
- 114          **63H-7a-702**, (Renumbered from 63H-7-402, as renumbered and amended by Laws of  
115 Utah 2014, Chapter 320)
- 116          **63H-7a-703**, (Renumbered from 63H-7-403, as renumbered and amended by Laws of  
117 Utah 2014, Chapter 320)
- 118          **63H-7a-704**, (Renumbered from 63H-7-404, as renumbered and amended by Laws of

119 Utah 2014, Chapter 320)  
 120 **63H-7a-705**, (Renumbered from 63H-7-405, as renumbered and amended by Laws of  
 121 Utah 2014, Chapter 320)  
 122 **63H-7a-706**, (Renumbered from 63H-7-406, as renumbered and amended by Laws of  
 123 Utah 2014, Chapter 320)  
 124 **63H-7a-801**, (Renumbered from 63H-7-501, as renumbered and amended by Laws of  
 125 Utah 2014, Chapter 320)  
 126 **63H-7a-802**, (Renumbered from 63H-7-502, as renumbered and amended by Laws of  
 127 Utah 2014, Chapter 320)  
 128 **63H-7a-803**, (Renumbered from 63H-7-503, as renumbered and amended by Laws of  
 129 Utah 2014, Chapter 320)  
 130 **63H-7a-804**, (Renumbered from 63H-7-504, as renumbered and amended by Laws of  
 131 Utah 2014, Chapter 320)



132  
 133 *Be it enacted by the Legislature of the state of Utah:*

134 Section 1. Section **26-8b-102** is amended to read:

135 **26-8b-102. Definitions.**

136 As used in this chapter:

137 (1) "Account" means the Automatic External Defibrillator Restricted Account, created  
 138 in Section **26-8b-602**.

139 (2) "Automatic external defibrillator" or "AED" means an automated or automatic  
 140 computerized medical device that:

141 (a) has received pre-market notification approval from the United States Food and  
 142 Drug Administration, pursuant to [~~Section 360(k), Title 21 of the United States Code~~] 21  
 143 U.S.C. Sec. 360(k);

144 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid  
 145 ventricular tachycardia;

146 (c) is capable of determining, without intervention by an operator, whether  
 147 defibrillation should be performed; and

148 (d) upon determining that defibrillation should be performed, automatically charges,  
 149 enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and

150 to a person's heart.

151 (3) "Bureau" means the Bureau of Emergency Medical Services, within the department.

152 (4) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external  
153 chest compression applied to a person who is unresponsive and not breathing.

154 (5) "Emergency medical dispatch center" means a public safety answering point, as  
155 defined in Section [~~63H-7-103~~] 63H-7a-103, that is designated as an emergency medical  
156 dispatch center by the bureau.

157 (6) "Sudden cardiac arrest" means a life-threatening condition that results when a  
158 person's heart stops or fails to produce a pulse.

159 Section 2. Section **59-1-403** is amended to read:

160 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

161 (1) (a) Any of the following may not divulge or make known in any manner any  
162 information gained by that person from any return filed with the commission:

163 (i) a tax commissioner;

164 (ii) an agent, clerk, or other officer or employee of the commission; or

165 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or  
166 town.

167 (b) An official charged with the custody of a return filed with the commission is not  
168 required to produce the return or evidence of anything contained in the return in any action or  
169 proceeding in any court, except:

170 (i) in accordance with judicial order;

171 (ii) on behalf of the commission in any action or proceeding under:

172 (A) this title; or

173 (B) other law under which persons are required to file returns with the commission;

174 (iii) on behalf of the commission in any action or proceeding to which the commission  
175 is a party; or

176 (iv) on behalf of any party to any action or proceeding under this title if the report or  
177 facts shown by the return are directly involved in the action or proceeding.

178 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may  
179 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically  
180 pertinent to the action or proceeding.

181 (2) This section does not prohibit:  
182 (a) a person or that person's duly authorized representative from receiving a copy of  
183 any return or report filed in connection with that person's own tax;  
184 (b) the publication of statistics as long as the statistics are classified to prevent the  
185 identification of particular reports or returns; and  
186 (c) the inspection by the attorney general or other legal representative of the state of the  
187 report or return of any taxpayer:  
188 (i) who brings action to set aside or review a tax based on the report or return;  
189 (ii) against whom an action or proceeding is contemplated or has been instituted under  
190 this title; or  
191 (iii) against whom the state has an unsatisfied money judgment.  
192 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the  
193 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
194 Rulemaking Act, provide for a reciprocal exchange of information with:  
195 (i) the United States Internal Revenue Service; or  
196 (ii) the revenue service of any other state.  
197 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
198 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,  
199 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and  
200 other written statements with the federal government, any other state, any of the political  
201 subdivisions of another state, or any political subdivision of this state, except as limited by  
202 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal  
203 government grant substantially similar privileges to this state.  
204 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
205 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,  
206 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the  
207 identity and other information of taxpayers who have failed to file tax returns or to pay any tax  
208 due.  
209 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the  
210 Division of Solid and Hazardous Waste, as defined in Section 19-6-102, as requested by the  
211 director of the Division of Solid and Hazardous Waste, any records, returns, or other

212 information filed with the commission under Chapter 13, Motor and Special Fuel Tax Act, or  
213 Section 19-6-410.5 regarding the environmental assurance program participation fee.

214 (e) Notwithstanding Subsection (1), at the request of any person the commission shall  
215 provide that person sales and purchase volume data reported to the commission on a report,  
216 return, or other information filed with the commission under:

217 (i) Chapter 13, Part 2, Motor Fuel; or

218 (ii) Chapter 13, Part 4, Aviation Fuel.

219 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,  
220 as defined in Section 59-22-202, the commission shall report to the manufacturer:

221 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
222 manufacturer and reported to the commission for the previous calendar year under Section  
223 59-14-407; and

224 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
225 manufacturer for which a tax refund was granted during the previous calendar year under  
226 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

227 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,  
228 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited  
229 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

230 (h) Notwithstanding Subsection (1), the commission may:

231 (i) provide to the Division of Consumer Protection within the Department of  
232 Commerce and the attorney general data:

233 (A) reported to the commission under Section 59-14-212; or

234 (B) related to a violation under Section 59-14-211; and

235 (ii) upon request, provide to any person data reported to the commission under  
236 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

237 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee  
238 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of  
239 Management and Budget, provide to the committee or office the total amount of revenues  
240 collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the  
241 time period specified by the committee or office.

242 (j) Notwithstanding Subsection (1), the commission shall make the directory required

243 by Section 59-14-603 available for public inspection.

244 (k) Notwithstanding Subsection (1), the commission may share information with  
245 federal, state, or local agencies as provided in Subsection 59-14-606(3).

246 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of  
247 Recovery Services within the Department of Human Services any relevant information  
248 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer  
249 who has become obligated to the Office of Recovery Services.

250 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of  
251 Recovery Services to any other state's child support collection agency involved in enforcing  
252 that support obligation.

253 (m) (i) Notwithstanding Subsection (1), upon request from the state court  
254 administrator, the commission shall provide to the state court administrator, the name, address,  
255 telephone number, county of residence, and Social Security number on resident returns filed  
256 under Chapter 10, Individual Income Tax Act.

257 (ii) The state court administrator may use the information described in Subsection  
258 (3)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

259 (n) Notwithstanding Subsection (1), the commission shall at the request of a  
260 committee, commission, or task force of the Legislature provide to the committee, commission,  
261 or task force of the Legislature any information relating to a tax imposed under Chapter 9,  
262 Taxation of Admitted Insurers, relating to the study required by Section 59-9-101.

263 (o) (i) As used in this Subsection (3)(o), "office" means the:

264 (A) Office of the Legislative Fiscal Analyst; or

265 (B) Office of Legislative Research and General Counsel.

266 (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(o)(iii),  
267 the commission shall at the request of an office provide to the office all information:

268 (A) gained by the commission; and

269 (B) required to be attached to or included in returns filed with the commission.

270 (iii) (A) An office may not request and the commission may not provide to an office a  
271 person's:

272 (I) address;

273 (II) name;

274 (III) Social Security number; or  
275 (IV) taxpayer identification number.  
276 (B) The commission shall in all instances protect the privacy of a person as required by  
277 Subsection (3)(o)(iii)(A).  
278 (iv) An office may provide information received from the commission in accordance  
279 with this Subsection (3)(o) only:  
280 (A) as:  
281 (I) a fiscal estimate;  
282 (II) fiscal note information; or  
283 (III) statistical information; and  
284 (B) if the information is classified to prevent the identification of a particular return.  
285 (v) (A) A person may not request information from an office under Title 63G, Chapter  
286 2, Government Records Access and Management Act, or this section, if that office received the  
287 information from the commission in accordance with this Subsection (3)(o).  
288 (B) An office may not provide to a person that requests information in accordance with  
289 Subsection (3)(o)(v)(A) any information other than the information the office provides in  
290 accordance with Subsection (3)(o)(iv).  
291 (p) Notwithstanding Subsection (1), the commission may provide to the governing  
292 board of the agreement or a taxing official of another state, the District of Columbia, the United  
293 States, or a territory of the United States:  
294 (i) the following relating to an agreement sales and use tax:  
295 (A) information contained in a return filed with the commission;  
296 (B) information contained in a report filed with the commission;  
297 (C) a schedule related to Subsection (3)(p)(i)(A) or (B); or  
298 (D) a document filed with the commission; or  
299 (ii) a report of an audit or investigation made with respect to an agreement sales and  
300 use tax.  
301 (q) Notwithstanding Subsection (1), the commission may provide information  
302 concerning a taxpayer's state income tax return or state income tax withholding information to  
303 the Driver License Division if the Driver License Division:  
304 (i) requests the information; and

305 (ii) provides the commission with a signed release form from the taxpayer allowing the  
306 Driver License Division access to the information.

307 (r) Notwithstanding Subsection (1), the commission shall provide to the ~~Utah 911~~  
308 ~~Committee the information requested by the Utah 911 Committee under Subsection~~  
309 ~~63H-7-303(4)] 911 Division the information requested by the 911 Division under Section~~  
310 ~~63H-7a-302.~~

311 (s) Notwithstanding Subsection (1), the commission shall provide to the Utah  
312 Educational Savings Plan information related to a resident or nonresident individual's  
313 contribution to a Utah Educational Savings Plan account as designated on the resident or  
314 nonresident's individual income tax return as provided under Section 59-10-1313.

315 (t) Notwithstanding Subsection (1), for the purpose of verifying eligibility under  
316 Sections 26-18-2.5 and 26-40-105, the commission shall provide an eligibility worker with the  
317 Department of Health or its designee with the adjusted gross income of an individual if:

318 (i) an eligibility worker with the Department of Health or its designee requests the  
319 information from the commission; and

320 (ii) the eligibility worker has complied with the identity verification and consent  
321 provisions of Sections 26-18-2.5 and 26-40-105.

322 (u) Notwithstanding Subsection (1), the commission may provide to a county, as  
323 determined by the commission, information declared on an individual income tax return in  
324 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption  
325 authorized under Section 59-2-103.

326 (4) (a) Each report and return shall be preserved for at least three years.

327 (b) After the three-year period provided in Subsection (4)(a) the commission may  
328 destroy a report or return.

329 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

330 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,  
331 the person shall be dismissed from office and be disqualified from holding public office in this  
332 state for a period of five years thereafter.

333 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in  
334 accordance with Subsection (3)(o)(iii) or a person that requests information in accordance with  
335 Subsection (3)(o)(v):

- 336 (i) is not guilty of a class A misdemeanor; and
- 337 (ii) is not subject to:
- 338 (A) dismissal from office in accordance with Subsection (5)(b); or
- 339 (B) disqualification from holding public office in accordance with Subsection (5)(b).
- 340 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.

341 Section 3. Section 63A-4-205.5 is amended to read:

342 **63A-4-205.5. Risk management -- Coverage of the Utah Communications**

343 **Authority.**

344 The Utah Communications Authority established under authority of Title 63H, Chapter  
345 [7] 7a, Utah Communications Authority Act, may participate in the Risk Management Fund.

346 Section 4. Section 63E-1-102 is amended to read:

347 **63E-1-102. Definitions -- List of independent entities.**

348 As used in this title:

349 (1) "Authorizing statute" means the statute creating an entity as an independent entity.

350 (2) "Committee" means the Retirement and Independent Entities Committee created by  
351 Section 63E-1-201.

352 (3) "Independent corporation" means a corporation incorporated in accordance with  
353 Chapter 2, Independent Corporations Act.

354 (4) (a) "Independent entity" means an entity having a public purpose relating to the  
355 state or its citizens that is individually created by the state or is given by the state the right to  
356 exist and conduct its affairs as an:

357 (i) independent state agency; or

358 (ii) independent corporation.

359 (b) "Independent entity" includes the:

360 (i) Utah Dairy Commission created by Section 4-22-2;

361 (ii) Heber Valley Historic Railroad Authority created by Section 63H-4-102;

362 (iii) Utah State Railroad Museum Authority created by Section 63H-5-102;

363 (iv) Utah Science Center Authority created by Section 63H-3-103;

364 (v) Utah Housing Corporation created by Section 35A-8-704;

365 (vi) Utah State Fair Corporation created by Section 63H-6-103;

366 (vii) Workers' Compensation Fund created by Section 31A-33-102;

- 367 (viii) Utah State Retirement Office created by Section [49-11-201](#);
- 368 (ix) School and Institutional Trust Lands Administration created by Section
- 369 [53C-1-201](#);
- 370 (x) School and Institutional Trust Fund Office created by Section [53D-1-201](#);
- 371 (xi) Utah Communications Authority created in Section [~~[63H-7-201](#)~~] [63H-7a-201](#);
- 372 (xii) Utah Energy Infrastructure Authority created by Section [63H-2-201](#);
- 373 (xiii) Utah Capital Investment Corporation created by Section [63M-1-1207](#); and
- 374 (xiv) Military Installation Development Authority created by Section [63H-1-201](#).
- 375 (c) Notwithstanding this Subsection (4), "independent entity" does not include:
- 376 (i) the Public Service Commission of Utah created by Section [54-1-1](#);
- 377 (ii) an institution within the state system of higher education;
- 378 (iii) a city, county, or town;
- 379 (iv) a local school district;
- 380 (v) a local district under Title 17B, Limited Purpose Local Government Entities - Local
- 381 Districts; or
- 382 (vi) a special service district under Title 17D, Chapter 1, Special Service District Act.
- 383 (5) "Independent state agency" means an entity that is created by the state, but is
- 384 independent of the governor's direct supervisory control.
- 385 (6) "Money held in trust" means money maintained for the benefit of:
- 386 (a) one or more private individuals, including public employees;
- 387 (b) one or more public or private entities; or
- 388 (c) the owners of a quasi-public corporation.
- 389 (7) "Public corporation" means an artificial person, public in ownership, individually
- 390 created by the state as a body politic and corporate for the administration of a public purpose
- 391 relating to the state or its citizens.
- 392 (8) "Quasi-public corporation" means an artificial person, private in ownership,
- 393 individually created as a corporation by the state which has accepted from the state the grant of
- 394 a franchise or contract involving the performance of a public purpose relating to the state or its
- 395 citizens.
- 396 Section 5. Section [63G-2-305](#) is amended to read:
- 397 **[63G-2-305](#). Protected records.**

398 The following records are protected if properly classified by a governmental entity:

399 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret  
400 has provided the governmental entity with the information specified in Section 63G-2-309;

401 (2) commercial information or nonindividual financial information obtained from a  
402 person if:

403 (a) disclosure of the information could reasonably be expected to result in unfair  
404 competitive injury to the person submitting the information or would impair the ability of the  
405 governmental entity to obtain necessary information in the future;

406 (b) the person submitting the information has a greater interest in prohibiting access  
407 than the public in obtaining access; and

408 (c) the person submitting the information has provided the governmental entity with  
409 the information specified in Section 63G-2-309;

410 (3) commercial or financial information acquired or prepared by a governmental entity  
411 to the extent that disclosure would lead to financial speculations in currencies, securities, or  
412 commodities that will interfere with a planned transaction by the governmental entity or cause  
413 substantial financial injury to the governmental entity or state economy;

414 (4) records, the disclosure of which could cause commercial injury to, or confer a  
415 competitive advantage upon a potential or actual competitor of, a commercial project entity as  
416 defined in Subsection 11-13-103(4);

417 (5) test questions and answers to be used in future license, certification, registration,  
418 employment, or academic examinations;

419 (6) records, the disclosure of which would impair governmental procurement  
420 proceedings or give an unfair advantage to any person proposing to enter into a contract or  
421 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this  
422 Subsection (6) does not restrict the right of a person to have access to, after the contract or  
423 grant has been awarded and signed by all parties, a bid, proposal, application, or other  
424 information submitted to or by a governmental entity in response to:

425 (a) an invitation for bids;

426 (b) a request for proposals;

427 (c) a request for quotes;

428 (d) a grant; or

- 429 (e) other similar document;
- 430 (7) information submitted to or by a governmental entity in response to a request for  
431 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict  
432 the right of a person to have access to the information, after:
- 433 (a) a contract directly relating to the subject of the request for information has been  
434 awarded and signed by all parties; or
- 435 (b) (i) a final determination is made not to enter into a contract that relates to the  
436 subject of the request for information; and
- 437 (ii) at least two years have passed after the day on which the request for information is  
438 issued;
- 439 (8) records that would identify real property or the appraisal or estimated value of real  
440 or personal property, including intellectual property, under consideration for public acquisition  
441 before any rights to the property are acquired unless:
- 442 (a) public interest in obtaining access to the information is greater than or equal to the  
443 governmental entity's need to acquire the property on the best terms possible;
- 444 (b) the information has already been disclosed to persons not employed by or under a  
445 duty of confidentiality to the entity;
- 446 (c) in the case of records that would identify property, potential sellers of the described  
447 property have already learned of the governmental entity's plans to acquire the property;
- 448 (d) in the case of records that would identify the appraisal or estimated value of  
449 property, the potential sellers have already learned of the governmental entity's estimated value  
450 of the property; or
- 451 (e) the property under consideration for public acquisition is a single family residence  
452 and the governmental entity seeking to acquire the property has initiated negotiations to acquire  
453 the property as required under Section [78B-6-505](#);
- 454 (9) records prepared in contemplation of sale, exchange, lease, rental, or other  
455 compensated transaction of real or personal property including intellectual property, which, if  
456 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value  
457 of the subject property, unless:
- 458 (a) the public interest in access is greater than or equal to the interests in restricting  
459 access, including the governmental entity's interest in maximizing the financial benefit of the

460 transaction; or

461 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of  
462 the value of the subject property have already been disclosed to persons not employed by or  
463 under a duty of confidentiality to the entity;

464 (10) records created or maintained for civil, criminal, or administrative enforcement  
465 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if  
466 release of the records:

467 (a) reasonably could be expected to interfere with investigations undertaken for  
468 enforcement, discipline, licensing, certification, or registration purposes;

469 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement  
470 proceedings;

471 (c) would create a danger of depriving a person of a right to a fair trial or impartial  
472 hearing;

473 (d) reasonably could be expected to disclose the identity of a source who is not  
474 generally known outside of government and, in the case of a record compiled in the course of  
475 an investigation, disclose information furnished by a source not generally known outside of  
476 government if disclosure would compromise the source; or

477 (e) reasonably could be expected to disclose investigative or audit techniques,  
478 procedures, policies, or orders not generally known outside of government if disclosure would  
479 interfere with enforcement or audit efforts;

480 (11) records the disclosure of which would jeopardize the life or safety of an  
481 individual;

482 (12) records the disclosure of which would jeopardize the security of governmental  
483 property, governmental programs, or governmental recordkeeping systems from damage, theft,  
484 or other appropriation or use contrary to law or public policy;

485 (13) records that, if disclosed, would jeopardize the security or safety of a correctional  
486 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere  
487 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

488 (14) records that, if disclosed, would reveal recommendations made to the Board of  
489 Pardons and Parole by an employee of or contractor for the Department of Corrections, the  
490 Board of Pardons and Parole, or the Department of Human Services that are based on the

491 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's  
492 jurisdiction;

493 (15) records and audit workpapers that identify audit, collection, and operational  
494 procedures and methods used by the State Tax Commission, if disclosure would interfere with  
495 audits or collections;

496 (16) records of a governmental audit agency relating to an ongoing or planned audit  
497 until the final audit is released;

498 (17) records that are subject to the attorney client privilege;

499 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,  
500 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,  
501 quasi-judicial, or administrative proceeding;

502 (19) (a) (i) personal files of a state legislator, including personal correspondence to or  
503 from a member of the Legislature; and

504 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of  
505 legislative action or policy may not be classified as protected under this section; and

506 (b) (i) an internal communication that is part of the deliberative process in connection  
507 with the preparation of legislation between:

508 (A) members of a legislative body;

509 (B) a member of a legislative body and a member of the legislative body's staff; or

510 (C) members of a legislative body's staff; and

511 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of  
512 legislative action or policy may not be classified as protected under this section;

513 (20) (a) records in the custody or control of the Office of Legislative Research and  
514 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated  
515 legislation or contemplated course of action before the legislator has elected to support the  
516 legislation or course of action, or made the legislation or course of action public; and

517 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the  
518 Office of Legislative Research and General Counsel is a public document unless a legislator  
519 asks that the records requesting the legislation be maintained as protected records until such  
520 time as the legislator elects to make the legislation or course of action public;

521 (21) research requests from legislators to the Office of Legislative Research and

522 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared  
523 in response to these requests;

524 (22) drafts, unless otherwise classified as public;

525 (23) records concerning a governmental entity's strategy about:

526 (a) collective bargaining; or

527 (b) imminent or pending litigation;

528 (24) records of investigations of loss occurrences and analyses of loss occurrences that  
529 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the

530 Uninsured Employers' Fund, or similar divisions in other governmental entities;

531 (25) records, other than personnel evaluations, that contain a personal recommendation  
532 concerning an individual if disclosure would constitute a clearly unwarranted invasion of  
533 personal privacy, or disclosure is not in the public interest;

534 (26) records that reveal the location of historic, prehistoric, paleontological, or  
535 biological resources that if known would jeopardize the security of those resources or of  
536 valuable historic, scientific, educational, or cultural information;

537 (27) records of independent state agencies if the disclosure of the records would  
538 conflict with the fiduciary obligations of the agency;

539 (28) records of an institution within the state system of higher education defined in  
540 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,  
541 retention decisions, and promotions, which could be properly discussed in a meeting closed in  
542 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of  
543 the final decisions about tenure, appointments, retention, promotions, or those students  
544 admitted, may not be classified as protected under this section;

545 (29) records of the governor's office, including budget recommendations, legislative  
546 proposals, and policy statements, that if disclosed would reveal the governor's contemplated  
547 policies or contemplated courses of action before the governor has implemented or rejected  
548 those policies or courses of action or made them public;

549 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,  
550 revenue estimates, and fiscal notes of proposed legislation before issuance of the final  
551 recommendations in these areas;

552 (31) records provided by the United States or by a government entity outside the state

553 that are given to the governmental entity with a requirement that they be managed as protected  
554 records if the providing entity certifies that the record would not be subject to public disclosure  
555 if retained by it;

556 (32) transcripts, minutes, or reports of the closed portion of a meeting of a public body  
557 except as provided in Section 52-4-206;

558 (33) records that would reveal the contents of settlement negotiations but not including  
559 final settlements or empirical data to the extent that they are not otherwise exempt from  
560 disclosure;

561 (34) memoranda prepared by staff and used in the decision-making process by an  
562 administrative law judge, a member of the Board of Pardons and Parole, or a member of any  
563 other body charged by law with performing a quasi-judicial function;

564 (35) records that would reveal negotiations regarding assistance or incentives offered  
565 by or requested from a governmental entity for the purpose of encouraging a person to expand  
566 or locate a business in Utah, but only if disclosure would result in actual economic harm to the  
567 person or place the governmental entity at a competitive disadvantage, but this section may not  
568 be used to restrict access to a record evidencing a final contract;

569 (36) materials to which access must be limited for purposes of securing or maintaining  
570 the governmental entity's proprietary protection of intellectual property rights including patents,  
571 copyrights, and trade secrets;

572 (37) the name of a donor or a prospective donor to a governmental entity, including an  
573 institution within the state system of higher education defined in Section 53B-1-102, and other  
574 information concerning the donation that could reasonably be expected to reveal the identity of  
575 the donor, provided that:

576 (a) the donor requests anonymity in writing;

577 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be  
578 classified protected by the governmental entity under this Subsection (37); and

579 (c) except for an institution within the state system of higher education defined in  
580 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged  
581 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority  
582 over the donor, a member of the donor's immediate family, or any entity owned or controlled  
583 by the donor or the donor's immediate family;

584 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
585 73-18-13;

586 (39) a notification of workers' compensation insurance coverage described in Section  
587 34A-2-205;

588 (40) (a) the following records of an institution within the state system of higher  
589 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,  
590 or received by or on behalf of faculty, staff, employees, or students of the institution:

591 (i) unpublished lecture notes;

592 (ii) unpublished notes, data, and information:

593 (A) relating to research; and

594 (B) of:

595 (I) the institution within the state system of higher education defined in Section  
596 53B-1-102; or

597 (II) a sponsor of sponsored research;

598 (iii) unpublished manuscripts;

599 (iv) creative works in process;

600 (v) scholarly correspondence; and

601 (vi) confidential information contained in research proposals;

602 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public  
603 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

604 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

605 (41) (a) records in the custody or control of the Office of Legislative Auditor General  
606 that would reveal the name of a particular legislator who requests a legislative audit prior to the  
607 date that audit is completed and made public; and

608 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
609 Office of the Legislative Auditor General is a public document unless the legislator asks that  
610 the records in the custody or control of the Office of Legislative Auditor General that would  
611 reveal the name of a particular legislator who requests a legislative audit be maintained as  
612 protected records until the audit is completed and made public;

613 (42) records that provide detail as to the location of an explosive, including a map or  
614 other document that indicates the location of:

- 615 (a) a production facility; or
- 616 (b) a magazine;
- 617 (43) information:
- 618 (a) contained in the statewide database of the Division of Aging and Adult Services
- 619 created by Section [62A-3-311.1](#); or
- 620 (b) received or maintained in relation to the Identity Theft Reporting Information
- 621 System (IRIS) established under Section [67-5-22](#);
- 622 (44) information contained in the Management Information System and Licensing
- 623 Information System described in Title 62A, Chapter 4a, Child and Family Services;
- 624 (45) information regarding National Guard operations or activities in support of the
- 625 National Guard's federal mission;
- 626 (46) records provided by any pawn or secondhand business to a law enforcement
- 627 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
- 628 Secondhand Merchandise Transaction Information Act;
- 629 (47) information regarding food security, risk, and vulnerability assessments performed
- 630 by the Department of Agriculture and Food;
- 631 (48) except to the extent that the record is exempt from this chapter pursuant to Section
- 632 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
- 633 prepared or maintained by the Division of Emergency Management, and the disclosure of
- 634 which would jeopardize:
  - 635 (a) the safety of the general public; or
  - 636 (b) the security of:
    - 637 (i) governmental property;
    - 638 (ii) governmental programs; or
    - 639 (iii) the property of a private person who provides the Division of Emergency
    - 640 Management information;
  - 641 (49) records of the Department of Agriculture and Food that provides for the
  - 642 identification, tracing, or control of livestock diseases, including any program established under
  - 643 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act or Title 4, Chapter 31, Control
  - 644 of Animal Disease;
  - 645 (50) as provided in Section [26-39-501](#):

646 (a) information or records held by the Department of Health related to a complaint  
647 regarding a child care program or residential child care which the department is unable to  
648 substantiate; and

649 (b) information or records related to a complaint received by the Department of Health  
650 from an anonymous complainant regarding a child care program or residential child care;

651 (51) unless otherwise classified as public under Section 63G-2-301 and except as  
652 provided under Section 41-1a-116, an individual's home address, home telephone number, or  
653 personal mobile phone number, if:

654 (a) the individual is required to provide the information in order to comply with a law,  
655 ordinance, rule, or order of a government entity; and

656 (b) the subject of the record has a reasonable expectation that this information will be  
657 kept confidential due to:

658 (i) the nature of the law, ordinance, rule, or order; and

659 (ii) the individual complying with the law, ordinance, rule, or order;

660 (52) the name, home address, work addresses, and telephone numbers of an individual  
661 that is engaged in, or that provides goods or services for, medical or scientific research that is:

662 (a) conducted within the state system of higher education, as defined in Section  
663 53B-1-102; and

664 (b) conducted using animals;

665 (53) an initial proposal under Title 63M, Chapter 1, Part 26, Government Procurement  
666 Private Proposal Program, to the extent not made public by rules made under that chapter;

667 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance  
668 Evaluation Commission concerning an individual commissioner's vote on whether or not to  
669 recommend that the voters retain a judge;

670 (55) information collected and a report prepared by the Judicial Performance  
671 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter  
672 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,  
673 the information or report;

674 (56) records contained in the Management Information System created in Section  
675 62A-4a-1003;

676 (57) records provided or received by the Public Lands Policy Coordinating Office in

677 furtherance of any contract or other agreement made in accordance with Section [63J-4-603](#);  
678 (58) information requested by and provided to the [~~Utah State 911 Committee under~~  
679 ~~Section [63H-7-303](#)~~] 911 Division under Section [63H-7a-302](#);  
680 (59) in accordance with Section [73-10-33](#):  
681 (a) a management plan for a water conveyance facility in the possession of the Division  
682 of Water Resources or the Board of Water Resources; or  
683 (b) an outline of an emergency response plan in possession of the state or a county or  
684 municipality;  
685 (60) the following records in the custody or control of the Office of Inspector General  
686 of Medicaid Services, created in Section [63A-13-201](#):  
687 (a) records that would disclose information relating to allegations of personal  
688 misconduct, gross mismanagement, or illegal activity of a person if the information or  
689 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services  
690 through other documents or evidence, and the records relating to the allegation are not relied  
691 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation  
692 report or final audit report;  
693 (b) records and audit workpapers to the extent they would disclose the identity of a  
694 person who, during the course of an investigation or audit, communicated the existence of any  
695 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or  
696 regulation adopted under the laws of this state, a political subdivision of the state, or any  
697 recognized entity of the United States, if the information was disclosed on the condition that  
698 the identity of the person be protected;  
699 (c) before the time that an investigation or audit is completed and the final  
700 investigation or final audit report is released, records or drafts circulated to a person who is not  
701 an employee or head of a governmental entity for the person's response or information;  
702 (d) records that would disclose an outline or part of any investigation, audit survey  
703 plan, or audit program; or  
704 (e) requests for an investigation or audit, if disclosure would risk circumvention of an  
705 investigation or audit;  
706 (61) records that reveal methods used by the Office of Inspector General of Medicaid  
707 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or

708 abuse;

709 (62) information provided to the Department of Health or the Division of Occupational  
710 and Professional Licensing under Subsection [58-68-304](#)(3) or (4);

711 (63) a record described in Section [63G-12-210](#); and

712 (64) captured plate data that is obtained through an automatic license plate reader  
713 system used by a governmental entity as authorized in Section [41-6a-2003](#).

714 Section 6. Section **63H-7a-101**, which is renumbered from Section 63H-7-101 is  
715 renumbered and amended to read:

716 **CHAPTER 7a. UTAH COMMUNICATIONS AUTHORITY ACT**

717 **Part 1. General Provisions**

718 ~~[63H-7-101]~~. **63H-7a-101. Title.**

719 (1) This chapter is known as the "Utah Communications Authority Act."

720 (2) This part is known as "General Provisions."

721 Section 7. Section **63H-7a-102**, which is renumbered from Section 63H-7-102 is  
722 renumbered and amended to read:

723 ~~[63H-7-102]~~. **63H-7a-102. Purpose.**

724 The purpose of this chapter is to establish an independent state agency and a board to  
725 administer the creation, administration, and maintenance of the Utah Communications  
726 Authority to provide a public safety communications network, facilities, and 911 emergency  
727 services on a statewide basis for the benefit and use of public agencies, and state and federal  
728 agencies.

729 Section 8. Section **63H-7a-103**, which is renumbered from Section 63H-7-103 is  
730 renumbered and amended to read:

731 ~~[63H-7-103]~~. **63H-7a-103. Definitions.**

732 As used in this chapter:

733 (1) "Authority" means the Utah Communications Authority, an independent state  
734 agency created in Section ~~[67H-7-201]~~ [67H-7a-201](#).

735 (2) "Board" means the Utah Communications Authority Board created in Section  
736 ~~[67H-7-203]~~ [67H-7a-203](#).

737 (3) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase  
738 agreements, or other evidences of indebtedness or borrowing issued or incurred by the

739 authority pursuant to this chapter.

740 ~~[(5)]~~ (4) "FirstNet" means the First Responder Network Authority created by Congress  
741 in the Middle Class Tax Relief and Job Creation Act of 2012.

742 ~~[(6)]~~ (5) "Lease" means any lease, lease purchase, sublease, operating, management, or  
743 similar agreement.

744 ~~[(7)]~~ (6) "Local entity" means a county, city, town, local district, special service  
745 district, or interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act.

746 ~~[(8)]~~ (7) "Member" means a public agency which:

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

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

750 ~~[(9)]~~ (8) "Member representative" means a person or that person's designee appointed  
751 by the governing body of each member.

752 ~~[(10)]~~ (9) "Public agency" means any political subdivision of the state, including cities,  
753 towns, counties, school districts, local districts, and special service districts, dispatched by a  
754 public safety answering point.

755 ~~[(11)]~~ (10) "Public safety answering point" means an organization, entity, or  
756 combination of entities which have joined together to form a central answering point for the  
757 receipt, management, and dissemination to the proper responding agency, of emergency and  
758 nonemergency communications, including 911 communications, police, fire, emergency  
759 medical, transportation, parks, wildlife, corrections, and any other governmental  
760 communications.

761 ~~[(4) "Communications"]~~ (11) "Public safety communications network" means:

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

765 (b) 911 emergency services, including radio communications, microwave connectivity,  
766 FirstNet coordination, and computer aided dispatch system.

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

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

770 Section 9. Section **63H-7a-201**, which is renumbered from Section 63H-7-201 is  
771 renumbered and amended to read:

772 **Part 2. Utah Communications Authority and the Board**

773 ~~[63H-7-201]~~. **63H-7a-201. Establishment of Utah Communications**  
774 **Authority.**

775 (1) This part is known as the "Utah Communications Authority and the Board."

776 ~~[(1)]~~ (2) There is established the Utah Communications Authority, formerly known as  
777 the Utah Communications Agency Network, which shall assume the operations of the Utah  
778 Communications Agency Network and shall perform the functions as provided in this chapter.

779 ~~[(2)]~~ (3) The Utah Communications Authority is an independent state agency and not a  
780 division within any other department of the state.

781 ~~[(3)]~~ (4) The initial offices of the authority shall be in Salt Lake County, but branches  
782 of the office may be established in other areas of the state upon approval of the board.

783 Section 10. Section **63H-7a-202**, which is renumbered from Section 63H-7-202 is  
784 renumbered and amended to read:

785 ~~[63H-7-202]~~. **63H-7a-202. Powers of the Authority.**

786 The authority shall have the power to:

787 (1) sue and be sued in its own name;

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

789 (3) make and execute contracts and all other instruments necessary or convenient for  
790 the performance of its duties and the exercise of its powers and functions under this chapter,  
791 including contracts with private companies licensed under Title 26, Chapter 8a, Utah  
792 Emergency Medical Services System Act;

793 (4) own, acquire, design, construct, operate, maintain, ~~[and]~~ repair ~~[a]~~ and dispose of  
794 any portion of a public safety communications network~~[- and dispose of any portion of it]~~  
795 utilizing technology that is fiscally prudent, ungradable, technologically advanced, redundant,  
796 and secure;

797 (5) borrow money and incur indebtedness;

798 (6) issue bonds as provided in this chapter;

799 (7) enter into agreements with public agencies, private entities, the state, and federal  
800 government to provide public safety communications network services on terms and conditions

801 it considers to be in the best interest of its members;

802 (8) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real  
803 property or personal property in connection with the acquisition and construction of a public  
804 safety communications network and all related facilities and rights-of-way which it owns,  
805 operates, and maintains;

806 (9) contract with other public agencies, the state, or federal government to provide  
807 public safety communications network services in excess of those required to meet the needs or  
808 requirements of its members and the state and federal government if:

809 (a) it is determined by the board to be necessary to accomplish the purposes and realize  
810 the benefits of this chapter; and

811 (b) any excess is sold to other public agencies, the state, or federal government and is  
812 sold on terms that assure:

813 (i) that the excess services will be used only for the purposes and benefits authorized  
814 by the authority under Section ~~[63H-7-102]~~ 63H-7a-102; and

815 (ii) that the cost of providing the excess service will be received by the authority;

816 (10) provide and maintain the public safety communications network for all state and  
817 local governmental agencies:

818 (a) within the current authority network for the state and local governmental agencies  
819 that currently subscribe to the authority; and

820 (b) ~~[outside of the current authority network for state and local governmental agencies~~  
821 ~~that do not currently subscribe to the authority; and (c)]~~ in a manner that:

822 (i) promotes high quality, cost effective services; and

823 (ii) evaluates the benefits, costs, existing facilities and equipment, and services of  
824 public and private providers;

825 (iii) where economically feasible, utilize existing infrastructure to avoid duplication of  
826 facilities, equipment, and services of providers of communication services.

827 (11) maintain the current VHF ~~[high-band network]~~ and 800 MHz radio networks;

828 (12) review, approve, disapprove, or revise recommendations ~~[made by the Utah 911~~  
829 ~~Committee]~~ regarding the expenditure of funds under Sections 69-2-5.5 ~~[and]~~, 69-2-5.6, and  
830 69-2-5.9 that are made by:

831 (a) the 911 Division;

832 (b) the Radio Network Division; and

833 (c) the Interoperability Division; and

834 (13) perform all other duties authorized by this chapter.

835 Section 11. Section **63H-7a-203**, which is renumbered from Section 63H-7-203 is

836 renumbered and amended to read:

837 **~~[63H-7-203].~~ 63H-7a-203. Board established -- Terms -- Vacancies.**

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

839 (2) The board shall consist of the following individuals, who may not be employed by

840 the authority or any office or division of the authority:

841 (a) the member representatives elected as follows:

842 (i) one representative elected from each county of the first and second class, who:

843 (A) is in law enforcement, fire service, or a public safety answering point; and

844 (B) has a leadership position with public safety communication experience;

845 (ii) one representative elected from each of the seven associations of government who:

846 (A) is in law enforcement, fire service, or a public safety answering point; and

847 (B) has a leadership position with public safety communication experience;

848 (iii) one representative of the Native American tribes elected by the representative of

849 tribal governments listed in Subsection 9-9-104.5(2);

850 (iv) one representative elected by the Utah National Guard;

851 (v) one representative elected by an association that represents fire chiefs;

852 (vi) one representative elected by an association that represents sheriffs;

853 (vii) one representative elected by an association that represents chiefs of police; and

854 (viii) one member elected by the ~~[Utah]~~ 911 Advisory Committee created in Section

855 ~~[63H-7-302]~~ 63H-7a-307; and

856 (b) seven state representatives appointed in accordance with Subsection (3).

857 (3) (a) (i) Six of the state representatives shall be appointed by the governor, with two

858 of the positions having an initial term of two years, two having an initial term of three years,

859 and one having an initial term of four years.

860 (ii) Successor state representatives shall each serve for a term of four years.

861 (iii) The six governor-appointed state representatives shall consist of:

862 (A) the executive director of the Utah Department of Transportation or the director's

863 designee;

864 (B) the commissioner of public safety or the commissioner's designee;

865 (C) the executive director of the Department of Natural Resources or the director's  
866 designee;

867 (D) the executive director of the Department of Corrections or the director's designee;

868 (E) the chief information officer of the Department of Technology Services, or the  
869 officer's designee; and

870 (F) the executive director of the Department of Health or the director's designee.

871 (b) The seventh state representative shall be the Utah State Treasurer or the treasurer's  
872 designee.

873 (c) A vacancy on the board for a state representative shall be filled for the unexpired  
874 term by ~~[appointment by the governor]~~ the director of the department or the director's designee  
875 as described in Subsection (3)(a)(iii).

876 (d) An employee of the authority may not be a member of the board.

877 (4) (a) (i) One-half of the positions for member representatives selected under  
878 Subsection (2) shall have an initial term of two years and one-half of the positions shall have an  
879 initial term of four years.

880 (ii) Successor member representatives of the board shall each serve for a term of four  
881 years, so that the term of office for six of the member representatives expires every two years.

882 (b) The member representatives of the board shall be removable, with or without cause,  
883 by the entity that selected the member. A vacancy on the board for a member representative  
884 shall be filled for the unexpired term by the entity the member represents.

885 (5) The board shall elect annually one of its members as chair.

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

887 (7) The board shall also elect a vice chair, secretary, and treasurer to perform those  
888 functions provided in the bylaws.

889 (a) The vice chair shall be a member of the board.

890 (b) The secretary and treasurer need not be members of the board, but shall not have  
891 voting powers if they are not members of the board.

892 (c) The offices of chair, vice chair, secretary, and treasurer shall be held by separate  
893 individuals.

894 (8) Each member representative and state representative shall have one vote, including  
895 the chair, at all meetings of the board.

896 (9) A constitutional majority of the members of the board constitutes a quorum. A  
897 vote of a majority of the quorum at any meeting of the board is necessary to take action on  
898 behalf of the board.

899 (10) A board member may not receive compensation for the member's service on the  
900 board, but may, in accordance with administrative rules adopted by the board, receive:

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

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

903 Section 12. Section **63H-7a-204**, which is renumbered from Section 63H-7-204 is  
904 renumbered and amended to read:

905 ~~**63H-7-204.**~~ **63H-7a-204. Board -- Powers and duties.**

906 The board shall:

907 (1) manage the affairs and business of the authority consistent with this chapter  
908 including adopting bylaws by a majority vote of its members;

909 (2) appoint an executive director to administer the authority;

910 (3) receive and act upon reports covering the operations of the public safety  
911 communications network and funds administered by the authority;

912 (4) ensure that the public safety communications network and funds are administered  
913 according to law;

914 (5) examine and approve an annual operating budget for the authority;

915 (6) receive and act upon recommendations of the chair;

916 (7) recommend to the governor and Legislature any necessary or desirable changes in  
917 the statutes governing the public safety communications network;

918 (8) develop broad policies for the long-term operation of the authority for the  
919 performance of its functions;

920 (9) make and execute contracts and other instruments on behalf of the authority,  
921 including agreements with members and other entities;

922 (10) authorize the borrowing of money, the incurring of indebtedness, and the issuance  
923 of bonds as provided in this chapter;

924 (11) adopt rules consistent with this chapter and in accordance with Title 63G, Chapter

- 925 3, Utah Administrative Rulemaking Act, for the management of the public safety  
 926 communications network in order to carry out the purposes of this chapter, and perform all  
 927 other acts necessary for the administration of the public safety communications network;  
 928 (12) exercise the powers and perform the duties conferred on it by this chapter;  
 929 (13) provide for audits of the authority;  
 930 (14) establish ~~[a division]~~ the following divisions within the authority ~~[for radio~~  
 931 ~~network services];~~  
 932 (a) 911 Division;  
 933 (b) Radio Network Division;  
 934 (c) Interoperability Division; and  
 935 (d) Administrative Services Division;  
 936 ~~[(15) establish an office within the authority for a statewide interoperability~~  
 937 ~~coordinator; and]~~  
 938 ~~[(16) establish an office within the authority for a 911 program manager.]~~  
 939 (15) establish a 911 advisory committee to the 911 Division in accordance with Section  
 940 63H-7a-307;  
 941 (16) establish one or more advisory committees to the Radio Network Division in  
 942 accordance with Section 63H-7a-405; and  
 943 (17) establish one or more advisory committees to the Interoperability Division in  
 944 accordance with Section 63H-7a-504.
- 945 Section 13. Section **63H-7a-205**, which is renumbered from Section 63H-7-205 is  
 946 renumbered and amended to read:  
 947 **~~[63H-7-205].~~ 63H-7a-205. Executive director -- Powers and duties.**  
 948 The executive director shall:  
 949 (1) act as the executive officer of the authority;  
 950 (2) administer the various acts, systems, plans, programs, and functions assigned to the  
 951 office;  
 952 (3) ~~[with the approval of the board, develop and make]~~ recommend administrative  
 953 rules and policies to the board, which are within the authority granted by this title for the  
 954 administration of the authority;  
 955 (4) recommend to the board any changes in the statutes affecting the authority;

956 (5) recommend to the board an annual administrative budget covering administration,  
 957 management, and operations of the public safety communications network and, upon approval  
 958 of the board, direct and control the subsequent expenditures of the budget; ~~[and]~~

959 (6) within the limitations of the budget, employ staff personnel, consultants, a ~~[chief]~~  
 960 financial officer, and legal counsel to provide professional services and advice regarding the  
 961 administration of the authority~~[-]; and~~

962 (7) submit an annual report, on or before November 1 of each year, to the Executive  
 963 Offices and Criminal Justice Appropriations Subcommittee, which shall include:

964 (a) the total aggregate surcharge collected by local entities in the state in the last fiscal  
 965 year under Sections 69-2-5, 69-2-5.6, and 69-2-5.9;

966 (b) the amount of each disbursement from the restricted accounts;

967 (c) the recipient of each disbursement, or goods and services received, describing the  
 968 project for which money was disbursed, or goods and services provided;

969 (d) the conditions, if any, placed by a division, the authority, the executive director, or  
 970 the board on the disbursements from a restricted account;

971 (e) the anticipated expenditures from the restricted accounts for the next fiscal year;

972 (f) the amount of any unexpended funds carried forward;

973 (g) a progress report of implementation of statewide 911 emergency services,

974 including:

975 (i) fund balance or balance sheet from the emergency telephone service fund of each  
 976 agency that has imposed a levy under Section 69-2-5;

977 (ii) a report from each public safety answering point of annual call activity separating  
 978 wireless and land-based 911 call volumes; and

979 (iii) other relevant justification for ongoing support from the restricted accounts created  
 980 by Sections 63H-7a-303, 63H-7a-304, and 63H-7a-403; and

981 (h) the anticipated expenditures from the restricted accounts.

982 Section 14. Section **63H-7a-301**, which is renumbered from Section 63H-7-301 is  
 983 renumbered and amended to read:

984 **Part 3. 911 Division**

985 ~~[63H-7-301].~~ **63H-7a-301. 911 Division.**

986 (1) This part is known as the "911 Division."

987 ~~[(1)]~~ (2) There is created within the authority the 911 ~~[program manager]~~ Division.

988 ~~[(2) The 911 program manager shall:]~~

989 ~~[(a) be appointed by the executive director:]~~

990 ~~[(i) based on the recommendation of the Utah 911 Committee; and]~~

991 ~~[(ii) with the approval of the board; and]~~

992 ~~[(b) provide staff services to the Utah 911 Committee created in Section [63H-7-302](#).]~~

993 (3) The 911 Division shall have the duties and powers described in this chapter.

994 Section 15. Section **63H-7a-302**, which is renumbered from Section 63H-7-303 is

995 renumbered and amended to read:

996 ~~[63H-7-303].~~ **63H-7a-302. 911 Division duties and powers.**

997 (1) The ~~[committee]~~ 911 Division shall:

998 (a) review and make recommendations to the ~~[board; public safety answering points;~~

999 ~~and the Legislature on]~~ executive director:

1000 (i) regarding:

1001 (A) technical, administrative, fiscal, network, and operational [issues] standards for the  
1002 implementation of unified statewide 911 emergency services;

1003 ~~[(ii) technology and standards for the implementation of unified statewide 911~~  
1004 ~~emergency services;]~~

1005 ~~[(iii)]~~ (B) emerging [technological upgrades] technology; and

1006 ~~[(iv)]~~ (C) expenditures [by] from the restricted accounts created in Sections [69-2-5.5](#)

1007 and [69-2-5.6](#) by the 911 Division on behalf of local public safety answering points in the state,  
1008 with an emphasis on efficiencies and coordination in a regional manner;

1009 (ii) to assure implementation of a unified statewide 911 emergency services [and]  
1010 network;

1011 (iii) to establish standards of operation throughout the state; and

1012 ~~[(v)]~~ (iv) regarding mapping systems and technology necessary to implement the  
1013 unified statewide 911 emergency services;

1014 (b) ~~[administer the program]~~ prepare and submit to the executive director for approval  
1015 by the board:

1016 (i) an annual budget for the 911 Division; and

1017 (ii) an annual plan for the programs funded by the Computer Aided Dispatch Restricted

1018 Account created in Section 63H-7a-303 and the Unified Statewide 911 Emergency Service  
1019 Account [as provided in this part] created in Section 63H-7a-304;

1020 ~~[(c) administer the program funded by the Computer Aided Dispatch Restricted~~  
1021 ~~Account created in Section 63H-7-310;]~~

1022 ~~[(d) assist as many local entities as possible, at their request, to implement the~~  
1023 ~~recommendations of the committee; and]~~

1024 (c) assist local Utah public safety answering points with the implementation and  
1025 coordination of the 911 Division responsibilities as approved by the executive director and the  
1026 board;

1027 (d) reimburse the state's Automated Geographic Reference Center in the Division of  
1028 Integrated Technology of the Department of Technology Services, an amount equal to 1 cent  
1029 per month levied on telecommunications service under Section 69-2-5.6 to enhance and  
1030 upgrade digital mapping standards for unified statewide 911 emergency service as required by  
1031 the division.

1032 (e) fulfill all other duties imposed on the [committee] 911 Division by [the Legislature  
1033 by this part] this chapter.

1034 (2) The [committee] 911 Division may recommend to the [board] executive director to  
1035 sell, lease, or otherwise dispose of equipment or personal property purchased, leased, or  
1036 belonging to the [board] authority that is related to ~~[(a) unified statewide 911 emergency~~  
1037 ~~service; (b) the computer aided dispatch system; or (c)]~~ funds expended from the restricted  
1038 account created in Sections 69-2-5.5 and 69-2-5.6, the proceeds from which shall return to the  
1039 respective restricted accounts.

1040 (3) The [committee] 911 Division may make recommendations to the [board]  
1041 executive director to own, operate, or enter into contracts for ~~[unified statewide 911 emergency~~  
1042 ~~services and a computer aided dispatch system]~~ the use of the funds expended from the  
1043 restricted accounts created in Sections 69-2-5.5 and 69-2-5.6.

1044 (4) (a) The [committee] 911 Division shall review information regarding:

1045 (i) in aggregate, the number of service subscribers by service type in a political  
1046 subdivision;

1047 (ii) ~~[911 delivery]~~ network costs;

1048 (iii) public safety answering point costs;

1049 (iv) system engineering information; and  
 1050 (v) a computer aided dispatch system.

1051 (b) In accordance with Subsection (4)(a) the ~~[committee]~~ 911 Division may request:  
 1052 (i) information as described in Subsection (4)(a)(i) from the Utah State Tax  
 1053 Commission; and  
 1054 (ii) information from public safety answering points ~~[connected]~~ related to the  
 1055 computer aided dispatch system.

1056 (c) The information requested by and provided to the ~~[committee]~~ 911 Division under  
 1057 Subsection (4) is a protected record in accordance with Section 63G-2-305.

1058 (5) The ~~[committee]~~ 911 Division shall ~~[make]~~ recommend to the executive director,  
 1059 for approval by the board, rules in accordance with Title 63G, Chapter 3, Utah Administrative  
 1060 Rulemaking Act, to:  
 1061 (a) administer the program funded by the Unified Statewide 911 Emergency Service  
 1062 restricted account created in Section ~~[63H-7-304]~~ 63H-7a-304, including rules that establish  
 1063 the criteria, standards, technology, and equipment that a ~~[local entity or state agency]~~ public  
 1064 safety answering point in Utah must adopt in order to qualify for ~~[funds]~~ goods or services that  
 1065 are funded from the restricted account~~[-]; and~~  
 1066 ~~[(6) The committee shall make rules in accordance with Title 63G, Chapter 3, Utah~~  
 1067 ~~Administrative Rulemaking Act, to]~~  
 1068 (b) administer the Computer Aided Dispatch Restricted Account created in Section  
 1069 ~~[63H-7-310]~~ 63H-7a-303, including rules that establish the criteria, standards, technology, and  
 1070 equipment that ~~[a local entity or state agency]~~ a public safety answering point must adopt in  
 1071 order to qualify as a recipient ~~[of a computer aided dispatch system]~~ of goods or services that  
 1072 are funded from the restricted account.

1073 ~~[(7)]~~ (6) The ~~[committee may]~~ board may authorize the 911 Division to employ an  
 1074 outside consultant to~~[-(a)]~~ study and advise ~~[on the issue of public safety answering points;~~  
 1075 ~~and]~~ the division on matters related to the 911 Division duties regarding the public safety  
 1076 communications network.

1077 ~~[(b) advise the committee regarding:]~~  
 1078 ~~[(i) public safety communications and other issues regarding unified state 911~~  
 1079 ~~emergency services;]~~

1080 [~~(ii) computer aided dispatch system consolidation; and]~~

1081 [~~(iii) consolidation of public safety answering points by county or region.]~~

1082 [~~(8)~~] (7) This section does not expand the authority of the Utah State Tax Commission  
1083 to request additional information from a telecommunication service provider.

1084 Section 16. Section **63H-7a-303**, which is renumbered from Section 63H-7-310 is  
1085 renumbered and amended to read:

1086 ~~[63H-7-310].~~ **63H-7a-303. Creation of Computer Aided Dispatch**  
1087 **Restricted Account -- Administration -- Use of money.**

1088 (1) There is created a restricted account within the General Fund known as the  
1089 "Computer Aided Dispatch Restricted Account," consisting of:

- 1090 (a) proceeds from the fee imposed in Section [69-2-5.5](#);
- 1091 (b) money appropriated or otherwise made available by the Legislature; and
- 1092 (c) contributions of money from federal agencies, political subdivisions of the state,  
1093 persons, or corporations.

1094 (2) The money in this restricted account shall be used exclusively for the following  
1095 statewide public purposes:

- 1096 (a) enhancing public safety as provided in this chapter; and
- 1097 (b) creating [~~and maintaining~~] a shared computer aided dispatch system including:
  - 1098 (i) [~~a single~~] an interoperable computer aided dispatch platform that will be selected,  
1099 [~~maintained~~], shared, or hosted on a statewide or regional basis;
  - 1100 (ii) [~~a single~~] an interoperable computer aided dispatch platform selected by a county  
1101 of the first class, when:
    - 1102 (A) authorized through an interlocal agreement between the county's two primary  
1103 public safety answering points; and
    - 1104 (B) the county's computer aided dispatch platform is capable of interfacing with the  
1105 platform described in Subsection (2)(b)(i); and
    - 1106 (iii) a statewide computer aided dispatch system data sharing platform to provide  
1107 interoperability of systems.

1108 [~~(3) Subject to appropriation, the Division of Finance may charge the administrative~~  
1109 ~~costs incurred in discharging the responsibilities imposed by this section.]~~

1110 [~~(4)(a) Subject to an annual legislative appropriation from the restricted account to the~~

1111 ~~Division of Finance, the Division of Finance shall disburse the money in the fund, based on the~~  
 1112 ~~authorization of the committee under Subsections (4)(b) and (c).]~~

1113 ~~[(b) The Utah 911 Committee shall administer the development and maintenance of the~~  
 1114 ~~shared computer aided dispatch system:]~~

1115 (3) (a) The 911 Division shall coordinate the development of an interoperable CAD to  
 1116 CAD platform:

1117 (i) for ~~[state agencies and local entities]~~ public safety answering points; and

1118 (ii) where needed, to assist public ~~[agencies]~~ safety answering points with the creation  
 1119 or integration ~~[and maintenance of the shared computer aided dispatch system]~~ of the  
 1120 interoperable computer aided dispatch system.

1121 ~~[(e)]~~ (b) The ~~[Utah 911 Committee]~~ Administrative Services Division shall, in  
 1122 accordance with Section [63H-7a-602](#):

1123 (i) annually report to the ~~[Division of Finance the committee's]~~ executive director the  
 1124 911 Division's authorized disbursements from the restricted account;

1125 (ii) be responsible for the care, custody, safekeeping, collection, and accounting for  
 1126 disbursements; and

1127 (iii) submit an annual report to the ~~[Executive Offices and Criminal Justice~~  
 1128 ~~Appropriations Subcommittee]~~ executive director, which shall include:

1129 (A) the amount of each disbursement from the restricted account;

1130 (B) the recipient of each disbursement and a description of the project for which money  
 1131 was disbursed;

1132 (C) the conditions, if any, placed by the ~~[committee]~~ 911 Division, the board, or the  
 1133 ~~[Division of Finance]~~ Administrative Services Division on disbursements from the amount  
 1134 appropriated from the restricted account;

1135 (D) the planned expenditures from the restricted account for the next fiscal year; and

1136 (E) the amount of any unexpended funds carried forward~~[-and]~~.

1137 ~~[(F) a progress report of implementation of a statewide computer aided dispatch~~  
 1138 ~~system.]~~

1139 ~~[(5)]~~ (4) (a) The ~~[committee]~~ Administrative Services Division may request  
 1140 information from a public safety answering point as necessary to prepare the report required by  
 1141 this section.

1142 (b) A recipient of goods or services under this section shall provide the information  
1143 requested pursuant to Subsection ~~[(5)]~~ (4)(a).

1144 (5) Subject to appropriation, the Administrative Services Division, created in Section  
1145 63H-7a-601, may charge the administrative costs incurred in discharging the responsibilities  
1146 imposed by this section.

1147 (6) Subject to an annual legislative appropriation from the restricted account to the  
1148 Administrative Services Division, the Administrative Services Division shall disburse the  
1149 money in the fund, based on the authorization of the board and the 911 Division under  
1150 Subsection 63H-7a-302(5).

1151 Section 17. Section **63H-7a-304**, which is renumbered from Section 63H-7-304 is  
1152 renumbered and amended to read:

1153 ~~[63H-7-304].~~ **63H-7a-304. Creation of Unified Statewide 911 Emergency**  
1154 **Service Account.**

1155 (1) There is created a restricted account within the General Fund known as the "Unified  
1156 Statewide 911 Emergency Service Account," consisting of:

- 1157 (a) proceeds from the fee imposed in Section 69-2-5.6;
- 1158 (b) money appropriated or otherwise made available by the Legislature; and
- 1159 (c) contributions of money, property, or equipment from federal agencies, political  
1160 subdivisions of the state, persons, or corporations.

1161 (2) The money in this restricted account shall be used exclusively for the ~~[following]~~  
1162 statewide public ~~[purposes: (a)]~~ purpose of enhancing the public safety [as provided in this  
1163 ~~chapter; and]~~ communications network related to the rapid and efficient delivery of 911  
1164 services in the state.

1165 ~~[(b) providing unified statewide 911 emergency service available to public safety~~  
1166 ~~answering points.]~~

1167 (3) Subject to an annual legislative appropriation from the restricted account to the  
1168 Administrative Services Division, the Administrative Services Division shall disburse the  
1169 money in the fund, based on the authorization of the board and the 911 Division under  
1170 Subsection 63H-7a-302(5).

1171 Section 18. Section **63H-7a-305**, which is renumbered from Section 63H-7-305 is  
1172 renumbered and amended to read:

1173 ~~[63H-7-305].~~ **63H-7a-305. 911 Division expenses -- Responsibilities.**

1174 (1) Subject to appropriation, expenses and the costs of administering disbursements  
1175 from the restricted account, as provided in Subsection (2), shall be paid from the restricted  
1176 account.

1177 (2) (a) The ~~[committee]~~ Administrative Services Division, created in Section  
1178 63H-7a-601, shall be responsible for the care, custody, safekeeping, collection, and accounting  
1179 for disbursements made by the ~~[committee]~~ 911 Division at the approval of the board under the  
1180 provisions of Section ~~[63H-7-306]~~ 63H-7a-603.

1181 (b) Subject to appropriation, the ~~[Division of Finance]~~ Administrative Services  
1182 Division may charge the restricted account the administrative costs incurred by the  
1183 Administrative Services Division in discharging the responsibilities imposed by this part and  
1184 Section ~~[63H-7-306]~~ 63H-7a-603.

1185 Section 19. Section **63H-7a-306**, which is renumbered from Section 63H-7-307 is  
1186 renumbered and amended to read:

1187 ~~[63H-7-307].~~ **63H-7a-306. 911 Division to report annually.**

1188 (1) The ~~[committee]~~ 911 Division shall submit an annual report to the ~~[Executive~~  
1189 ~~Offices and Criminal Justice Appropriations Subcommittee]~~ executive director for approval by  
1190 the board, which shall include:

1191 (a) the total aggregate surcharge collected by local entities and the state in the last  
1192 fiscal year under Sections 69-2-5 and 69-2-5.6;

1193 (b) the amount of each disbursement from the restricted ~~[account]~~ accounts created in  
1194 Sections 63H-7a-303 and 63H-7a-304;

1195 (c) the recipient of each disbursement and describing the project for which money was  
1196 disbursed;

1197 (d) the conditions, if any, placed ~~[by the committee or the Division of Finance]~~ by the  
1198 911 Division, the board, or the Administrative Services Division on disbursements from the  
1199 restricted ~~[account]~~ accounts;

1200 (e) the ~~[planned]~~ anticipated expenditures from the restricted ~~[account]~~ accounts for the  
1201 next fiscal year;

1202 (f) the amount of any unexpended funds carried forward; and

1203 ~~[(g) a cost study to guide the Legislature towards necessary adjustments of both the~~

1204 Unified Statewide 911 Emergency Service Account and the monthly emergency services  
1205 telephone charge imposed under Section ~~69-2-5~~; and]

1206 [del(h)] (g) a progress report of [del(local government)] implementation of statewide 911  
1207 emergency services, including:

1208 (i) a fund balance or balance sheet from the emergency telephone service fund of each  
1209 agency [del(maintaining its own emergency telephone service fund)] that has imposed a levy under  
1210 Section 69-2-5;

1211 (ii) a report from each public safety answering point of annual call activity separating  
1212 wireless and land-based 911 call volumes; and

1213 (iii) other relevant justification for ongoing support from the [del(Unified Statewide 911  
1214 Emergency Service Account)] restricted accounts created by [del(Section 63H-7-304)] Sections  
1215 63H-7a-303 and 63H-7a-304.

1216 (2) (a) The [del(committee)] 911 Division may request information from a local entity as  
1217 necessary to prepare the report required by this section.

1218 (b) A local entity imposing a levy under Section ~~69-2-5~~ or receiving [del(a disbursement  
1219 under Section 63H-7-306)] services or goods funded from accounts created in Section  
1220 63H-7a-603 shall provide the information requested pursuant to Subsection (2)(a).

1221 Section 20. Section ~~63H-7a-307~~, which is renumbered from Section 63H-7-302 is  
1222 renumbered and amended to read:

1223 [del(63H-7-302)]. **63H-7a-307. 911 Advisory Committee -- Membership --**  
1224 **Duties.**

1225 (1) There is created within the [del(authority)] 911 Division the [del(Utah)] 911 Advisory  
1226 Committee consisting of the following members:

1227 (a) one representative from a primary public safety answering point from each county of  
1228 the first and second class;

1229 (b) one representative from a primary public safety answering point representing each  
1230 of the following:

1231 (i) Bear River Association;

1232 (ii) Uintah Basin Association;

1233 (iii) South East Association;

1234 (iv) Six County Association;

- 1235 (v) Five County Association;
- 1236 (vi) Mountainlands Association; and
- 1237 (vii) Wasatch Front Regional Council; and
- 1238 (c) ~~[two representatives]~~ one representative from the Department of Public Safety[:]
- 1239 who represents a Utah public safety answering point.
- 1240 ~~[(i) one of whom represents an urban Utah public service answering point; and]~~
- 1241 ~~[(ii) one of whom represents a rural Utah public safety answering point; and]~~
- 1242 ~~[(d) the statewide interoperability coordinator, created in Section 63H-7-309.]~~
- 1243 (2) (a) Each advisory committee member shall be appointed as follows:
- 1244 (i) a member described in Subsection (1)(a) shall be appointed by the ~~[governor]~~ board
- 1245 from a nominee or nominees submitted to the ~~[governor]~~ board by the council of government
- 1246 for that member's county;
- 1247 (ii) the seven members described in Subsection (1)(b) shall be appointed by the
- 1248 ~~[governor]~~ board from a nominee or nominees submitted to the ~~[governor]~~ board by the
- 1249 associations described in Subsection (1)(b) ~~[as follows:]; and~~
- 1250 ~~[(A) the seven associations shall select by lot the first five associations to begin the~~
- 1251 ~~rotation of membership as required by Subsection (2)(b)(i); and]~~
- 1252 ~~[(B) as each association is represented on the committee in accordance with Subsection~~
- 1253 ~~(2)(b)(i), that association shall select the person to represent it on the commission; and]~~
- 1254 (iii) the ~~[members]~~ member described in ~~[Subsections]~~ Subsection (1)(c) ~~[and (d)]~~ shall
- 1255 be appointed by the ~~[governor]~~ board based on the nomination from the public safety
- 1256 commissioner.
- 1257 (b) The term of office of each member is four years.
- 1258 ~~[(c) No member of the committee may serve more that two consecutive four-year~~
- 1259 ~~terms.]~~
- 1260 ~~[(d)]~~ (c) Each mid-term vacancy shall be filled for the unexpired term in the same
- 1261 manner as an appointment under Subsection (2)(a).
- 1262 ~~[(3) (a) Committee members shall elect a chair from their number and establish rules~~
- 1263 ~~for the organization and operation of the committee, with the chair selected by representatives~~
- 1264 ~~from Subsections (1)(a), (b), and (c) every year.]~~
- 1265 (3) (a) The 911 Advisory Committee members shall annually elect a chair for the

1266 advisory committee by selecting from the members described in Subsections (1)(a) through (e).

1267 (b) Staff and contracting services to the advisory committee shall be provided by the  
1268 [~~authority~~] 911 Division.

1269 (c) Funding for staff and contracting services shall be provided with funds approved by  
1270 the board from those identified under Section [~~63H-7-306~~] 63H-7a-304.

1271 (4) (a) No advisory committee member may receive compensation or benefits for the  
1272 member's service on the advisory committee.

1273 (b) A member is not required to give bond for the performance of official duties.

1274 (5) A majority of the advisory committee constitutes a quorum for voting purposes.

1275 (6) An advisory committee member can be removed from the advisory committee by  
1276 the board based on rules adopted by the board.

1277 (7) The advisory committee shall:

1278 (a) provide input and guidance to the 911 Division concerning the public safety  
1279 communications network;

1280 (b) advise the 911 Division regarding standards related to the public safety  
1281 communications network;

1282 (c) review and make recommendations for the 911 Division's strategic plan;

1283 (d) provide information and evaluate industry trends related to the 911 Division's  
1284 responsibilities;

1285 (e) advise the 911 Division regarding professional development; and

1286 (f) make recommendations to the 911 Division regarding the development of  
1287 cooperative partnerships.

1288 Section 21. Section **63H-7a-401**, which is renumbered from Section 63H-7-308 is  
1289 renumbered and amended to read:

#### Part 4. Radio Network Division

1291 [~~63H-7-308~~]. **63H-7a-401. Radio Network Division.**

1292 (1) This part is known as the "Radio Network Division."

1293 [(+) (2) There is created within the authority the Radio Network Division.

1294 [(2) ~~The technical operations manager of the Radio Network Division shall be~~  
1295 ~~appointed by the executive director with the approval of the board.]~~

1296 [(3) ~~The Radio Network Division shall provide technical staff and support to the~~

1297 authority.]

1298 Section 22. Section **63H-7a-402** is enacted to read:

1299 **63H-7a-402. Radio Network Division duties.**

1300 (1) The Radio Network Division shall:

1301 (a) provide and maintain the public safety communications network for state and local  
1302 government agencies within the authority network, including the existing VHF and 800 MHz  
1303 networks, in a manner that:

1304 (i) promotes high quality, cost effective service; and

1305 (ii) evaluates the benefits, cost, existing facilities, equipment, and services of public  
1306 and private providers;

1307 (b) prepare and submit to the executive director for approval by the board:

1308 (i) an annual budget for the Radio Network Division; and

1309 (ii) an annual plan for the program funded by the Utah Statewide Radio System

1310 Restricted Account created in Section [63H-7a-403](#);

1311 (c) recommend to the executive director administrative rules for approval by the board  
1312 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer  
1313 the program funded by the restricted accounts created in Sections [69-2-5.9](#) and [63H-7a-403](#),  
1314 including rules that establish the criteria, standards, technology, equipment, and services that  
1315 will qualify for goods or services that are funded from the restricted accounts; and

1316 (d) fulfill other duties assigned to the Radio Network Division under this chapter.

1317 (2) The Radio Network Division may:

1318 (a) recommend to the executive director to sell, lease, or otherwise dispose of  
1319 equipment or personal property purchased, leased, or belonging to the authority that is related  
1320 to the public safety communications network, the proceeds from which shall be deposited into  
1321 the restricted account created in Section [69-2-5.9](#);

1322 (b) recommend to the executive director to own, operate, or enter into contracts for the  
1323 public safety communications network;

1324 (c) review information regarding:

1325 (i) in aggregate, the number of radio service subscribers by service type in a political  
1326 subdivision; and

1327 (ii) matters related to the public safety communications network;

- 1328 (d) in accordance with Subsection (2)(c), request information from:
- 1329 (i) local and state entities; and
- 1330 (ii) public safety agencies; and
- 1331 (e) employ outside consultants to study and advise the division on issues related to:
- 1332 (i) the public safety communications network;
- 1333 (ii) radio technologies and services;
- 1334 (iii) microwave connectivity;
- 1335 (iv) fiber connectivity; and
- 1336 (v) public safety communication network connectivity and usage.
- 1337 (3) The information requested by and provided to the Radio Network Division under
- 1338 Subsections (2)(c) and (d) is a protected record in accordance with Section [63G-2-305](#).
- 1339 (4) This section does not expand the authority of the State Tax Commission to request
- 1340 additional information from a telecommunication service provider.
- 1341 Section 23. Section **63H-7a-403** is enacted to read:
- 1342 **63H-7a-403. Creation of Utah Statewide Radio System Restricted Account --**
- 1343 **Administration -- Use of money.**
- 1344 (1) There is created a restricted account within the General Fund known as the "Utah
- 1345 Statewide Radio System Restricted Account," consisting of:
- 1346 (a) money appropriated or otherwise made available by the Legislature; and
- 1347 (b) contributions of money from federal agencies, political subdivisions of the state,
- 1348 persons, or corporations.
- 1349 (2) The money in this restricted account shall be used exclusively for the statewide
- 1350 purpose of acquiring, constructing, operating, maintaining, and repairing a statewide radio
- 1351 system public safety communications network as authorized in Section [63H-7a-202](#), including:
- 1352 (a) a public safety communications network and related facilities, real property,
- 1353 improvements, and equipment necessary for the acquisition, construction, and operation of
- 1354 services and facilities;
- 1355 (b) installation, implementation, and maintenance of public safety communications
- 1356 network;
- 1357 (c) maintaining the VHF and 800 MHz radio networks; and
- 1358 (d) an operating budget to include personnel costs not otherwise covered by funds from

1359 another account.

1360 (3) (a) Subject to appropriation, the Administrative Services Division, created in  
1361 Section 63H-7a-601 may charge the administrative costs incurred in discharging the  
1362 responsibilities imposed by this section.

1363 (b) Subject to an annual legislative appropriation from the restricted account to the  
1364 Administrative Services Division, the Administrative Services Division shall disburse the  
1365 money in the fund, based on the authorization of the board and the Radio Network Division  
1366 under Subsection 63H-7a-402(1)(c).

1367 Section 24. Section **63H-7a-404** is enacted to read:

1368 **63H-7a-404. Radio Network Division -- Restricted Account -- Duties.**

1369 (1) The Radio Network Division shall:

1370 (a) (i) administer the development, installation, implementation, and maintenance of  
1371 the Utah Statewide Public Safety Communications network system for the authority;

1372 (ii) spend up to \$1,500,000 of the one-time appropriation in fiscal year 2015-16 for a  
1373 study, the scope of which shall be determined by the board based on the advice of the Radio  
1374 Network Division and the executive director, to complete a detailed design and planning  
1375 proposal for the upgrade and expansion of all phases of the statewide radio system network,  
1376 which shall include at least:

1377 (A) the system design for the state backbone and the implications of local coverage;

1378 (B) whether other public safety communications networks can be integrated with the  
1379 state backbone;

1380 (C) estimates of the full cost of completing the state backbone to specified standards,  
1381 local sub systems, and the potential advantages of using a request for proposal approach to  
1382 solicit private and public sector participation in the project;

1383 (D) a financial analysis estimating funds necessary to cover debt service of revenue  
1384 bonds issued to finance the cost of completing the statewide radio system upgrade and  
1385 expansion; and

1386 (E) a review of the project governance and implementation; and

1387 (iii) spend the remainder of the one-time appropriation in the 2015-16 fiscal year:

1388 (A) for exigent circumstances related to the public safety communications network;

1389 (B) to purchase dispatch radio consoles; and

- 1390 (C) for other needs identified within the detailed design proposal.
- 1391 (b) The one-time appropriation in the 2015-16 fiscal year to the Radio Network
- 1392 Division is non-lapsing.
- 1393 (c) (i) When the study under Subsection (1)(a) is complete, the board shall report to the
- 1394 Legislative Executive Appropriations Committee which shall study appropriate funding
- 1395 mechanisms for upgrade and maintenance of the statewide radio system network.
- 1396 (ii) The division shall annually report to the executive director and the board the Radio
- 1397 Network Division's authorized disbursements from the restricted account.
- 1398 (2) Current radio user fees imposed by the authority may be repealed on July 1, 2016,
- 1399 contingent upon an ongoing funding source being established for the construction of a new
- 1400 public safety communications network and the operation and maintenance of the authority.
- 1401 (3) In accordance with Section [63H-7a-603](#), the Administrative Services Division is
- 1402 responsible for the care, custody, safekeeping, collection, and accounting for disbursements
- 1403 from the Utah Statewide Radio System Restricted Account and shall submit an annual report to
- 1404 the executive director for approval by the board.
- 1405 Section 25. Section **63H-7a-405** is enacted to read:
- 1406 **63H-7a-405. Radio network advisory committees.**
- 1407 (1) (a) The Radio Network Division may request the executive director to ask the board
- 1408 to establish one or more technical advisory committees in accordance with this section.
- 1409 (b) If approved by the board under Subsection (1), the board may appoint any
- 1410 combination of the following as members of the advisory committee:
- 1411 (i) local government officials;
- 1412 (ii) consumers;
- 1413 (iii) 911 public safety answering point personnel;
- 1414 (iv) law enforcement personnel;
- 1415 (v) firefighting personnel;
- 1416 (vi) emergency medical services personnel;
- 1417 (vii) emergency management personnel;
- 1418 (viii) information technology personnel and radio technicians; and
- 1419 (ix) other representatives selected by the board.
- 1420 (2) (a) The Radio Network Advisory Committee shall annually elect a chair for the

1421 advisory committee by selecting from members described in Subsections (1)(b)(i) through  
 1422 (viii).

1423 (b) Staff and contracting services to the advisory committee shall be provided by the  
 1424 Radio Network Division.

1425 (c) Funding for staff and contracting services shall be provided with funds approved by  
 1426 the board from those identified under Section [63H-7a-403](#).

1427 (3) An advisory committee member:

1428 (a) shall not receive compensation or benefits for the member's service on the advisory  
 1429 committee;

1430 (b) is not be required to give bond for the performance of official duties; and

1431 (c) can be removed from the advisory committee by the board based on rules adopted  
 1432 by the board.

1433 (4) A majority of the advisory committee constitutes a quorum for voting purposes.

1434 (5) The advisory committee shall:

1435 (a) provide input and guidance to the Radio Network Division concerning the public  
 1436 safety communications network;

1437 (b) advise the Radio Network Division regarding standards related to the public safety  
 1438 communications network;

1439 (c) review and make recommendations for the Radio Network Division's strategic plan;

1440 (d) provide information and evaluate industry trends related to the Radio Network  
 1441 Division's responsibilities;

1442 (e) advise the Radio Network Division regarding professional development; and

1443 (f) make recommendations regarding the development of cooperative partnerships.

1444 Section 26. Section **63H-7a-501**, which is renumbered from Section 63H-7-309 is  
 1445 renumbered and amended to read:

1446 **Part 5. Interoperability Division**

1447 ~~[63H-7-309].~~ **63H-7a-501. Interoperability Division.**

1448 (1) This part is known as the "Interoperability Division."

1449 ~~[(+)]~~ (2) There is created within the authority the [Office of the Statewide  
 1450 ~~Interoperability Coordinator] Interoperability Division, which shall be responsible for the  
 1451 duties of the authority as specified in this chapter.~~

1452           ~~[(2)]~~ (3) The executive director shall appoint ~~[the]~~ a statewide interoperability  
1453 coordinator with the approval of the board. The statewide interoperability coordinator shall be  
1454 funded by the Department of Public Safety.

1455           ~~[(3) The Office of the Statewide Interoperability Coordinator shall:]~~

1456           ~~[(a) promote wireless technology information and interoperability among local, state,~~  
1457 ~~federal, and other agencies;]~~

1458           ~~[(b) provide a mechanism for coordinating and resolving wireless communication~~  
1459 ~~issues among local, state, federal, and other agencies;]~~

1460           ~~[(c) improve data and information sharing and coordination of multijurisdictional~~  
1461 ~~responses;]~~

1462           ~~[(d) identify opportunities to consolidate infrastructures and technologies;]~~

1463           ~~[(e) evaluate current technologies and determine if they are meeting the needs of~~  
1464 ~~agency personnel in respective service areas; and]~~

1465           ~~[(f) create and maintain procedures for requesting interoperability channels:]~~

1466           Section 27. Section **63H-7a-502** is enacted to read:

1467           **63H-7a-502. Interoperability Division duties.**

1468           (1) The Interoperability Division shall:

1469           (a) review and make recommendations to the executive director, for approval by the  
1470 board, regarding:

1471           (i) statewide interoperability coordination and FirstNet standards;

1472           (ii) technical, administrative, fiscal, technological, network, and operational issues for  
1473 the implementation of statewide interoperability, coordination, and FirstNet;

1474           (iii) assisting local agencies with the implementation and coordination of the  
1475 Interoperability Division responsibilities; and

1476           (iv) training for the public safety communications network and unified statewide 911  
1477 emergency services;

1478           (b) review information and records regarding:

1479           (i) aggregate information of the number of service subscribers by service type in a  
1480 political subdivision;

1481           (ii) matters related to statewide interoperability coordination;

1482           (iii) matters related to FirstNet including advising the governor regarding FirstNet; and

- 1483 (iv) training needs;
- 1484 (c) prepare and submit to the executive director for approval by the board an annual
- 1485 plan for the Interoperability Division; and
- 1486 (d) fulfill all other duties imposed on the Interoperability Division by this chapter.
- 1487 (2) The Interoperability Division may:
- 1488 (a) recommend to the executive director to own, operate, or enter into contracts related
- 1489 to statewide interoperability, FirstNet, and training;
- 1490 (b) request information needed under Subsection (1)(b)(i) from:
- 1491 (i) the State Tax Commission; and
- 1492 (ii) public safety agencies;
- 1493 (c) employ an outside consultant to study and advise the Interoperability Division on:
- 1494 (i) issues of statewide interoperability;
- 1495 (ii) FirstNet; and
- 1496 (iii) training; and
- 1497 (d) request the board to appoint an advisory committee in accordance with Section
- 1498 [63H-7a-504](#).
- 1499 (3) The information requested by and provided to the Interoperability Division under
- 1500 Subsection (1)(b)(i) is a protected record in accordance with Section [63G-2-305](#).
- 1501 (4) This section does not expand the authority of the State Tax Commission to request
- 1502 additional information from a telecommunication service provider.
- 1503 Section 28. Section **63H-7a-503** is enacted to read:
- 1504 **63H-7a-503. Statewide interoperability coordinator.**
- 1505 The statewide interoperability coordinator shall:
- 1506 (1) promote wireless technology information and interoperability among local, state,
- 1507 federal, and other agencies;
- 1508 (2) provide a mechanism for coordinating and resolving wireless communication issues
- 1509 among local, state, federal, and other agencies;
- 1510 (3) improve data and information sharing and coordination of multijurisdictional
- 1511 responses;
- 1512 (4) consider opportunities to consolidate or improve interoperability of infrastructures
- 1513 and technologies;

1514 (5) evaluate current technologies and determine if they are meeting the needs of agency  
1515 personnel in respective service areas;

1516 (6) create and maintain procedures for requesting interoperability channels; and

1517 (7) act as the FirstNet single point of contact for the authority.

1518 Section 29. Section **63H-7a-504** is enacted to read:

1519 **63H-7a-504. Interoperability advisory committees.**

1520 (1) (a) The Interoperability Division may request the board to establish one or more  
1521 temporary advisory committees in accordance with this section.

1522 (b) If approved by the board under Subsection (1)(a), the board may appoint any  
1523 combination of the following as members of the advisory committee:

1524 (i) local government officials;

1525 (ii) consumers;

1526 (iii) 911 public safety answering point personnel;

1527 (iv) law enforcement personnel;

1528 (v) firefighting personnel;

1529 (vi) emergency medical services personnel;

1530 (vii) emergency management personnel;

1531 (viii) information technology personnel and radio technicians; and

1532 (ix) other representatives selected by the board.

1533 (c) A member appointed to an advisory committee:

1534 (i) shall not receive compensation or benefits for the member's service on the advisory  
1535 committee;

1536 (ii) is not required to give bond for the performance of official duties; and

1537 (iii) can be removed from the advisory committee by the board based on rules adopted  
1538 by the board.

1539 (2) (a) The Interoperability Advisory Committee shall annually elect a chair for the  
1540 advisory committee by selecting from the members described in Subsection (1)(b)(i) through  
1541 (vii).

1542 (b) Staff and contracting services to the advisory committee shall be provided by the  
1543 Interoperability Division.

1544 (c) Funding for staff and contracting services shall be provided with funds approved by

1545 the board from those identified under Section 63H-7a-602.

1546 (3) A majority of the advisory committee constitutes a quorum for voting purposes.

1547 (4) The advisory committee shall:

1548 (a) provide input and guidance to the Interoperability Division concerning the public  
1549 safety communications network;

1550 (b) advise the Interoperability Division regarding standards related to the public safety  
1551 communications network;

1552 (c) review and make recommendations for the Interoperability Division's strategic plan;

1553 (d) provide information and evaluate industry trends related to the Interoperability  
1554 Division's responsibilities;

1555 (e) advise the Interoperability Division regarding professional development; and

1556 (f) make recommendations regarding the development of cooperative partnerships.

1557 Section 30. Section **63H-7a-601** is enacted to read:

1558 **Part 6. Administrative Services Division**

1559 **63H-7a-601. Administrative Services Division -- Duties.**

1560 (1) This part is known as the "Administrative Services Division."

1561 (2) There is created within the authority the Administrative Services Division.

1562 (3) The Administrative Services Division shall provide financial and human resources  
1563 assistance to the authority under the direction of the board and the executive director. At the  
1564 board's request and with the board's approval, the Administrative Services Division shall  
1565 establish or contract for legal services for the authority.

1566 Section 31. Section **63H-7a-602**, which is renumbered from Section 63H-7-306 is  
1567 renumbered and amended to read:

1568 **[63H-7-306]. 63H-7a-602. Use of money in restricted account -- Criteria --**  
1569 **Administrative Services Division responsibilities.**

1570 (1) (a) Subject to an annual legislative appropriation from the Unified Statewide 911  
1571 Emergency Service restricted account, created in Section 63H-7a-304, and the Computer Aided  
1572 Dispatch Restricted Account, created in Section 63H-7a-303, to the [Division of Finance, the  
1573 Division of Finance] Administrative Services Division, the Administrative Services Division  
1574 shall disburse the money in the fund [for the benefit of a public agency in accordance with this  
1575 Subsection (1) and Subsection (2)] as authorized in this chapter.

1576 (b) The ~~[committee]~~ 911 Division shall administer the program funded by the restricted  
1577 accounts created in Sections 63H-7a-303 and 63H-7a-304, and forward to the ~~[Division of~~  
1578 ~~Finance the committee's authorization]~~ Administrative Services Division the 911 Division's  
1579 documentation for disbursement as approved by the board from the restricted ~~[account]~~  
1580 accounts in accordance with this section and Part 3, 911 Division.

1581 (c) The ~~[committee]~~ Administrative Services Division shall~~[:]~~ disburse funds on behalf  
1582 of the 911 Division for board authorized expenditures related to the 911 Division's duties under  
1583 Part 3, 911 Division.

1584 ~~[(i) disburse on behalf of public agencies an amount not to exceed the per month fee~~  
1585 ~~levied on telecommunications service under Section 69-2-5.6 for installation, implementation,~~  
1586 ~~and maintenance of unified statewide 911 emergency services and technology; and]~~

1587 ~~[(ii) in addition to any money under Subsection (1)(c)(i), disburse on behalf of counties~~  
1588 ~~of the third through sixth class the amount dedicated for rural assistance, which is at least 3~~  
1589 ~~cents per month levied on 911 emergency service under Section 69-2-5.6 to:]~~

1590 ~~[(A) enhance the 911 emergency services with a focus on areas or counties that do not~~  
1591 ~~have 911 emergency services; and]~~

1592 ~~[(B) where needed, assist the counties, in cooperation with private industry, with the~~  
1593 ~~creation or integration of wireless systems and location technology in rural areas of the state.]~~

1594 ~~[(d) The committee shall reimburse the state's Automated Geographic Reference~~  
1595 ~~Center in the Division of Integrated Technology of the Department of Technology Services, an~~  
1596 ~~amount equal to 1 cent per month levied on telecommunications service under Section 69-2-5.6~~  
1597 ~~to enhance and upgrade digital mapping standards for unified statewide 911 emergency service~~  
1598 ~~as required by the committee.]~~

1599 ~~[(2) Beginning July 1, 2014, the committee may not authorize disbursements and the~~  
1600 ~~Division of Finance may not disburse the money in the restricted account on behalf of an entity~~  
1601 ~~unless the entity has the capability to receive Internet protocol based 911 emergency service.]~~

1602 (2) (a) Subject to an annual legislative appropriation from the Utah Statewide Radio  
1603 System Restricted Account, created in Section 63H-7a-403, to the Administrative Services  
1604 Division, the Administrative Services Division shall disburse the money in the fund as  
1605 authorized by this chapter.

1606 (b) The Radio Network Division shall administer the program funded by the restricted

1607 account created in Section 63H-7a-403 and forward to the Administrative Services Division the  
1608 Radio Network Division's documentation for disbursement, as approved by the board, from the  
1609 restricted account in accordance with this section and Part 4, Radio Network Division.

1610 (c) The Administrative Services Division shall disburse funds on behalf of the Radio  
1611 Network Division for board authorized expenditures related to the Radio Network Division's  
1612 duties under Part 4, Radio Network Division.

1613 (3) Subject to an annual legislative appropriation from the restricted accounts in  
1614 Sections 69-2-5.9 and 63H-7a-303 to the Administrative Services Division, the Administrative  
1615 Services Division shall disburse the money in the fund as authorized by this chapter.

1616 Section 32. Section **63H-7a-603** is enacted to read:

1617 **63H-7a-603. Financial officer -- Duties.**

1618 (1) The executive director shall appoint a financial officer for the Administrative  
1619 Services Division with the approval of the board. The financial officer shall be responsible for  
1620 accounting for the authority, including:

1621 (a) safekeeping and investment of public funds of the authority, including the funds  
1622 expended from the restricted accounts created in Sections 69-2-5.5, 69-2-5.6, 69-2-5.7,  
1623 69-2-5.8, and 69-2-5.9;

1624 (b) the proper collection, deposit, disbursement, and management of the public funds  
1625 of the authority in accordance with Title 51, Chapter 7, State Money Management Act;

1626 (c) have authority to sign all bills payable, notes, checks, drafts, warrants, or other  
1627 negotiable instruments in the absence of the executive director and the executive director's  
1628 designated employee;

1629 (d) provide to the board and the executive director a statement of the condition of the  
1630 finances of the authority, at least annually and at such other times as shall be requested by the  
1631 board; and

1632 (e) perform all other duties incident to the financial officer.

1633 (2) The financial officer shall:

1634 (a) be bonded in an amount established by the State Money Management Council; and

1635 (b) file written reports with the State Money Management Council pursuant to Section  
1636 51-7-15.

1637 Section 33. Section **63H-7a-700** is enacted to read:

1638 **Part 7. Bonding Authority**1639 **63H-7a-700. Title.**1640 This part is known as "Bonding Authority."1641 Section 34. Section **63H-7a-701**, which is renumbered from Section 63H-7-401 is  
1642 renumbered and amended to read:1643 ~~[63H-7-401].~~ **63H-7a-701. Bond authorized -- Payment -- Security --**  
1644 **Liability -- Purpose -- Exemption from certain taxes.**

1645 (1) The authority may:

1646 (a) issue bonds from time to time for any of its corporate purposes provided in Section  
1647 ~~[63H-7-102]~~ 63H-7a-102;1648 (b) issue refunding bonds for the purpose of paying or retiring bonds previously issued  
1649 by it;

1650 (c) issue bonds on which the principal and interest are payable:

1651 (i) exclusively from the income, purchase or lease payments, and revenues of all or a  
1652 portion of the public safety communications network; or

1653 (ii) from its revenues generally.

1654 (2) Any bonds issued by the authority may be additionally secured by a pledge of any  
1655 loan, lease, grant, agreement, or contribution, in whole or in part, from the federal government  
1656 or other source, or a pledge of any income or revenue of the authority.1657 (3) The officers of the authority and any person executing the bonds are not liable  
1658 personally on the bonds.1659 (4) (a) The bonds and other obligations of the authority are not a debt of any member  
1660 or state representative of the authority, and do not constitute indebtedness for purposes of any  
1661 constitutional or statutory debt limitation or restrictions.1662 (b) The face of the bonds and other obligations shall state the provisions of Subsection  
1663 (4)(a).1664 (5) Any bonds of the authority shall be revenue obligations, payable solely from the  
1665 proceeds, revenues, or purchase and lease payments received by the authority for the public  
1666 safety communications network.1667 (6) The full faith and credit of any member or state representative may not be pledged  
1668 directly or indirectly for the payment of the bonds.

1669 (7) A member or state representative may not incur any pecuniary liability under this  
1670 chapter until it enters into a service contract, lease, or other financing obligation with the  
1671 authority. Once a member enters into a service contract, lease, or other financing obligation  
1672 with the authority, the member shall be obligated to the authority as provided in that contract,  
1673 lease, or financing obligation.

1674 (8) A bond or obligation may not be made payable out of any funds or properties other  
1675 than those of the authority.

1676 (9) Bonds of the authority are:

1677 (a) declared to be issued for an essential public and governmental purpose by public  
1678 instrumentalities; and

1679 (b) together with interest and income, exempt from all taxes, except the corporate  
1680 franchise tax.

1681 (10) The provisions of this chapter exempting the properties of the authority and its  
1682 bonds and interest and income on them from taxation shall be considered part of the contract  
1683 for the security of bonds and have the force of contract, by virtue of this part and without the  
1684 necessity of this being restated in the bonds, between the bondholders, including all transferees  
1685 of the bonds, the authority and the state.

1686 Section 35. Section **63H-7a-702**, which is renumbered from Section 63H-7-402 is  
1687 renumbered and amended to read:

1688 ~~[63H-7-402].~~ **63H-7a-702. Bonds to be authorized by resolution -- Form --**  
1689 **Sale -- Negotiability -- Validity presumed.**

1690 (1) Bonds of the authority shall:

1691 (a) be authorized by resolution of the board and may be issued in one or more series;

1692 (b) bear dates, mature, bear interest rates, be in denominations, be either coupon or  
1693 registered, carry conversion or registration privileges, have rank or priority, be executed, and be  
1694 payable; and

1695 (c) be subject to terms of redemption, with or without premium, as the resolution or its  
1696 trust indenture provides.

1697 (2) The bonds may bear interest at a fixed or variable interest rate as the resolution  
1698 provides. The resolution may establish a method, formula, or index pursuant to which the  
1699 interest rate on the bonds may be determined from time to time.

1700 (3) In connection with the bonds, and on behalf of the authority, the board may  
1701 authorize and enter into agreements or other arrangements with financial, banking, and other  
1702 institutions for letters of credit, standby letters of credit, surety bonds, reimbursement  
1703 agreements, remarketing agreements, indexing agreements, tender agent agreements, and other  
1704 agreements to secure the bonds, to enhance the marketability and creditworthiness of the  
1705 bonds, to determine a fixed or variable interest rate on the bonds, and to pay from any legally  
1706 available source, including the proceeds of the bonds, of fees, charges, and other amounts  
1707 coming due with respect to any such agreements.

1708 (4) The bonds may be sold at public or private sale in a manner and at prices, either at,  
1709 in excess of, or below par value as provided by resolution of the board.

1710 (5) If members or officers of the authority whose signatures appear on bonds or  
1711 coupons cease to be members or officers before the delivery of the bonds, their signatures are  
1712 valid and sufficient for all purposes.

1713 (6) Any bonds issued under this part are fully negotiable.

1714 (7) In any suit, action, or proceeding involving the validity or enforceability of any  
1715 bond of the authority or the security for it, any bond reciting in substance that it has been issued  
1716 by the authority to aid in financing the public safety communications network shall be  
1717 conclusively considered to have been issued for such purposes, and the public safety  
1718 communications network shall be conclusively considered to have been planned, located, and  
1719 carried out in accordance with this part.

1720 Section 36. Section **63H-7a-703**, which is renumbered from Section 63H-7-403 is  
1721 renumbered and amended to read:

1722 ~~[63H-7-403]~~. **63H-7a-703. Bonds and other obligations -- Additional**  
1723 **powers of the authority.**

1724 In connection with the issuance of bonds or the incurring of obligations under leases,  
1725 and in order to secure the payment of bonds or obligations, the authority, in addition to its other  
1726 powers, may:

1727 (1) pledge all or any part of its gross or net rents, fees, or revenues to which its right  
1728 then exists or may accrue in the future;

1729 (2) mortgage all or any part of its real or personal property owned or acquired in the  
1730 future;

- 1731 (3) covenant against:
- 1732 (a) pledging all or any part of its rents, fees, and revenues;
- 1733 (b) mortgaging all or any part of its real or personal property to which its right or title
- 1734 then exists or accrues in the future;
- 1735 (c) permitting any lien on its revenues or property;
- 1736 (d) extending the time for the payment of its bonds or interest on them;
- 1737 (e) the use and disposition of the money held in the funds in Subsection (7); and
- 1738 (f) the use, maintenance, and replacement of any or all of its real or personal property;
- 1739 (4) covenant as to:
- 1740 (a) bonds to be issued;
- 1741 (b) the issuance of bonds in escrow or otherwise;
- 1742 (c) the use and disposition of the bond proceeds;
- 1743 (d) the insurance to be carried on the property in Subsection (3)(f) and the use and
- 1744 disposition of insurance money; and
- 1745 (e) the rights, liabilities, powers, and duties arising upon its breach of any covenant,
- 1746 condition, or obligation;
- 1747 (5) provide for the replacement of lost, destroyed, or mutilated bonds;
- 1748 (6) covenant for the redemption of the bonds and provide the terms and conditions for
- 1749 their redemption;
- 1750 (7) create or authorize the creation of special funds for money held for construction or
- 1751 operating costs, debt service, reserves, or other purposes;
- 1752 (8) prescribe the procedure, if any, by which the terms of any contract with
- 1753 bondholders may be amended or abrogated, the number of bondholders of outstanding bonds
- 1754 which must consent to the action, and the manner in which consent shall be given;
- 1755 (9) covenant and prescribe as to events of default and terms and conditions upon which
- 1756 any or all of its bonds or obligations shall become or may be declared due before maturity, and
- 1757 as to the terms and conditions upon which such declaration and its consequences may be
- 1758 waived;
- 1759 (10) vest in any obligee of the authority or any specified proportion of them the right:
- 1760 (a) to enforce the payment of bonds or any covenants securing or relating to the bonds;
- 1761 (b) after default by the authority to:

1762 (i) take possession of and use, operate, and manage any facilities or any part of it or any  
1763 funds connected with the facilities and funds, and collect the revenues arising from them; and

1764 (ii) dispose of the facilities and funds in accordance with the agreement with the  
1765 authority;

1766 (11) provide the:

1767 (a) powers and duties of an obligee and limit the obligee's liabilities; and

1768 (b) terms and conditions upon which the obligees may enforce any covenant or rights  
1769 securing or relating to the bonds;

1770 (12) exercise all or any part or combination of the powers granted in this chapter;

1771 (13) perform any acts necessary, convenient, or desirable to secure its bonds; and

1772 (14) make any covenants or perform any acts calculated to make the bonds more  
1773 marketable.

1774 Section 37. Section **63H-7a-704**, which is renumbered from Section 63H-7-404 is  
1775 renumbered and amended to read:

1776 ~~[63H-7-404].~~ **63H-7a-704. Reserve funds for debt service.**

1777 (1) To assure the continued operation and solvency of the authority for the carrying out  
1778 of its purpose, the authority may establish reserve funds necessary to secure the payment of  
1779 debt service on its bonds.

1780 (2) The resolution authorizing the issuance of the bonds shall specify the minimum  
1781 amount that is required to be on deposit in the reserve funds.

1782 (3) The chair shall annually, on or before December 1, certify to the governor, the  
1783 director of finance, and to each member the amount, if any, required to restore the funds to  
1784 their required funding levels.

1785 (4) (a) The governor may request from the Legislature an appropriation of the amount  
1786 certified in Subsection (3) to restore the reserve funds to their required funding levels or to  
1787 meet any projected principal or interest payment deficiency. Any amount appropriated shall be  
1788 repaid to the General Fund of the state in excess of the amounts which the board determines  
1789 will keep it self-supporting.

1790 (b) The board shall adjust the fees of the members so that the state is repaid for the  
1791 amount appropriated in Subsection (4)(a) within 18 months after the state has paid the deficit.

1792 (5) The members are jointly responsible for 1/2 the amount certified in Subsection (3)

1793 to restore the reserve funds to their required funding levels. The board may request from each  
1794 member money proportionate to their participation in the network to restore the funding level.  
1795 Any amount paid by the members shall be proportionally repaid to them from 1/2 of any money  
1796 in excess of the amounts which the board determines will keep it self-supporting.

1797 Section 38. Section **63H-7a-705**, which is renumbered from Section 63H-7-405 is  
1798 renumbered and amended to read:

1799 ~~[63H-7-405]~~. **63H-7a-705. Investment of the authority funds.**

1800 The state treasurer shall invest all money held on deposit by or on behalf of the  
1801 authority. The board may provide advice to the state treasurer concerning investment of the  
1802 money of the authority.

1803 Section 39. Section **63H-7a-706**, which is renumbered from Section 63H-7-406 is  
1804 renumbered and amended to read:

1805 ~~[63H-7-406]~~. **63H-7a-706. Publication of notice, resolution, or other**  
1806 **proceeding -- Period for contesting.**

1807 (1) The board may provide for the publication of any resolution or other proceedings  
1808 adopted under this chapter:

- 1809 (a) in a newspaper of general circulation within the state; and  
1810 (b) as required in Section [45-1-101](#).

1811 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the  
1812 board may, in lieu of publishing the entire resolution or other proceeding, publish a notice of  
1813 bonds to be issued containing:

- 1814 (a) the name of the issuer;  
1815 (b) the purpose of the issue;  
1816 (c) the type of bonds and the maximum principal amount which may be issued;  
1817 (d) the maximum number of years over which the bonds may mature;  
1818 (e) the maximum interest rate which the bonds may bear, if any;  
1819 (f) the maximum discount from par, expressed as a percentage of principal amount, at  
1820 which the bonds may be sold; and  
1821 (g) the times and place where a copy of the resolution or other proceeding may be  
1822 examined, which shall be at the principal office of the authority during regular business hours  
1823 and for a period of at least 30 days after the publication of the notice.

1824 (3) For a period of 30 days after the publication, any person in interest may contest the  
1825 legality of the resolution or proceeding, any bonds which may be authorized by the resolution  
1826 or proceeding, or any provision made for the security and payment of the bonds by filing a  
1827 pleading with the district court for the city in which the authority maintains its principal office.

1828 Section 40. Section **63H-7a-800** is enacted to read:

1829 **Part 8. Miscellaneous Provisions**

1830 **63H-7a-800. Title.**

1831 This part is known as "Miscellaneous Provisions."

1832 Section 41. Section **63H-7a-801**, which is renumbered from Section 63H-7-501 is  
1833 renumbered and amended to read:

1834 ~~[63H-7-501].~~ **63H-7a-801. Property and funds of the authority declared**  
1835 **public property -- Exemption from taxes.**

1836 (1) The property and funds of the authority are declared to be public property used for  
1837 essential public and governmental purposes.

1838 (2) The property and the authority are exempt from all taxes and special assessments of  
1839 any public body. This tax exemption does not apply to any portion of a project used for a  
1840 profit-making enterprise.

1841 Section 42. Section **63H-7a-802**, which is renumbered from Section 63H-7-502 is  
1842 renumbered and amended to read:

1843 ~~[63H-7-502].~~ **63H-7a-802. Term of the authority -- Dissolution --**  
1844 **Withdrawal.**

1845 (1) (a) The authority may be dissolved by an act of the Legislature.

1846 (b) Title to all assets of the authority upon its dissolution shall revert to the members  
1847 and the state pro rata, based upon the total amount of money paid to the authority by each  
1848 member or the state for services provided to each by the public safety communications  
1849 network.

1850 (c) The board is authorized to:

1851 (i) take any necessary action to dissolve the authority; and

1852 (ii) dispose of the property of the authority upon its dissolution as provided in  
1853 Subsection (1)(b).

1854 (2) (a) Each member may, at any time, withdraw as a member of the authority by

1855 delivering to the board a written notice of withdrawal which has been approved by the  
1856 governing body of the member, except that a member may not withdraw from the authority at  
1857 any time during which it has an outstanding payment obligation to the authority as a result of  
1858 having entered into a service contract, lease, or other financial obligation.

1859 (b) Except as provided in Subsection (2)(a), the board shall delete the petitioning  
1860 member from the membership of the authority as of the date of the board's receipt of the  
1861 member's notice of withdrawal. The board may not include a member who has given notice of  
1862 withdrawal in any future obligation of the authority.

1863 Section 43. Section **63H-7a-803**, which is renumbered from Section 63H-7-503 is  
1864 renumbered and amended to read:

1865 ~~[63H-7-503].~~ **63H-7a-803. Relation to certain acts -- Participation in Risk**  
1866 **Management Fund.**

1867 (1) The Utah Communications Authority is exempt from:

1868 (a) Title 63J, Chapter 1, Budgetary Procedures Act;

1869 (b) Title 63A, Utah Administrative Services Code, except as provided in Section  
1870 [63A-4-205.5](#);

1871 (c) Title 63G, Chapter 6a, Utah Procurement Code;

1872 (d) Title 63G, Chapter 4, Administrative Procedures Act; and

1873 (e) Title 67, Chapter 19, Utah State Personnel Management Act.

1874 (2) The board shall adopt budgetary procedures, accounting, procurement, and  
1875 personnel policies substantially similar to those from which they have been exempted in  
1876 Subsection (1).

1877 (3) Subject to the requirements of Subsection [63E-1-304\(2\)](#), the administration may  
1878 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).

1879 Section 44. Section **63H-7a-804**, which is renumbered from Section 63H-7-504 is  
1880 renumbered and amended to read:

1881 ~~[63H-7-504].~~ **63H-7a-804. Annual report to governor and Legislature --**  
1882 **Contents -- Audit by state auditor -- Reimbursement for costs.**

1883 (1) The authority shall, following the close of each fiscal year, submit an annual report  
1884 of its activities for the preceding year to the governor and the Legislature. Each report shall set  
1885 forth a complete operating and financial statement of the agency during the fiscal year it covers.

1886 (2) The state auditor shall at least once in each year audit the books and accounts of the  
1887 authority or shall contract with an independent certified public accountant for this audit. The  
1888 audit shall include a review of the procedures adopted under the requirements of Subsection  
1889 [~~63H-7-503~~] 63H-7a-803(2) and a determination as to whether the board has complied with the  
1890 requirements of Subsection [~~63H-7-503~~] 63H-7a-803(2).

1891 (3) The authority shall reimburse the state auditor from available money of the  
1892 authority for the actual and necessary costs of that audit.

1893 Section 45. Section **63I-4a-102** is amended to read:

1894 **63I-4a-102. Definitions.**

1895 (1) (a) "Activity" means to provide a good or service.

1896 (b) "Activity" includes to:

1897 (i) manufacture a good or service;

1898 (ii) process a good or service;

1899 (iii) sell a good or service;

1900 (iv) offer for sale a good or service;

1901 (v) rent a good or service;

1902 (vi) lease a good or service;

1903 (vii) deliver a good or service;

1904 (viii) distribute a good or service; or

1905 (ix) advertise a good or service.

1906 (2) (a) Except as provided in Subsection (2)(b), "agency" means:

1907 (i) the state; or

1908 (ii) an entity of the state including a department, office, division, authority,  
1909 commission, or board.

1910 (b) "Agency" does not include:

1911 (i) the Legislature;

1912 (ii) an entity or agency of the Legislature;

1913 (iii) the state auditor;

1914 (iv) the state treasurer;

1915 (v) the Office of the Attorney General;

1916 (vi) the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;

- 1917 (vii) the Utah Science Center Authority created in Title 63H, Chapter 3, Utah Science  
1918 Center Authority;
- 1919 (viii) the Heber Valley Railroad Authority created in Title 63H, Chapter 4, Heber  
1920 Valley Historic Railroad Authority;
- 1921 (ix) the Utah State Railroad Museum Authority created in Title 63H, Chapter 5, Utah  
1922 State Railroad Museum Authority;
- 1923 (x) the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7, Utah  
1924 Housing Corporation Act;
- 1925 (xi) the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah State Fair  
1926 Corporation Act;
- 1927 (xii) the Workers' Compensation Fund created in Title 31A, Chapter 33, Workers'  
1928 Compensation Fund;
- 1929 (xiii) the Utah State Retirement Office created in Title 49, Chapter 11, Utah State  
1930 Retirement Systems Administration;
- 1931 (xiv) a charter school chartered by the State Charter School Board or a board of  
1932 trustees of a higher education institution under Title 53A, Chapter 1a, Part 5, The Utah Charter  
1933 Schools Act;
- 1934 (xv) the Utah Schools for the Deaf and the Blind created in Title 53A, Chapter 25b,  
1935 Utah Schools for the Deaf and the Blind;
- 1936 (xvi) an institution of higher education as defined in Section [53B-3-102](#);
- 1937 (xvii) the School and Institutional Trust Lands Administration created in Title 53C,  
1938 Chapter 1, Part 2, School and Institutional Trust Lands Administration;
- 1939 (xviii) the Utah Communications Authority created in Title 63H, Chapter ~~[7]~~ [7a](#), Utah  
1940 Communications Authority Act; or
- 1941 (xix) the Utah Capital Investment Corporation created in Title 63M, Chapter 1, Part 12,  
1942 Utah Venture Capital Enhancement Act.
- 1943 (3) "Agency head" means the chief administrative officer of an agency.
- 1944 (4) "Board" means the Free Market Protection and Privatization Board created in  
1945 Section [63I-4a-202](#).
- 1946 (5) "Commercial activity" means to engage in an activity that can be obtained in whole  
1947 or in part from a private enterprise.

- 1948 (6) "Local entity" means:
- 1949 (a) a political subdivision of the state, including a:
- 1950 (i) county;
- 1951 (ii) city;
- 1952 (iii) town;
- 1953 (iv) local school district;
- 1954 (v) local district; or
- 1955 (vi) special service district;
- 1956 (b) an agency of an entity described in this Subsection (6), including a department,
- 1957 office, division, authority, commission, or board; or
- 1958 (c) an entity created by an interlocal cooperative agreement under Title 11, Chapter 13,
- 1959 Interlocal Cooperation Act, between two or more entities described in this Subsection (6).
- 1960 (7) "Private enterprise" means a person that engages in an activity for profit.
- 1961 (8) "Privatize" means that an activity engaged in by an agency is transferred so that a
- 1962 private enterprise engages in the activity, including a transfer by:
- 1963 (a) contract;
- 1964 (b) transfer of property; or
- 1965 (c) another arrangement.
- 1966 (9) "Special district" means:
- 1967 (a) a local district, as defined in Section [17B-1-102](#);
- 1968 (b) a special service district, as defined in Section [17D-1-102](#); or
- 1969 (c) a conservation district, as defined in Section [17D-3-102](#).
- 1970 Section 46. Section **63J-7-102** is amended to read:
- 1971 **63J-7-102. Scope and applicability of chapter.**
- 1972 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute
- 1973 superseding provisions of this chapter by explicit reference to this chapter, the provisions of
- 1974 this chapter apply to each agency and govern each grant received on or after May 5, 2008.
- 1975 (2) This chapter does not govern:
- 1976 (a) a grant deposited into a General Fund restricted account;
- 1977 (b) a grant deposited into a Trust and Agency Fund as defined in Section [51-5-4](#);
- 1978 (c) a grant deposited into an Enterprise Fund as defined in Section [51-5-4](#);

- 1979 (d) a grant made to the state without a restriction or other designated purpose that is  
1980 deposited into the General Fund as free revenue;
- 1981 (e) a grant made to the state that is restricted only to "education" and that is deposited  
1982 into the Education Fund or Uniform School Fund as free revenue;
- 1983 (f) in-kind donations;
- 1984 (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state  
1985 when required by state law or application of state law;
- 1986 (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax  
1987 Contribution Act;
- 1988 (i) a grant received by an agency from another agency or political subdivision;
- 1989 (j) a grant to the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion  
1990 Act;
- 1991 (k) a grant to the Utah Science Center Authority created in Title 63H, Chapter 3, Utah  
1992 Science Center Authority;
- 1993 (l) a grant to the Heber Valley Railroad Authority created in Title 63H, Chapter 4,  
1994 Heber Valley Historic Railroad Authority;
- 1995 (m) a grant to the Utah State Railroad Museum Authority created in Title 63H, Chapter  
1996 5, Utah State Railroad Museum Authority;
- 1997 (n) a grant to the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7,  
1998 Utah Housing Corporation Act;
- 1999 (o) a grant to the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah  
2000 State Fair Corporation Act;
- 2001 (p) a grant to the Workers' Compensation Fund created in Title 31A, Chapter 33,  
2002 Workers' Compensation Fund;
- 2003 (q) a grant to the Utah State Retirement Office created in Title 49, Chapter 11, Utah  
2004 State Retirement Systems Administration;
- 2005 (r) a grant to the School and Institutional Trust Lands Administration created in Title  
2006 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration;
- 2007 (s) a grant to the Utah Communications Authority created in Title 63H, Chapter [7] 7a,  
2008 Utah Communications Authority Act;
- 2009 (t) a grant to the Medical Education Program created in Section [53B-24-202](#);

2010 (u) a grant to the Utah Capital Investment Corporation created in Title 63M, Chapter 1,  
2011 Part 12, Utah Venture Capital Enhancement Act;

2012 (v) a grant to the Utah Charter School Finance Authority created in Section  
2013 53A-20b-103;

2014 (w) a grant to the State Building Ownership Authority created in Section 63B-1-304;

2015 (x) a grant to the Utah Comprehensive Health Insurance Pool created in Section  
2016 31A-29-104; or

2017 (y) a grant to the Military Installation Development Authority created in Section  
2018 63H-1-201.

2019 (3) An agency need not seek legislative review or approval of grants under Part 2,  
2020 Grant Approval Requirements, if:

2021 (a) the governor has declared a state of emergency; and

2022 (b) the grant is donated to the agency to assist victims of the state of emergency under  
2023 Subsection 53-2a-204(1).

2024 Section 47. Section 69-2-5 is amended to read:

2025 **69-2-5. Funding for 911 emergency service -- Administrative charge.**

2026 (1) In providing funding of 911 emergency service, any public agency establishing a  
2027 911 emergency service may:

2028 (a) seek assistance from the federal or state government, to the extent constitutionally  
2029 permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or  
2030 indirectly;

2031 (b) seek funds appropriated by local governmental taxing authorities for the funding of  
2032 public safety agencies; and

2033 (c) seek gifts, donations, or grants from individuals, corporations, or other private  
2034 entities.

2035 (2) For purposes of providing funding of 911 emergency service, special service  
2036 districts may raise funds as provided in Section 17D-1-105 and may borrow money and incur  
2037 indebtedness as provided in Section 17D-1-103.

2038 (3) (a) Except as provided in Subsection (3)(b) and subject to the other provisions of  
2039 this Subsection (3) a county, city, or town within which 911 emergency service is provided  
2040 may levy a monthly 911 emergency services charge on:

- 2041 (i) each local exchange service switched access line within the boundaries of the  
2042 county, city, or town;
- 2043 (ii) each revenue producing radio communications access line with a billing address  
2044 within the boundaries of the county, city, or town; and
- 2045 (iii) any other service, including voice over Internet protocol, provided to a user within  
2046 the boundaries of the county, city, or town that allows the user to make calls to and receive  
2047 calls from the public switched telecommunications network, including commercial mobile  
2048 radio service networks.
- 2049 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin  
2050 telecommunications service is exempt from 911 emergency service charges.
- 2051 (c) The amount of the charge levied under this section may not exceed:
- 2052 (i) 61 cents per month for each local exchange service switched access line;
- 2053 (ii) 61 cents per month for each radio communications access line; and
- 2054 (iii) 61 cents per month for each service under Subsection (3)(a)(iii).
- 2055 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as  
2056 provided in Section [59-12-102](#) or [59-12-215](#):
- 2057 (A) "mobile telecommunications service";
- 2058 (B) "place of primary use";
- 2059 (C) "service address"; and
- 2060 (D) "telecommunications service."
- 2061 (ii) An access line described in Subsection (3)(a) is considered to be within the  
2062 boundaries of a county, city, or town if the telecommunications services provided over the  
2063 access line are located within the county, city, or town:
- 2064 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax  
2065 Act; and
- 2066 (B) determined in accordance with Section [59-12-215](#).
- 2067 (iii) The rate imposed on an access line under this section shall be determined in  
2068 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection  
2069 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,  
2070 city, or town in which is located:
- 2071 (A) for a telecommunications service, the purchaser's service address; or

2072 (B) for mobile telecommunications service, the purchaser's place of primary use.  
2073 (iv) The rate imposed on an access line under this section shall be the lower of:  
2074 (A) the rate imposed by the county, city, or town in which the access line is located  
2075 under Subsection (3)(d)(ii); or  
2076 (B) the rate imposed by the county, city, or town in which it is located:  
2077 (I) for telecommunications service, the purchaser's service address; or  
2078 (II) for mobile telecommunications service, the purchaser's place of primary use.  
2079 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent  
2080 to levy the charge under this Subsection (3) at least 30 days before the effective date of the  
2081 charge being levied.  
2082 (ii) For purposes of this Subsection (3)(e):  
2083 (A) "Annexation" means an annexation to:  
2084 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or  
2085 (II) a county under Title 17, Chapter 2, County Consolidations and Annexations.  
2086 (B) "Annexing area" means an area that is annexed into a county, city, or town.  
2087 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if a county, city, or  
2088 town enacts or repeals a charge or changes the amount of the charge under this section, the  
2089 enactment, repeal, or change shall take effect:  
2090 (I) on the first day of a calendar quarter; and  
2091 (II) after a 90-day period beginning on the date the State Tax Commission receives  
2092 notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.  
2093 (B) The notice described in Subsection (3)(e)(iii)(A) shall state:  
2094 (I) that the county, city, or town will enact or repeal a charge or change the amount of  
2095 the charge under this section;  
2096 (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);  
2097 (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and  
2098 (IV) if the county, city, or town enacts the charge or changes the amount of the charge  
2099 described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.  
2100 (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge  
2101 increase under this section shall take effect on the first day of the first billing period:  
2102 (I) that begins after the effective date of the enactment of the charge or the charge

2103 increase; and

2104 (II) if the billing period for the charge begins before the effective date of the enactment  
2105 of the charge or the charge increase imposed under this section.

2106 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge  
2107 decrease under this section shall take effect on the first day of the last billing period:

2108 (I) that began before the effective date of the repeal of the charge or the charge  
2109 decrease; and

2110 (II) if the billing period for the charge begins before the effective date of the repeal of  
2111 the charge or the charge decrease imposed under this section.

2112 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if the annexation will  
2113 result in the enactment, repeal, or a change in the amount of a charge imposed under this  
2114 section for an annexing area, the enactment, repeal, or change shall take effect:

2115 (I) on the first day of a calendar quarter; and

2116 (II) after a 90-day period beginning on the date the State Tax Commission receives  
2117 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that  
2118 annexes the annexing area.

2119 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

2120 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an  
2121 enactment, repeal, or a change in the charge being imposed under this section for the annexing  
2122 area;

2123 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

2124 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

2125 (IV) if the county, city, or town enacts the charge or changes the amount of the charge  
2126 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

2127 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge  
2128 increase under this section shall take effect on the first day of the first billing period:

2129 (I) that begins after the effective date of the enactment of the charge or the charge  
2130 increase; and

2131 (II) if the billing period for the charge begins before the effective date of the enactment  
2132 of the charge or the charge increase imposed under this section.

2133 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge

2134 decrease under this section shall take effect on the first day of the last billing period:

2135 (I) that began before the effective date of the repeal of the charge or the charge  
2136 decrease; and

2137 (II) if the billing period for the charge begins before the effective date of the repeal of  
2138 the charge or the charge decrease imposed under this section.

2139 (f) Subject to Subsection (3)(g), a 911 emergency services charge levied under this  
2140 section shall:

2141 (i) be billed and collected by the person that provides the:

2142 (A) local exchange service switched access line services; or

2143 (B) radio communications access line services; and

2144 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax  
2145 Commission.

2146 (g) A 911 emergency services charge on a mobile telecommunications service may be  
2147 levied, billed, and collected only to the extent permitted by the Mobile Telecommunications  
2148 Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2149 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:

2150 (i) bill the charge imposed by this section in combination with the charge levied under  
2151 Section 69-2-5.6 as one line item charge; and

2152 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as  
2153 reimbursement for the cost of billing, collecting, and remitting the levy.

2154 (i) The State Tax Commission shall collect, enforce, and administer the charge  
2155 imposed under this Subsection (3) using the same procedures used in the administration,  
2156 collection, and enforcement of the state sales and use taxes under:

2157 (i) Title 59, Chapter 1, General Taxation Policies; and

2158 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2159 (A) Section 59-12-104;

2160 (B) Section 59-12-104.1;

2161 (C) Section 59-12-104.2;

2162 (D) Section 59-12-104.6;

2163 (E) Section 59-12-107.1; and

2164 (F) Section 59-12-123.

2165 (j) The State Tax Commission shall transmit money collected under this Subsection (3)  
2166 monthly by electronic funds transfer to the county, city, or town that imposes the charge.

2167 (k) A person that pays a charge under this section shall pay the charge to the  
2168 commission:

2169 (i) monthly on or before the last day of the month immediately following the last day of  
2170 the previous month if:

2171 (A) the person is required to file a sales and use tax return with the commission  
2172 monthly under Section 59-12-108; or

2173 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
2174 12, Sales and Use Tax Act; or

2175 (ii) quarterly on or before the last day of the month immediately following the last day  
2176 of the previous quarter if the person is required to file a sales and use tax return with the  
2177 commission quarterly under Section 59-12-107.

2178 (l) A charge a person pays under this section shall be paid using a form prescribed by  
2179 the State Tax Commission.

2180 (m) The State Tax Commission shall retain and deposit an administrative charge in  
2181 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from a  
2182 charge under this section.

2183 (n) A charge under this section is subject to Section 69-2-5.8.

2184 (4) (a) Any money received by a public agency for the provision of 911 emergency  
2185 service shall be deposited in a special emergency telecommunications service fund.

2186 (b) (i) Except as provided in Subsection (5)(b), the money in the 911 emergency  
2187 service fund shall be expended by the public agency to pay the costs of:

2188 (A) establishing, installing, maintaining, and operating a 911 emergency service  
2189 system;

2190 (B) receiving and processing emergency communications from the 911 system or other  
2191 communications or requests for emergency services;

2192 (C) integrating a 911 emergency service system into an established public safety  
2193 dispatch center, including contracting with the providers of local exchange service, radio  
2194 communications service, and vendors of appropriate terminal equipment as necessary to  
2195 implement the 911 emergency services; or

2196 (D) indirect costs associated with the maintaining and operating of a 911 emergency  
2197 services system.

2198 (ii) Revenues derived for the funding of 911 emergency service may be used by the  
2199 public agency for personnel costs associated with receiving and processing communications  
2200 and deploying emergency response resources when the system is integrated with any public  
2201 safety dispatch system.

2202 (c) Any unexpended money in the 911 emergency service fund at the end of a fiscal  
2203 year does not lapse, and must be carried forward to be used for the purposes described in this  
2204 section.

2205 (5) (a) Revenue received by a local entity from an increase in the levy imposed under  
2206 Subsection (3) after the 2004 Annual General Session:

2207 (i) may be used by the public safety answering point for the purposes under Subsection  
2208 (4)(b); and

2209 (ii) shall be deposited into the special 911 emergency service fund described in  
2210 Subsection (4)(a).

2211 (b) Revenue received by a local entity from disbursements from the ~~[Utah 911~~  
2212 ~~Committee under Section 63H-7-306]~~ 911 Division under Section 63H-7a-602:

2213 (i) shall be deposited into the special 911 emergency service fund under Subsection  
2214 (4)(a); and

2215 (ii) shall only be used for that portion of the costs related to the development and  
2216 operation of wireless and land-based enhanced 911 emergency telecommunications service and  
2217 the implementation of 911 services as provided in Subsection (5)(c).

2218 (c) The costs allowed under Subsection (5)(b)(ii) include the public safety answering  
2219 point's costs for:

2220 (i) acquisition, upgrade, modification, maintenance, and operation of public service  
2221 answering point equipment capable of receiving 911 information;

2222 (ii) database development, operation, and maintenance; and

2223 (iii) personnel costs associated with establishing, installing, maintaining, and operating  
2224 wireless 911 services, including training emergency service personnel regarding receipt and use  
2225 of 911 wireless service information and educating consumers regarding the appropriate and  
2226 responsible use of 911 wireless service.

2227 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the  
2228 2004 Annual General Session shall increase the levy to the maximum amount permitted by  
2229 Subsection (3)(c).

2230 Section 48. Section **69-2-5.5** is amended to read:

2231 **69-2-5.5. Emergency services telecommunications charge to fund the Computer**  
2232 **Aided Dispatch Restricted Account -- Administrative charge.**

2233 (1) Subject to Subsection (7), there is imposed an emergency services  
2234 telecommunications charge of 6 cents per month on each local exchange service switched  
2235 access line and each revenue producing radio communications access line that is subject to an  
2236 emergency services telecommunications charge levied by a county, city, or town under Section  
2237 [69-2-5](#).

2238 (2) (a) Subject to Subsection (7), an emergency services telecommunications charge  
2239 imposed under this section shall be billed and collected by the person that provides:

2240 (i) local exchange service switched access line services; or

2241 (ii) radio communications access line services.

2242 (b) A person that pays an emergency services telecommunications charge under this  
2243 section shall pay the emergency services telecommunications charge to the commission:

2244 (i) monthly on or before the last day of the month immediately following the last day of  
2245 the previous month if:

2246 (A) the person is required to file a sales and use tax return with the commission  
2247 monthly under Section [59-12-108](#); or

2248 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
2249 12, Sales and Use Tax Act; or

2250 (ii) quarterly on or before the last day of the month immediately following the last day  
2251 of the previous quarter if the person is required to file a sales and use tax return with the  
2252 commission quarterly under Section [59-12-107](#).

2253 (c) An emergency services telecommunications charge imposed under this section shall  
2254 be deposited into the Computer Aided Dispatch Restricted Account created in Section  
2255 [~~63H-7-310~~] [63H-7a-303](#).

2256 (3) Emergency services telecommunications charges remitted to the State Tax  
2257 Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the

2258 State Tax Commission.

2259 (4) (a) The State Tax Commission shall administer, collect, and enforce the charge  
2260 imposed under Subsection (1) according to the same procedures used in the administration,  
2261 collection, and enforcement of the state sales and use tax under:

2262 (i) Title 59, Chapter 1, General Taxation Policies; and

2263 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2264 (A) Section 59-12-104;

2265 (B) Section 59-12-104.1;

2266 (C) Section 59-12-104.2;

2267 (D) Section 59-12-104.6;

2268 (E) Section 59-12-107.1; and

2269 (F) Section 59-12-123.

2270 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2271 State Tax Commission may make rules to administer, collect, and enforce the emergency  
2272 services telecommunications charges imposed under this section.

2273 (c) The State Tax Commission shall retain and deposit an administrative charge in  
2274 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from  
2275 an emergency services telecommunications charge under this section.

2276 (d) A charge under this section is subject to Section 69-2-5.8.

2277 (5) A provider of local exchange service switched access line services or radio  
2278 communications access line services who fails to comply with this section is subject to  
2279 penalties and interest as provided in Sections 59-1-401 and 59-1-402.

2280 (6) An emergency services telecommunications charge under this section on a mobile  
2281 telecommunications service may be imposed, billed, and collected only to the extent permitted  
2282 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2283 Section 49. Section 69-2-5.6 is amended to read:

2284 **69-2-5.6. 911 services charge to fund unified statewide 911 emergency service --**  
2285 **Administrative charge.**

2286 (1) Subject to Subsection 69-2-5(3)(g), there is imposed a unified statewide 911  
2287 emergency service charge of 9 cents per month on each local exchange service switched access  
2288 line and each revenue producing radio communications access line that is subject to a 911

2289 emergency services charge levied by a county, city, or town under Section [69-2-5](#).

2290 (2) (a) A 911 emergency services charge imposed under this section shall be:

2291 (i) subject to Subsection [69-2-5\(3\)\(g\)](#); and

2292 (ii) billed and collected by the person that provides:

2293 (A) local exchange service switched access line services;

2294 (B) radio communications access line services; or

2295 (C) service described in Subsection [69-2-5\(3\)\(a\)\(iii\)](#).

2296 (b) A person that pays a charge under this section shall pay the charge to the

2297 commission:

2298 (i) monthly on or before the last day of the month immediately following the last day of

2299 the previous month if:

2300 (A) the person is required to file a sales and use tax return with the commission

2301 monthly under Section [59-12-108](#); or

2302 (B) the person is not required to file a sales and use tax return under Title 59, Chapter

2303 12, Sales and Use Tax Act; or

2304 (ii) quarterly on or before the last day of the month immediately following the last day

2305 of the previous quarter if the person is required to file a sales and use tax return with the

2306 commission quarterly under Section [59-12-107](#).

2307 (c) A charge imposed under this section shall be deposited into the Unified Statewide

2308 911 Emergency Service Account created by Section [63H-7-304](#).

2309 (3) The person that bills and collects the charges levied by this section pursuant to

2310 Subsections (2)(b) and (c) may:

2311 (a) bill the charge imposed by this section in combination with the charge levied under

2312 Section [69-2-5](#) as one line item charge; and

2313 (b) retain an amount not to exceed 1.5% of the charges collected under this section as

2314 reimbursement for the cost of billing, collecting, and remitting the levy.

2315 (4) The State Tax Commission shall collect, enforce, and administer the charges

2316 imposed under Subsection (1) using the same procedures used in the administration, collection,

2317 and enforcement of the emergency services telecommunications charge to fund the Computer

2318 Aided Dispatch Restricted Account under Section [~~[63H-7-310](#)~~ [63H-7a-303](#)].

2319 (5) Notwithstanding Section [~~[63H-7-304](#)~~ [63H-7a-304](#)], the State Tax Commission shall

2320 retain and deposit an administrative charge in accordance with Section 59-1-306 from the  
2321 revenues the State Tax Commission collects from a charge under this section.

2322 (6) A charge under this section is subject to Section 69-2-5.8.

2323 (7) This section sunsets in accordance with Section 63I-1-269.

2324 Section 50. Section 69-2-5.7 is amended to read:

2325 **69-2-5.7. Prepaid wireless telecommunications charge to fund 911 service --**

2326 **Administrative charge.**

2327 (1) As used in this section:

2328 (a) "Consumer" means a person who purchases prepaid wireless telecommunications  
2329 service in a transaction.

2330 (b) "Prepaid wireless 911 service charge" means the charge that is required to be  
2331 collected by a seller from a consumer in the amount established under Subsection (2).

2332 (c) (i) "Prepaid wireless telecommunications service" means a wireless  
2333 telecommunications service that:

2334 (A) is paid for in advance;

2335 (B) is sold in predetermined units of time or dollars that decline with use in a known  
2336 amount or provides unlimited use of the service for a fixed amount or time; and

2337 (C) allows a caller to access 911 emergency service.

2338 (ii) "Prepaid wireless telecommunications service" does not include a wireless  
2339 telecommunications service that is billed:

2340 (A) to a customer on a recurring basis; and

2341 (B) in a manner that includes the emergency services telecommunications charges,  
2342 described in Sections 69-2-5, 69-2-5.5, and 69-2-5.6, for each radio communication access line  
2343 assigned to the customer.

2344 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a  
2345 consumer.

2346 (e) "Transaction" means each purchase of prepaid wireless telecommunications service  
2347 from a seller.

2348 (f) "Wireless telecommunications service" means commercial mobile radio service as  
2349 defined by 47 C.F.R. Sec. 20.3, as amended.

2350 (2) There is imposed a prepaid wireless 911 service charge of 1.9% of the sales price

2351 per transaction.

2352 (3) The prepaid wireless 911 service charge shall be collected by the seller from the  
2353 consumer for each transaction occurring in this state.

2354 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,  
2355 receipt, or similar document that is provided by the seller to the consumer.

2356 (5) For purposes of Subsection (3), the location of a transaction is determined in  
2357 accordance with Sections 59-12-211 through 59-12-215.

2358 (6) When prepaid wireless telecommunications service is sold with one or more other  
2359 products or services for a single non-itemized price, then the percentage specified in Section  
2360 (2) shall apply to the entire non-itemized price.

2361 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by  
2362 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the  
2363 charge.

2364 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under  
2365 Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller  
2366 remits to the State Tax Commission money collected by the person under Title 59, Chapter 12,  
2367 Sales and Use Tax Act.

2368 (9) The State Tax Commission:

2369 (a) shall collect, enforce, and administer the charge imposed under this section using  
2370 the same procedures used in the administration, collection, and enforcement of the state sales  
2371 and use taxes under:

2372 (i) Title 59, Chapter 1, General Taxation Policies; and

2373 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2374 (A) Section 59-12-104;

2375 (B) Section 59-12-104.1;

2376 (C) Section 59-12-104.2;

2377 (D) Section 59-12-107.1; and

2378 (E) Section 59-12-123;

2379 (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected  
2380 under Subsection (9)(a) as reimbursement for administering this section;

2381 (c) shall distribute the prepaid wireless 911 service charge revenue, except as retained

2382 under Subsection (9)(b), as follows:

2383 (i) 80.3% of the revenue shall be distributed to each county, city, or town in the same  
2384 percentages and in the same manner as the entities receive money to fund 911 emergency  
2385 telecommunications services under Section [69-2-5](#);

2386 (ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch  
2387 Restricted Account created in Section [~~63H-7-310~~; and] [63H-7a-303](#);

2388 (iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911  
2389 emergency service as in Section [69-2-5.6](#); and

2390 (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
2391 Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.

2392 (10) A charge under this section is subject to Section [69-2-5.8](#).

2393 Section 51. Section [69-2-7](#) is amended to read:

2394 **69-2-7. Limitation of duties and liabilities.**

2395 Except as provided in Section [69-2-8](#), nothing contained in this chapter imposes any  
2396 duties or liabilities beyond those otherwise specified by law upon any provider of local  
2397 exchange service, radio communications service, voice over Internet protocol service, or  
2398 terminal equipment needed to implement 911 emergency telephone service and the Utah  
2399 statewide radio system and public safety communication network, created in Title 63H,  
2400 Chapter 7a, Utah Communications Authority Act.

2401 Section 52. **Effective date.**

2402 This bill takes effect on July 1, 2015.