

1 **UTAH STATE 911 COMMITTEE AMENDMENTS**

2 2009 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis Oda**

5 Senate Sponsor: Jon J. Greiner

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**LONG TITLE**

7 **General Description:**

8 This bill amends the duties and powers of the Utah 911 Committee.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ amends the duties and powers of the Utah 911 Committee; and
- 12 ▶ makes technical corrections.

13 **Monies Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **53-10-602**, as last amended by Laws of Utah 2008, Chapter 382

20 **↔ 59-1-403**, as last amended by Laws of Utah 2008, Chapters 3, 382, and 384

20a **63G-2-305**, as last amended by Laws of Utah 2008, Chapters 3, 87, 95, 101, 111, 161,  
20b **196, 248, 352** and renumbered and amended by Laws of Utah 2008, Chapter 382 ↔↔

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

22 Section 1. Section **53-10-602** is amended to read:

23 **53-10-602. Committee's duties and powers.**

24 (1) The committee shall:

25 (a) review and make recommendations to the division, the Bureau of Communications,  
26 public safety answering points, and the Legislature on:  
27



28 (i) ~~technical, administrative, fiscal,~~ and operational issues for the implementation of a  
 29 unified statewide wireless and land-based E-911 emergency system;

30 (ii) specific technology and standards for the implementation of a unified statewide  
 31 wireless and land-based E-911 emergency system;

32 (iii) emerging technological upgrades;

33 ~~[(iii)]~~ (iv) expenditures by local public service answering points to assure  
 34 implementation of a unified statewide wireless and land-based E-911 emergency system and  
 35 standards of operation; and

36 ~~[(iv)]~~ (v) mapping systems and technology necessary to implement the unified  
 37 statewide wireless and land-based E-911 emergency system;

38 (b) administer the fund as provided in this part;

39 (c) assist as many local entities as possible, at their request, to implement the  
 40 recommendations of the committee; and

41 (d) fulfill all other duties imposed on the committee by the Legislature by this part.

42 (2) The committee may sell, lease, or otherwise dispose of equipment or personal  
 43 property belonging to the committee, the proceeds from which shall return to the fund.

44 (3) (a) The committee shall review information regarding:

45 (i) ~~H→~~ **in aggregate, ←H the number of H→ [telephone subscribers] telecommunication**  
 45a **service subscribers by telecommunication service type in a political subdivision ←H ;**

46 (ii) 911 call delivery network costs;

47 (iii) public safety answering point costs; and

48 (iv) system engineering information.

49 (b) ~~H→ [The committee may request written reports or other information from other state~~  
 50 **agencies, including] In accordance with Subsection (3)(a) the committee may request ←H ;**

51 (i) ~~H→~~ **information as described in Subsection (3)(a)(i) from ←H the Utah State Tax**  
 51a **Commission; H→ and**

52 ~~[(ii) the local exchange carriers; and]~~

53 ~~[(iii)]~~ (ii) **information from ←H public safety answering points connected to the 911 call**  
 53a **delivery system.**

53b ~~H→~~ (c) **The information requested by and provided to the committee under Subsection**  
 53c **(3) is a protected record in accordance with Section 63G-2-305. ←H**

54 ~~[(3)]~~ (4) The committee shall issue the reimbursement allowed under Subsection  
 55 53-10-605(1)(b) provided that:

56 (a) the reimbursement is based on aggregated cost studies submitted to the committee  
 57 by the wireless carriers seeking reimbursement; and

58 (b) the reimbursement to any one carrier does not exceed 125% of the wireless carrier's

59 contribution to the fund.

60 [~~(4)~~] (5) The committee shall adopt rules in accordance with Title 63G, Chapter 3,  
61 Utah Administrative Rulemaking Act, to administer the fund created in Section 53-10-603  
62 including rules that establish the criteria, standards, technology, and equipment that a local  
63 entity or state agency must adopt in order to qualify for grants from the fund.

63a **H→ (6) This section does not expand the authority of the Utah State Tax Commission to**  
63b **request additional information from a telecommunication service provider.**

63c **Section 2. Section 59-1-403 is amended to read:**

63d **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

63e **(1) (a) Any of the following may not divulge or make known in any manner any information**  
63f **gained by that person from any return filed with the commission:**

63g **(i) a tax commissioner;**

63h **(ii) an agent, clerk, or other officer or employee of the commission; or**

63i **(iii) a representative, agent, clerk, or other officer or employee of any county, city, or town.**

63j **(b) An official charged with the custody of a return filed with the commission is not required**  
63k **to produce the return or evidence of anything contained in the return in any action or proceeding in**  
63l **any court, except:**

63m **(i) in accordance with judicial order;**

63n **(ii) on behalf of the commission in any action or proceeding under:**

63o **(A) this title; or**

63p **(B) other law under which persons are required to file returns with the commission;**

63q **(iii) on behalf of the commission in any action or proceeding to which the commission is a**  
63r **party; or**

63s **(iv) on behalf of any party to any action or proceeding under this title if the report or facts**  
63t **shown by the return are directly involved in the action or proceeding.**

63u **(c) Notwithstanding Subsection (1)(b), a court may require the production of, and may admit**  
63v **in evidence, any portion of a return or of the facts shown by the return, as are specifically pertinent to**  
63w **the action or proceeding.**

63x **(2) This section does not prohibit:**

63y **(a) a person or that person's duly authorized representative from receiving a copy of any**  
63z **return or report filed in connection with that person's own tax;**

63aa **(b) the publication of statistics as long as the statistics are classified to prevent the**  
63ab **identification of particular reports or returns; and**

63ac **(c) the inspection by the attorney general or other legal representative of the state of the**  
63ad **report or return of any taxpayer:**

63ae **(i) who brings action to set aside or review a tax based on the report or return;**

- 63af **H→** (ii) against whom an action or proceeding is contemplated or has been instituted under this  
63ag title; or
- 63ah (iii) against whom the state has an unsatisfied money judgment.
- 63ai (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the commission  
63aj may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
63ak provide for a reciprocal exchange of information with:
- 63al (i) the United States Internal Revenue Service; or
- 63am (ii) the revenue service of any other state.
- 63an (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
63ao corporate franchise tax, the commission may by rule, made in accordance with Title 63G, Chapter 3,  
63ap Utah Administrative Rulemaking Act, share information gathered from returns and other written  
63aq statements with the federal government, any other state, any of the political subdivisions of another  
63ar state, or any political subdivision of this state, except as limited by Sections 59-12-209 and 59-12-210,  
63as if the political subdivision, other state, or the federal government grant substantially similar  
63at privileges to this state.
- 63au (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
63av corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3, Utah  
63aw Administrative Rulemaking Act, provide for the issuance of information concerning the identity and  
63ax other information of taxpayers who have failed to file tax returns or to pay any tax due.
- 63ay (d) Notwithstanding Subsection (1), the commission shall provide to the Solid and Hazardous  
63az Waste Control Board executive secretary, as defined in Section 19-6-102, as requested by the executive  
63ba secretary, any records, returns, or other information filed with the commission under Chapter 13,  
63bb Motor and Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance  
63bc program participation fee.
- 63bd (e) Notwithstanding Subsection (1), at the request of any person the commission shall provide  
63be that person sales and purchase volume data reported to the commission on a report, return, or other  
63bf information filed with the commission under:
- 63bg (i) Chapter 13, Part 2, Motor Fuel; or
- 63bh (ii) Chapter 13, Part 4, Aviation Fuel.
- 63bi (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer, as  
63bj defined in Section 59-22-202, the commission shall report to the manufacturer:
- 63bk (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer  
63bl and reported to the commission for the previous calendar year under Section 59-14-407; and
- 63bm (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer  
63bn for which a tax refund was granted during the previous calendar year under Section 59-14-401 and  
63bo reported to the commission under Subsection 59-14-401(1)(a)(v).
- 63bp (g) Notwithstanding Subsection (1), the commission shall notify manufacturers, ←H

63bq **Ĥ→ distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is**  
63br **prohibited from selling cigarettes to consumers within the state under Subsection 59-14-210(2).**

63bs **(h) Notwithstanding Subsection (1), the commission may:**

63bt **(i) provide to the Division of Consumer Protection within the Department of Commerce and**  
63bu **the attorney general data:**

63bv **(A) reported to the commission under Section 59-14-212; or**

63bw **(B) related to a violation under Section 59-14-211; and**

63bx **(ii) upon request provide to any person data reported to the commission under Subsections**  
63by **59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).**

63bz **(i) Notwithstanding Subsection (1), the commission shall, at the request of a committee of the**  
63ca **Legislature, Office of the Legislative Fiscal Analyst, or Governor's Office of Planning and Budget,**  
63cb **provide to the committee or office the total amount of revenues collected by the commission under**  
63cc **Chapter 24, Radioactive Waste Facility Tax Act, for the time period specified by the committee or**  
63cd **office.**

63ce **(j) Notwithstanding Subsection (1), the commission shall at the request of the Legislature**  
63cf **provide to the Legislature the total amount of sales or uses exempt under Subsection 59-12-104(46)**  
63cg **reported to the commission in accordance with Section 59-12-105.**

63ch **(k) Notwithstanding Subsection (1), the commission shall make the directory required by**  
63ci **Section 59-14-603 available for public inspection.**

63cj **(l) Notwithstanding Subsection (1), the commission may share information with federal, state,**  
63ck **or local agencies as provided in Subsection 59-14-606(3).**

63cl **(m) (i) Notwithstanding Subsection (1), the commission shall provide the Office of Recovery**  
63cm **Services within the Department of Human Services any relevant information obtained from a return**  
63cn **filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer who has become obligated to**  
63co **the Office of Recovery Services.**

63cp **(ii) The information described in Subsection (3)(m)(i) may be provided by the Office of**  
63cq **Recovery Services to any other state's child support collection agency involved in enforcing that**  
63cr **support obligation.**

63cs **(n) (i) Notwithstanding Subsection (1), upon request from the state court administrator, the**  
63ct **commission shall provide to the state court administrator, the name, address, telephone number,**  
63cu **county of residence, and Social Security number on resident returns filed under Chapter 10,**  
63cv **Individual Income Tax Act.**

63cw **(ii) The state court administrator may use the information described in Subsection (3)(n)(i)**  
63cx **only as a source list for the master jury list described in Section 78B-1-106.**

63cy **(o) Notwithstanding Subsection (1), the commission shall at the request of a committee,**  
63cz **commission, or task force of the Legislature provide to the committee, commission, or task force of the**  
63da **Legislature any information relating to a tax imposed under Chapter 9, Taxation of ←Ĥ**

- 63db **Ĥ→ Admitted Insurers, relating to the study required by Section 59-9-101.**
- 63dc (p) (i) As used in this Subsection (3)(p), "office" means the:
- 63dd (A) Office of the Legislative Fiscal Analyst; or
- 63de (B) Office of Legislative Research and General Counsel.
- 63df (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(p)(iii), the
- 63dg commission shall at the request of an office provide to the office all information:
- 63dh (A) gained by the commission; and
- 63di (B) required to be attached to or included in returns filed with the commission.
- 63dj (iii) (A) An office may not request and the commission may not provide to an office a person's:
- 63dk (I) address;
- 63dl (II) name;
- 63dm (III) Social Security number; or
- 63dn (IV) taxpayer identification number.
- 63do (B) The commission shall in all instances protect the privacy of a person as required by
- 63dp Subsection (3)(p)(iii)(A).
- 63dq (iv) An office may provide information received from the commission in accordance with this
- 63dr Subsection (3)(p) only:
- 63ds (A) as:
- 63dt (I) a fiscal estimate;
- 63du (II) fiscal note information; or
- 63dv (III) statistical information; and
- 63dw (B) if the information is classified to prevent the identification of a particular return.
- 63dx (v) (A) A person may not request information from an office under Title 63G, Chapter 2,
- 63dy Government Records Access and Management Act, or this section, if that office received the
- 63dz information from the commission in accordance with this Subsection (3)(p).
- 63ea (B) An office may not provide to a person that requests information in accordance with
- 63eb Subsection (3)(p)(v)(A) any information other than the information the office provides in accordance
- 63ec with Subsection (3)(p)(iv).
- 63ed (q) Notwithstanding Subsection (1), the commission may provide to the governing board of the
- 63ee agreement or a taxing official of another state, the District of Columbia, the United States, or a
- 63ef territory of the United States:
- 63eg (i) the following relating to an agreement sales and use tax:
- 63eh (A) information contained in a return filed with the commission;
- 63ei (B) information contained in a report filed with the commission;
- 63ej (C) a schedule related to Subsection (3)(q)(i)(A) or (B); or
- 63ek (D) a document filed with the commission; or
- 63el (ii) a report of an audit or investigation made with respect to an agreement sales and use tax. ←Ĥ

63em **H→ (r) Notwithstanding Subsection (1), the commission shall provide to the Utah State 911**  
 63en **Committee the information requested by the Utah State 911 Committee under**  
 63eo **Subsection 53-10-602 (3).**

63ep (4) (a) Reports and returns shall be preserved for at least three years.

63eq (b) After the three-year period provided in Subsection (4)(a) the commission may destroy a  
 63er report or return.

63es (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

63et (b) If the person described in Subsection (5)(a) is an officer or employee of the state, the  
 63eu person shall be dismissed from office and be disqualified from holding public office in this state for a  
 63ev period of five years thereafter.

63ew (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in accordance  
 63ex with Subsection (3)(p)(iii) or a person that requests information in accordance with Subsection  
 63ey (3)(p)(v):

63ez (i) is not guilty of a class A misdemeanor; and

63fa (ii) is not subject to:

63fb (A) dismissal from office in accordance with Subsection (5)(b); or

63fc (B) disqualification from holding public office in accordance with Subsection (5)(b).

63fd (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.

63fe **Section 3. Section 63G-2-305 is amended to read:**

63ff **63G-2-305. Protected records.**

63fg **The following records are protected if properly classified by a governmental entity:**

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

63fj (2) commercial information or nonindividual financial information obtained from a person if:

63fk (a) disclosure of the information could reasonably be expected to result in unfair competitive  
 63fl injury to the person submitting the information or would impair the ability of the governmental entity  
 63fm to obtain necessary information in the future;

63fn (b) the person submitting the information has a greater interest in prohibiting access than the  
 63fo public in obtaining access; and

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

63fr (3) commercial or financial information acquired or prepared by a governmental entity to the  
 63fs extent that disclosure would lead to financial speculations in currencies, securities, or commodities that  
 63ft will interfere with a planned transaction by the governmental entity or cause substantial financial  
 63fu injury to the governmental entity or state economy;

63fv (4) records the disclosure of which could cause commercial injury to, or confer a ←H

- 63fw **Ĥ→ competitive advantage upon a potential or actual competitor of, a commercial project entity as**  
 63fx **defined in Subsection 11-13-103(4);**
- 63fy **(5) test questions and answers to be used in future license, certification, registration,**  
 63fz **employment, or academic examinations;**
- 63ga **(6) records the disclosure of which would impair governmental procurement proceedings or**  
 63gb **give an unfair advantage to any person proposing to enter into a contract or agreement with a**  
 63gc **governmental entity, except, subject to Subsection (1) and (2), that this Subsection (6) does not restrict**  
 63gd **the right of a person to have access to, once the contract or grant has been awarded, a bid, proposal, or**  
 63ge **application submitted to or by a governmental entity in response to:**
- 63gf **(a) a request for bids;**  
 63gg **(b) a request for proposals;**  
 63gh **(c) a grant; or**  
 63gi **(d) other similar document;**
- 63gj **(7) records that would identify real property or the appraisal or estimated value of real or**  
 63gk **personal property, including intellectual property, under consideration for public acquisition before**  
 63gl **any rights to the property are acquired unless:**
- 63gm **(a) public interest in obtaining access to the information outweighs the governmental entity's**  
 63gn **need to acquire the property on the best terms possible;**
- 63go **(b) the information has already been disclosed to persons not employed by or under a duty of**  
 63gp **confidentiality to the entity;**
- 63gq **(c) in the case of records that would identify property, potential sellers of the described**  
 63gr **property have already learned of the governmental entity's plans to acquire the property;**
- 63gs **(d) in the case of records that would identify the appraisal or estimated value of property, the**  
 63gt **potential sellers have already learned of the governmental entity's estimated value of the property; or**
- 63gu **(e) the property under consideration for public acquisition is a single family residence and the**  
 63gv **governmental entity seeking to acquire the property has initiated negotiations to acquire the property**  
 63gw **as required under Section 78B-6-505;**
- 63gx **(8) records prepared in contemplation of sale, exchange, lease, rental, or other compensated**  
 63gy **transaction of real or personal property including intellectual property, which, if disclosed prior to**  
 63gz **completion of the transaction, would reveal the appraisal or estimated value of the subject property,**  
 63ha **unless:**
- 63hb **(a) the public interest in access outweighs the interests in restricting access, including the**  
 63hc **governmental entity's interest in maximizing the financial benefit of the transaction; or**
- 63hd **(b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the**  
 63he **value of the subject property have already been disclosed to persons not employed by or under a duty**  
 63hf **of confidentiality to the entity;**
- 63hg **(9) records created or maintained for civil, criminal, or administrative enforcement ←Ĥ**



- 63hh **Ĥ→ purposes or audit purposes, or for discipline, licensing, certification, or registration**
- 63hi **purposes, if release of the records:**
- 63hj (a) **reasonably could be expected to interfere with investigations undertaken for enforcement,**
- 63hk **discipline, licensing, certification, or registration purposes;**
- 63hl (b) **reasonably could be expected to interfere with audits, disciplinary, or enforcement**
- 63hm **proceedings;**
- 63hn (c) **would create a danger of depriving a person of a right to a fair trial or impartial hearing;**
- 63ho (d) **reasonably could be expected to disclose the identity of a source who is not generally**
- 63hp **known outside of government and, in the case of a record compiled in the course of an investigation,**
- 63hq **disclose information furnished by a source not generally known outside of government if disclosure**
- 63hr **would compromise the source; or**
- 63hs (e) **reasonably could be expected to disclose investigative or audit techniques, procedures,**
- 63ht **policies, or orders not generally known outside of government if disclosure would interfere with**
- 63hu **enforcement or audit efforts;**
- 63hv (10) **records the disclosure of which would jeopardize the life or safety of an individual;**
- 63hw (11) **records the disclosure of which would jeopardize the security of governmental property,**
- 63hx **governmental programs, or governmental recordkeeping systems from damage, theft, or other**
- 63hy **appropriation or use contrary to law or public policy;**
- 63hz (12) **records that, if disclosed, would jeopardize the security or safety of a correctional facility,**
- 63ia **or records relating to incarceration, treatment, probation, or parole, that would interfere with the**
- 63ib **control and supervision of an offender's incarceration, treatment, probation, or parole;**
- 63ic (13) **records that, if disclosed, would reveal recommendations made to the Board of Pardons**
- 63id **and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons**
- 63ie **and Parole, or the Department of Human Services that are based on the employee's or contractor's**
- 63if **supervision, diagnosis, or treatment of any person within the board's jurisdiction;**
- 63ig (14) **records and audit workpapers that identify audit, collection, and operational procedures**
- 63ih **and methods used by the State Tax Commission, if disclosure would interfere with audits or**
- 63ii **collections;**
- 63ij (15) **records of a governmental audit agency relating to an ongoing or planned audit until the**
- 63ik **final audit is released;**
- 63il (16) **records prepared by or on behalf of a governmental entity solely in anticipation of**
- 63im **litigation that are not available under the rules of discovery;**
- 63in (17) **records disclosing an attorney's work product, including the mental impressions or legal**
- 63io **theories of an attorney or other representative of a governmental entity concerning litigation;**
- 63ip (18) **records of communications between a governmental entity and an attorney representing,**
- 63iq **retained, or employed by the governmental entity if the communications would be privileged as**
- 63ir **provided in Section 78B-1-137; ←Ĥ**

- 63is **H→ (19) (a) (i) personal files of a state legislator, including personal correspondence to or from a**  
 63it **member of the Legislature; and**
- 63iu **(ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action**  
 63iv **or policy may not be classified as protected under this section; and**
- 63iw **(b) (i) an internal communication that is part of the deliberative process in connection with the**  
 63ix **preparation of legislation between:**
- 63iy **(A) members of a legislative body;**  
 63iz **(B) a member of a legislative body and a member of the legislative body's staff; or**  
 63ja **(C) members of a legislative body's staff; and**
- 63jb **(ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative**  
 63jc **action or policy may not be classified as protected under this section;**
- 63jd **(20) (a) records in the custody or control of the Office of Legislative Research and General**  
 63je **Counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or**  
 63jf **contemplated course of action before the legislator has elected to support the legislation or course of**  
 63jg **action, or made the legislation or course of action public; and**
- 63jh **(b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office**  
 63ji **of Legislative Research and General Counsel is a public document unless a legislator asks that the**  
 63jj **records requesting the legislation be maintained as protected records until such time as the legislator**  
 63jk **elects to make the legislation or course of action public;**
- 63jl **(21) research requests from legislators to the Office of Legislative Research and General**  
 63jm **Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in response to**  
 63jn **these requests;**
- 63jo **(22) drafts, unless otherwise classified as public;**
- 63jp **(23) records concerning a governmental entity's strategy about collective bargaining or**  
 63jq **pending litigation;**
- 63jr **(24) records of investigations of loss occurrences and analyses of loss occurrences that may be**  
 63js **covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers'**  
 63jt **Fund, or similar divisions in other governmental entities;**
- 63ju **(25) records, other than personnel evaluations, that contain a personal recommendation**  
 63jv **concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal**  
 63jw **privacy, or disclosure is not in the public interest;**
- 63jx **(26) records that reveal the location of historic, prehistoric, paleontological, or biological**  
 63jy **resources that if known would jeopardize the security of those resources or of valuable historic,**  
 63jz **scientific, educational, or cultural information;**
- 63ka **(27) records of independent state agencies if the disclosure of the records would conflict with**  
 63kb **the fiduciary obligations of the agency;**
- 63kc **(28) records of an institution within the state system of higher education defined in ←H'**

63kd **Ĥ→Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,**  
 63ke **retention decisions, and promotions, which could be properly discussed in a meeting closed in**  
 63kf **accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final**  
 63kg **decisions about tenure, appointments, retention, promotions, or those students admitted, may not be**  
 63kh **classified as protected under this section;**

63ki **(29) records of the governor's office, including budget recommendations, legislative proposals,**  
 63kj **and policy statements, that if disclosed would reveal the governor's contemplated policies or**  
 63kk **contemplated courses of action before the governor has implemented or rejected those policies or**  
 63kl **courses of action or made them public;**

63km **(30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue**  
 63kn **estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in**  
 63ko **these areas;**

63kp **(31) records provided by the United States or by a government entity outside the state that are**  
 63kq **given to the governmental entity with a requirement that they be managed as protected records if the**  
 63kr **providing entity certifies that the record would not be subject to public disclosure if retained by it;**

63ks **(32) transcripts, minutes, or reports of the closed portion of a meeting of a public body except**  
 63kt **as provided in Section 52-4-206;**

63ku **(33) records that would reveal the contents of settlement negotiations but not including final**  
 63kv **settlements or empirical data to the extent that they are not otherwise exempt from disclosure;**

63kw **(34) memoranda prepared by staff and used in the decision-making process by an**  
 63kx **administrative law judge, a member of the Board of Pardons and Parole, or a member of any other**  
 63ky **body charged by law with performing a quasi-judicial function;**

63kz **(35) records that would reveal negotiations regarding assistance or incentives offered by or**  
 63la **requested from a governmental entity for the purpose of encouraging a person to expand or locate a**  
 63lb **business in Utah, but only if disclosure would result in actual economic harm to the person or place the**  
 63lc **governmental entity at a competitive disadvantage, but this section may not be used to restrict access**  
 63ld **to a record evidencing a final contract;**

63le **(36) materials to which access must be limited for purposes of securing or maintaining the**  
 63lf **governmental entity's proprietary protection of intellectual property rights including patents,**  
 63lg **copyrights, and trade secrets;**

63lh **(37) the name of a donor or a prospective donor to a governmental entity, including an**  
 63li **institution within the state system of higher education defined in Section 53B-1-102, and other**  
 63lj **information concerning the donation that could reasonably be expected to reveal the identity of the**  
 63lk **donor, provided that:**

63ll **(a) the donor requests anonymity in writing;**

63lm **(b) any terms, conditions, restrictions, or privileges relating to the donation may not be**  
 63ln **classified protected by the governmental entity under this Subsection (37); and ←Ĥ**

63lo **Ĥ→** (c) except for an institution within the state system of higher education defined in Section  
63lp **53B-1-102**, the governmental unit to which the donation is made is primarily engaged in educational,  
63lq **charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a**  
63lr **member of the donor's immediate family, or any entity owned or controlled by the donor or the**  
63ls **donor's immediate family;**

63lt (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;  
63lu (39) a notification of workers' compensation insurance coverage described in  
63lv **Section 34A-2-205;**

63lw (40) (a) the following records of an institution within the state system of higher education  
63lx **defined in Section 53B-1-102, which have been developed, discovered, disclosed to, or received by or on**  
63ly **behalf of faculty, staff, employees, or students of the institution:**

63lz (i) unpublished lecture notes;  
63ma (ii) unpublished notes, data, and information:  
63mb (A) relating to research; and  
63mc (B) of:  
63md (I) the institution within the state system of higher education defined in Section 53B-1-102; or  
63me (II) a sponsor of sponsored research;  
63mf (iii) unpublished manuscripts;  
63mg (iv) creative works in process;  
63mh (v) scholarly correspondence; and  
63mi (vi) confidential information contained in research proposals;

63mj (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information  
63mk **required pursuant to Subsection 53B-16-302(2)(a) or (b); and**

63ml (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

63mm (41) (a) records in the custody or control of the Office of Legislative Auditor General that  
63mn **would reveal the name of a particular legislator who requests a legislative audit prior to the date that**  
63mo **audit is completed and made public; and**

63mp (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office  
63mq **of the Legislative Auditor General is a public document unless the legislator asks that the records in**  
63mr **the custody or control of the Office of Legislative Auditor General that would reveal the name of a**  
63ms **particular legislator who requests a legislative audit be maintained as protected records until the audit**  
63mt **is completed and made public;**

63mu (42) records that provide detail as to the location of an explosive, including a map or other  
63mv **document that indicates the location of:**

63mw (a) a production facility; or  
63mx (b) a magazine;  
63my (43) information: **←Ĥ**

- 63mz **Ĥ→** (a) contained in the statewide database of the Division of Aging and Adult Services created by  
63na Section 62A-3-311.1; or  
63nb (b) received or maintained in relation to the Identity Theft Reporting Information System  
63nc (IRIS) established under Section 67-5-22;  
63nd (44) information contained in the Management Information System and Licensing  
63ne Information System described in Title 62A, Chapter 4a, Child and Family Services;  
63nf (45) information regarding National Guard operations or activities in support of the National  
63ng Guard's federal mission;  
63nh (46) records provided by any pawn or secondhand business to a law enforcement agency  
63ni or the central database in compliance with Title 13, Chapter 32a, Pawnshop and Secondhand  
63nj Merchandise Transaction Information Act;  
63nk (47) information regarding food security, risk, and vulnerability assessments performed by the  
63nl Department of Agriculture and Food;  
63nm (48) except to the extent that the record is exempt from this chapter pursuant to Section  
63nn 63G-2-106, records related to an emergency plan or program prepared or maintained by the Division  
63no of Homeland Security the disclosure of which would jeopardize:  
63np (a) the safety of the general public; or  
63nq (b) the security of:  
63nr (i) governmental property;  
63ns (ii) governmental programs; or  
63nt (iii) the property of a private person who provides the Division of Homeland Security  
63nu information;  
63nv (49) records of the Department of Agriculture and Food relating to the National Animal  
63nw Identification System or any other program that provides for the identification, tracing, or control of  
63nx livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand  
63ny and Anti-theft Act or Title 4, Chapter 31, Livestock Inspection and Quarantine;  
63nz (50) as provided in Section 26-39-501:  
63oa (a) information or records held by the Department of Health related to a complaint regarding  
63ob a child care program or residential child care which the department is unable to substantiate; and  
63oc (b) information or records related to a complaint received by the Department of Health from  
63od an anonymous complainant regarding a child care program or residential child care;  
63oe (51) unless otherwise classified as public under Section 63G-2-301 and except as provided  
63of under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile  
63og phone number, if:  
63oh (a) the individual is required to provide the information in order to comply with a law,  
63oi ordinance, rule, or order of a government entity; and  
63oj (b) the subject of the record has a reasonable expectation that this information will be ←Ĥ

63ok **kept confidential due to:**

63ol **(i) the nature of the law, ordinance, rule, or order; and**

63om **(ii) the individual complying with the law, ordinance, rule, or order;**

63on **(52) the name, home address, work addresses, and telephone numbers of an individual that is**

63oo **engaged in, or that provides goods or services for, medical or scientific research that is:**

63op **(a) conducted within the state system of higher education, as defined in Section 53B-1-102; and**

63oq **(b) conducted using animals;**

63or **(53) an initial proposal under Title 63M, Chapter 1, Part 26, Government Procurement**

63os **Private Proposal Program, to the extent not made public by rules made under that chapter;**

63ot **(54) information collected and a report prepared by the Judicial Performance Evaluation**

63ou **Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12, Judicial**

63ov **Performance Evaluation Commission Act, requires disclosure of, or makes public, the information or**

63ow **report;**

63ox **(55) (a) records of the Utah Educational Savings Plan Trust created under Section 53B-8a-103**

63oy **if the disclosure of the records would conflict with its fiduciary obligations;**

63oz **(b) proposals submitted to the Utah Educational Savings Plan Trust; and**

63pa **(c) contracts entered into by the Utah Educational Savings Plan Trust and the related**

63pb **payments; [and]**

63pc **(56) records contained in the Management Information System created in**

63pd **Section 62A-4a-1003 [-] ; and**

63pe **(57) information requested by and provided to the Utah State 911 Committee under**

63pf **Section 53-10-602. ←H**

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**Legislative Review Note**  
**as of 1-7-09 10:56 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 245 - Utah State 911 Committee Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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