

1 **UTAH COMMUNICATION AGENCY NETWORK AND UTAH**
2 **911 COMMITTEE AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

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

6 Senate Sponsor: J. Stuart Adams

8 **LONG TITLE**

9 **General Description:**

10 This bill merges the Utah Communications Agency Network, an independent state
11 agency, and the Utah 911 Committee into an independent state agency named the Utah
12 Communications Authority.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ renames the Utah Communications Agency Network the Utah Communications
16 Authority (UCA);
- 17 ▶ moves the statutory provisions for the Utah Communications Agency Network from
18 Title 63C, State Commissions and Councils Code to Title 63H, Independent State
19 Entities;
- 20 ▶ amends definitions;
- 21 ▶ amends the duties of UCA to include:
 - 22 • administering the program established for the computer aided dispatch system;
 - 23 and
 - 24 • coordination with the Utah 911 Committee;
- 25 ▶ amends the membership of the UCA governing board and incorporates members of
26 the Statewide Communications and Interoperability Committee into the governing
27 board;
- 28 ▶ creates the Office of the 911 Program Manager to provide staff and support to the
29 Utah 911 Committee;

- 30 ▶ moves Title 53, Chapter 10, Part 6, Coordination of Statewide 911 Emergency
- 31 Communications, into Title 63H, Chapter 7, Utah Communications Authority Act;
- 32 ▶ amends membership of the Utah 911 committee;
- 33 ▶ amends the duties of the Utah 911 committee;
- 34 ▶ creates the Radio Network Division in UCA to provide technical staff and support
- 35 to UCA;
- 36 ▶ creates the Office of Statewide Interoperability Coordinator in UCA and establishes
- 37 its duties;
- 38 ▶ establishes the Computer Aided Dispatch Restricted Account within the General
- 39 Fund administered by the Division of Finance;
- 40 ▶ modifies the distribution of revenue collected from the wireless 911 charges;
- 41 ▶ provides transition language that instructs the Division of Finance, the Department
- 42 of Technology Services, the Division of Facilities and Construction Management,
- 43 and the Department of Human Resource Management regarding the transfer of
- 44 employees, benefits, property, equipment, and assets into UCA; and
- 45 ▶ makes technical amendments.

46 **Money Appropriated in this Bill:**

47 None

48 **Other Special Clauses:**

49 This bill provides an effective date.

50 **Utah Code Sections Affected:**

51 AMENDS:

52 **26-8b-102**, as last amended by Laws of Utah 2013, Chapters 98 and 99

53 **59-1-403**, as last amended by Laws of Utah 2013, Chapter 310

54 **63A-4-205.5**, as enacted by Laws of Utah 1997, Chapter 136

55 **63E-1-102**, as last amended by Laws of Utah 2013, Chapter 220

56 **63G-2-305**, as last amended by Laws of Utah 2013, Chapters 12, 445, and 447

57 **63I-1-269**, as last amended by Laws of Utah 2011, Chapter 199

58 **63I-4a-102**, as renumbered and amended by Laws of Utah 2013, Chapter 325

59 **63J-1-201**, as last amended by Laws of Utah 2013, Chapters 158, 167, and 413

60 **63J-7-102**, as last amended by Laws of Utah 2013, Chapters 28 and 295

61 **69-2-2**, as last amended by Laws of Utah 2012, Chapter 369

62 **69-2-3**, as enacted by Laws of Utah 1986, Chapter 33

63 **69-2-4**, as last amended by Laws of Utah 2008, Chapter 360

64 **69-2-5**, as last amended by Laws of Utah 2012, Chapter 326

65 **69-2-5.5**, as last amended by Laws of Utah 2012, Chapter 326

66 **69-2-5.6**, as last amended by Laws of Utah 2012, Chapter 326

67 **69-2-5.7**, as last amended by Laws of Utah 2012, Chapter 326

68 ENACTS:

69 **63H-7-301**, Utah Code Annotated 1953

70 **63H-7-308**, Utah Code Annotated 1953

71 **63H-7-309**, Utah Code Annotated 1953

72 **63H-7-310**, Utah Code Annotated 1953

73 RENUMBERS AND AMENDS:

74 **63H-7-101**, (Renumbered from 63C-7-101, as enacted by Laws of Utah 1997, Chapter
75 136)

76 **63H-7-102**, (Renumbered from 63C-7-102, as last amended by Laws of Utah 2013,
77 Chapter 197)

78 **63H-7-103**, (Renumbered from 63C-7-103, as last amended by Laws of Utah 2007,
79 Chapter 329)

80 **63H-7-201**, (Renumbered from 63C-7-201, as enacted by Laws of Utah 1997, Chapter
81 136)

82 **63H-7-202**, (Renumbered from 63C-7-202, as last amended by Laws of Utah 2013,
83 Chapter 197)

84 **63H-7-203**, (Renumbered from 63C-7-205, as last amended by Laws of Utah 2013,
85 Chapter 197)

86 **63H-7-204**, (Renumbered from 63C-7-206, as enacted by Laws of Utah 1997, Chapter
87 136)
88 **63H-7-205**, (Renumbered from 63C-7-207, as enacted by Laws of Utah 1997, Chapter
89 136)
90 **63H-7-302**, (Renumbered from 53-10-601, as last amended by Laws of Utah 2008,
91 Chapter 77)
92 **63H-7-303**, (Renumbered from 53-10-602, as last amended by Laws of Utah 2010,
93 Chapters 278 and 307)
94 **63H-7-304**, (Renumbered from 53-10-603, as last amended by Laws of Utah 2010,
95 Chapters 278 and 307)
96 **63H-7-305**, (Renumbered from 53-10-604, as last amended by Laws of Utah 2011,
97 Chapter 309)
98 **63H-7-306**, (Renumbered from 53-10-605, as last amended by Laws of Utah 2010,
99 Chapter 278)
100 **63H-7-307**, (Renumbered from 53-10-606, as last amended by Laws of Utah 2010,
101 Chapters 278 and 323)
102 **63H-7-401**, (Renumbered from 63C-7-301, as enacted by Laws of Utah 1997, Chapter
103 136)
104 **63H-7-402**, (Renumbered from 63C-7-302, as enacted by Laws of Utah 1997, Chapter
105 136)
106 **63H-7-403**, (Renumbered from 63C-7-303, as enacted by Laws of Utah 1997, Chapter
107 136)
108 **63H-7-404**, (Renumbered from 63C-7-304, as enacted by Laws of Utah 1997, Chapter
109 136)
110 **63H-7-405**, (Renumbered from 63C-7-305, as enacted by Laws of Utah 1997, Chapter
111 136)
112 **63H-7-406**, (Renumbered from 63C-7-306, as last amended by Laws of Utah 2009,
113 Chapter 388)

114 **63H-7-501**, (Renumbered from 63C-7-208, as enacted by Laws of Utah 1997, Chapter
115 136)

116 **63H-7-502**, (Renumbered from 63C-7-209, as enacted by Laws of Utah 1997, Chapter
117 136)

118 **63H-7-503**, (Renumbered from 63C-7-210, as last amended by Laws of Utah 2013,
119 Chapter 220)

120 **63H-7-504**, (Renumbered from 63C-7-211, as last amended by Laws of Utah 1999,
121 Chapter 21)

122 REPEALS:

123 **63C-7-203**, as enacted by Laws of Utah 1997, Chapter 136

124 **63C-7-204**, as last amended by Laws of Utah 2013, Chapter 197

125 **63F-1-801**, as enacted by Laws of Utah 2009, Chapter 195

126 **63F-1-802**, as enacted by Laws of Utah 2009, Chapter 195

127 **Uncodified Material Affected:**

128 ENACTS UNCODIFIED MATERIAL



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

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

132 **26-8b-102. Definitions.**

133 As used in this chapter:

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

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

138 (a) has received pre-market notification approval from the United States Food and
139 Drug Administration, pursuant to Section 360(k), Title 21 of the United States Code;

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

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

144 (d) upon determining that defibrillation should be performed, automatically charges,
145 enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and
146 to a person's heart.

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

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

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

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

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

156 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

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

159 (i) a tax commissioner;

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

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

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

166 (i) in accordance with judicial order;

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

168 (A) this title; or

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

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

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

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

177 (2) This section does not prohibit:

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

180 (b) the publication of statistics as long as the statistics are classified to prevent the
181 identification of particular reports or returns; and

182 (c) the inspection by the attorney general or other legal representative of the state of the
183 report or return of any taxpayer:

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

185 (ii) against whom an action or proceeding is contemplated or has been instituted under
186 this title; or

187 (iii) against whom the state has an unsatisfied money judgment.

188 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the
189 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
190 Rulemaking Act, provide for a reciprocal exchange of information with:

191 (i) the United States Internal Revenue Service; or

192 (ii) the revenue service of any other state.

193 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and
194 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,
195 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
196 other written statements with the federal government, any other state, any of the political
197 subdivisions of another state, or any political subdivision of this state, except as limited by

198 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal
199 government grant substantially similar privileges to this state.

200 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and
201 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,
202 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the
203 identity and other information of taxpayers who have failed to file tax returns or to pay any tax
204 due.

205 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the
206 Division of Solid and Hazardous Waste, as defined in Section 19-6-102, as requested by the
207 director of the Division of Solid and Hazardous Waste, any records, returns, or other
208 information filed with the commission under Chapter 13, Motor and Special Fuel Tax Act, or
209 Section 19-6-410.5 regarding the environmental assurance program participation fee.

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

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

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

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

217 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
218 manufacturer and reported to the commission for the previous calendar year under Section
219 59-14-407; and

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

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

226 (h) Notwithstanding Subsection (1), the commission may:
227 (i) provide to the Division of Consumer Protection within the Department of
228 Commerce and the attorney general data:
229 (A) reported to the commission under Section 59-14-212; or
230 (B) related to a violation under Section 59-14-211; and
231 (ii) upon request, provide to any person data reported to the commission under
232 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).
233 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee
234 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of
235 Management and Budget, provide to the committee or office the total amount of revenues
236 collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the
237 time period specified by the committee or office.
238 (j) Notwithstanding Subsection (1), the commission shall make the directory required
239 by Section 59-14-603 available for public inspection.
240 (k) Notwithstanding Subsection (1), the commission may share information with
241 federal, state, or local agencies as provided in Subsection 59-14-606(3).
242 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of
243 Recovery Services within the Department of Human Services any relevant information
244 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer
245 who has become obligated to the Office of Recovery Services.
246 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of
247 Recovery Services to any other state's child support collection agency involved in enforcing
248 that support obligation.
249 (m) (i) Notwithstanding Subsection (1), upon request from the state court
250 administrator, the commission shall provide to the state court administrator, the name, address,
251 telephone number, county of residence, and Social Security number on resident returns filed
252 under Chapter 10, Individual Income Tax Act.
253 (ii) The state court administrator may use the information described in Subsection

254 (3)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.
255 (n) Notwithstanding Subsection (1), the commission shall at the request of a
256 committee, commission, or task force of the Legislature provide to the committee, commission,
257 or task force of the Legislature any information relating to a tax imposed under Chapter 9,
258 Taxation of Admitted Insurers, relating to the study required by Section 59-9-101.

259 (o) (i) As used in this Subsection (3)(o), "office" means the:
260 (A) Office of the Legislative Fiscal Analyst; or
261 (B) Office of Legislative Research and General Counsel.

262 (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(o)(iii),
263 the commission shall at the request of an office provide to the office all information:
264 (A) gained by the commission; and
265 (B) required to be attached to or included in returns filed with the commission.

266 (iii) (A) An office may not request and the commission may not provide to an office a
267 person's:
268 (I) address;
269 (II) name;
270 (III) Social Security number; or
271 (IV) taxpayer identification number.

272 (B) The commission shall in all instances protect the privacy of a person as required by
273 Subsection (3)(o)(iii)(A).

274 (iv) An office may provide information received from the commission in accordance
275 with this Subsection (3)(o) only:
276 (A) as:
277 (I) a fiscal estimate;
278 (II) fiscal note information; or
279 (III) statistical information; and
280 (B) if the information is classified to prevent the identification of a particular return.

281 (v) (A) A person may not request information from an office under Title 63G, Chapter

282 2, Government Records Access and Management Act, or this section, if that office received the
283 information from the commission in accordance with this Subsection (3)(o).

284 (B) An office may not provide to a person that requests information in accordance with
285 Subsection (3)(o)(v)(A) any information other than the information the office provides in
286 accordance with Subsection (3)(o)(iv).

287 (p) Notwithstanding Subsection (1), the commission may provide to the governing
288 board of the agreement or a taxing official of another state, the District of Columbia, the United
289 States, or a territory of the United States:

290 (i) the following relating to an agreement sales and use tax:

291 (A) information contained in a return filed with the commission;

292 (B) information contained in a report filed with the commission;

293 (C) a schedule related to Subsection (3)(p)(i)(A) or (B); or

294 (D) a document filed with the commission; or

295 (ii) a report of an audit or investigation made with respect to an agreement sales and
296 use tax.

297 (q) Notwithstanding Subsection (1), the commission may provide information
298 concerning a taxpayer's state income tax return or state income tax withholding information to
299 the Driver License Division if the Driver License Division:

300 (i) requests the information; and

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

303 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah 911
304 Committee the information requested by the Utah 911 Committee under Subsection
305 [~~53-10-602(3)~~] [63H-7-303\(4\)](#).

306 (s) Notwithstanding Subsection (1), the commission shall provide to the Utah
307 Educational Savings Plan information related to a resident or nonresident individual's
308 contribution to a Utah Educational Savings Plan account as designated on the resident or
309 nonresident's individual income tax return as provided under Section [59-10-1313](#).

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

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

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

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

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

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

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

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

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

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

332 (ii) is not subject to:

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

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

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

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

337 **63A-4-205.5. Risk management -- Coverage of the Utah Communications**

338 **Authority.**

339 The [~~Utah Communications Agency Network~~] Utah Communications Authority
340 established under authority of Title [~~63E~~] 63H, Chapter 7, Utah Communications Authority
341 Act, may participate in the Risk Management Fund.

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

343 **63E-1-102. Definitions -- List of independent entities.**

344 As used in this title:

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

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

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

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

353 (i) independent state agency; or

354 (ii) independent corporation.

355 (b) "Independent entity" includes the:

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

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

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

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

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

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

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

363 (viii) Utah State Retirement Office created by Section 49-11-201;

364 (ix) School and Institutional Trust Lands Administration created by Section
365 53C-1-201;

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

Section 5. Section 63G-2-305 is amended to read:

63G-2-305. Protected records.

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

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

397 (2) commercial information or nonindividual financial information obtained from a
398 person if:

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

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

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

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

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

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

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

421 (a) an invitation for bids;

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

450 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
451 compensated transaction of real or personal property including intellectual property, which, if
452 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
453 of the subject property, unless:

454 (a) the public interest in access is greater than or equal to the interests in restricting
455 access, including the governmental entity's interest in maximizing the financial benefit of the
456 transaction; or

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

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

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

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

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

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

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

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

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

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

484 (14) records that, if disclosed, would reveal recommendations made to the Board of
485 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
486 Board of Pardons and Parole, or the Department of Human Services that are based on the
487 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
488 jurisdiction;

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

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

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

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

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

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

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

504 (A) members of a legislative body;

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

506 (C) members of a legislative body's staff; and
507 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
508 legislative action or policy may not be classified as protected under this section;
509 (20) (a) records in the custody or control of the Office of Legislative Research and
510 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
511 legislation or contemplated course of action before the legislator has elected to support the
512 legislation or course of action, or made the legislation or course of action public; and
513 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
514 Office of Legislative Research and General Counsel is a public document unless a legislator
515 asks that the records requesting the legislation be maintained as protected records until such
516 time as the legislator elects to make the legislation or course of action public;
517 (21) research requests from legislators to the Office of Legislative Research and
518 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
519 in response to these requests;
520 (22) drafts, unless otherwise classified as public;
521 (23) records concerning a governmental entity's strategy about:
522 (a) collective bargaining; or
523 (b) imminent or pending litigation;
524 (24) records of investigations of loss occurrences and analyses of loss occurrences that
525 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
526 Uninsured Employers' Fund, or similar divisions in other governmental entities;
527 (25) records, other than personnel evaluations, that contain a personal recommendation
528 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
529 personal privacy, or disclosure is not in the public interest;
530 (26) records that reveal the location of historic, prehistoric, paleontological, or
531 biological resources that if known would jeopardize the security of those resources or of
532 valuable historic, scientific, educational, or cultural information;
533 (27) records of independent state agencies if the disclosure of the records would

534 conflict with the fiduciary obligations of the agency;

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

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

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

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

552 (32) transcripts, minutes, or reports of the closed portion of a meeting of a public body
553 except as provided in Section [52-4-206](#);

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

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

560 (35) records that would reveal negotiations regarding assistance or incentives offered
561 by or requested from a governmental entity for the purpose of encouraging a person to expand

562 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
563 person or place the governmental entity at a competitive disadvantage, but this section may not
564 be used to restrict access to a record evidencing a final contract;

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

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

572 (a) the donor requests anonymity in writing;

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

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

580 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
581 73-18-13;

582 (39) a notification of workers' compensation insurance coverage described in Section
583 34A-2-205;

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

587 (i) unpublished lecture notes;

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

589 (A) relating to research; and

590 (B) of:
591 (I) the institution within the state system of higher education defined in Section
592 [53B-1-102](#); or
593 (II) a sponsor of sponsored research;
594 (iii) unpublished manuscripts;
595 (iv) creative works in process;
596 (v) scholarly correspondence; and
597 (vi) confidential information contained in research proposals;
598 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
599 information required pursuant to Subsection [53B-16-302](#)(2)(a) or (b); and
600 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
601 (41) (a) records in the custody or control of the Office of Legislative Auditor General
602 that would reveal the name of a particular legislator who requests a legislative audit prior to the
603 date that audit is completed and made public; and
604 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
605 Office of the Legislative Auditor General is a public document unless the legislator asks that
606 the records in the custody or control of the Office of Legislative Auditor General that would
607 reveal the name of a particular legislator who requests a legislative audit be maintained as
608 protected records until the audit is completed and made public;
609 (42) records that provide detail as to the location of an explosive, including a map or
610 other document that indicates the location of:
611 (a) a production facility; or
612 (b) a magazine;
613 (43) information:
614 (a) contained in the statewide database of the Division of Aging and Adult Services
615 created by Section [62A-3-311.1](#); or
616 (b) received or maintained in relation to the Identity Theft Reporting Information
617 System (IRIS) established under Section [67-5-22](#);

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

646 from an anonymous complainant regarding a child care program or residential child care;

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

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

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

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

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

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

658 (a) conducted within the state system of higher education, as defined in Section
659 53B-1-102; and

660 (b) conducted using animals;

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

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

666 (55) information collected and a report prepared by the Judicial Performance
667 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
668 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
669 the information or report;

670 (56) records contained in the Management Information System created in Section
671 62A-4a-1003;

672 (57) records provided or received by the Public Lands Policy Coordinating Office in
673 furtherance of any contract or other agreement made in accordance with Section 63J-4-603;

674 (58) information requested by and provided to the Utah State 911 Committee under
675 Section [~~53-10-602~~] [63H-7-303](#);

676 (59) recorded Children's Justice Center investigative interviews, both video and audio,
677 the release of which are governed by Section [77-37-4](#);

678 (60) in accordance with Section [73-10-33](#):

679 (a) a management plan for a water conveyance facility in the possession of the Division
680 of Water Resources or the Board of Water Resources; or

681 (b) an outline of an emergency response plan in possession of the state or a county or
682 municipality;

683 (61) the following records in the custody or control of the Office of Inspector General
684 of Medicaid Services, created in Section [63A-13-201](#):

685 (a) records that would disclose information relating to allegations of personal
686 misconduct, gross mismanagement, or illegal activity of a person if the information or
687 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
688 through other documents or evidence, and the records relating to the allegation are not relied
689 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
690 report or final audit report;

691 (b) records and audit workpapers to the extent they would disclose the identity of a
692 person who, during the course of an investigation or audit, communicated the existence of any
693 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
694 regulation adopted under the laws of this state, a political subdivision of the state, or any
695 recognized entity of the United States, if the information was disclosed on the condition that
696 the identity of the person be protected;

697 (c) before the time that an investigation or audit is completed and the final
698 investigation or final audit report is released, records or drafts circulated to a person who is not
699 an employee or head of a governmental entity for the person's response or information;

700 (d) records that would disclose an outline or part of any investigation, audit survey
701 plan, or audit program; or

702 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
703 investigation or audit;

704 (62) records that reveal methods used by the Office of Inspector General of Medicaid
705 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
706 abuse;

707 (63) information provided to the Department of Health or the Division of Occupational
708 and Professional Licensing under Subsection 58-68-304(3) or (4);

709 (64) a record described in Section 63G-12-210; and

710 (65) captured plate data that is obtained through an automatic license plate reader
711 system used by a governmental entity as authorized in Section 41-6a-2003.

712 Section 6. Section 63H-7-101, which is renumbered from Section 63C-7-101 is
713 renumbered and amended to read:

714 CHAPTER 7. UTAH COMMUNICATIONS AUTHORITY ACT

715 Part 1. General Provisions

716 ~~[63C-7-101].~~ 63H-7-101. Title.

717 This chapter is known as the [~~"Utah Communications Agency Network Act."~~] "Utah
718 Communications Authority Act."

719 Section 7. Section 63H-7-102, which is renumbered from Section 63C-7-102 is
720 renumbered and amended to read:

721 ~~[63C-7-102].~~ 63H-7-102. Purpose.

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

727 Section 8. Section 63H-7-103, which is renumbered from Section 63C-7-103 is
728 renumbered and amended to read:

729 ~~[63C-7-103].~~ 63H-7-103. Definitions.

730 As used in this chapter:

731 ~~[(1) "Board" means the Utah Communications Agency Network Board created in~~
732 ~~Section [63C-7-201](#).]~~

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

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

737 ~~[(2)] (3) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase~~
738 ~~agreements, or other evidences of indebtedness or borrowing issued or incurred by the [Utah~~
739 ~~Communications Agency Network] authority pursuant to this chapter.~~

740 ~~[(3)] (4) "Communications network" means:~~

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

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

746 ~~[(4) "Effective date" means the first date after which the Utah Communications Agency~~
747 ~~Network is officially created and shall be the first date after which:]~~

748 ~~[(a) at least 10 public agencies have submitted to the Utah Communications Agency~~
749 ~~Network office the membership resolutions required to become a member; and]~~

750 ~~[(b) the governor has appointed the four state representatives to the executive~~
751 ~~committee.]~~

752 ~~[(5) "Executive Committee" means the administrative body of the Utah~~
753 ~~Communications Agency Network created in Section [63C-7-205](#).]~~

754 (5) "FirstNet" means the First Responder Network Authority created by Congress in
755 the Middle Class Tax Relief and Job Creation Act of 2012.

756 (6) "Lease" means any lease, lease purchase, sublease, operating, management, or
757 similar agreement.

758 (7) "Local entity" means a county, city, town, local district, special service district, or
 759 interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act.

760 ~~[(7)]~~ (8) "Member" means a public agency which:

761 (a) adopts a membership resolution to be included within the [~~Utah Communications~~
 762 ~~Agency Network~~] authority; and

763 (b) submits an originally executed copy of an authorizing resolution to the [~~Utah~~
 764 ~~Communications Agency Network~~] authority's office.

765 ~~[(8)]~~ (9) "Member representative" means a person or that person's designee appointed
 766 by the governing body of each member.

767 ~~[(9)]~~ (10) "Public agency" means any political subdivision of the state, including cities,
 768 towns, counties, school districts, local districts, and special service districts, dispatched by a
 769 public safety answering point.

770 ~~[(10)]~~ (11) "Public safety answering point" means an organization, entity, or
 771 combination of entities which have joined together to form a central answering point for the
 772 receipt, management, and dissemination to the proper responding agency, of emergency and
 773 nonemergency communications, including 911 ~~[calls]~~ communications, police, fire, emergency
 774 medical, transportation, parks, wildlife, corrections, and any other governmental
 775 communications.

776 ~~[(11)]~~ (12) "State" means the state of Utah.

777 ~~[(12)]~~ (13) "State representative" means ~~[:-(a)]~~ the [~~four~~] six appointees of the governor
 778 or their designees~~[:]~~ and ~~[(b)]~~ the Utah State Treasurer or his designee.

779 Section 9. Section **63H-7-201**, which is renumbered from Section 63C-7-201 is
 780 renumbered and amended to read:

781 **Part 2. The Utah Communications Authority and the Board**

782 ~~[63C-7-201]~~. **63H-7-201. Establishment of the Utah Communications**
 783 **Authority.**

784 (1) There is established the [~~Utah Communications Agency Network, formerly the~~
 785 ~~Utah Wireless Interagency Network, created by executive order of the governor on June 6,~~

786 1996. ~~The Utah Communications Agency Network shall assume the operations of the Utah~~
787 ~~Wireless Interagency Network on May 4, 1997,]~~ Utah Communications Authority, formerly
788 known as the Utah Communications Agency Network, which shall assume the operations of
789 the Utah Communications Agency Network and shall perform the functions as provided in this
790 chapter.

791 (2) The [~~Utah Communications Agency Network~~] Utah Communications Authority is
792 an independent state agency and not a division within any other department of the state.

793 (3) The initial offices of the [~~Utah Communications Agency Network~~] authority shall
794 be in Salt Lake [~~City~~] County, but branches of the office may be established in other areas of
795 the state upon approval of the board.

796 [~~(4) (a) As soon after the effective date as possible, the state representatives shall~~
797 ~~schedule an organizational meeting date and shall give written notice of the time and location~~
798 ~~of the organizational meeting to the governing bodies of known prospective members.]~~

799 [~~(b) At the organizational meeting:]~~

800 [~~(i) the board shall be organized as provided in Section 63C-7-203;]~~

801 [~~(ii) bylaws shall be adopted; and]~~

802 [~~(iii) the executive committee shall be established as provided in Section 63C-7-205.]~~

803 Section 10. Section **63H-7-202**, which is renumbered from Section 63C-7-202 is
804 renumbered and amended to read:

805 ~~[63C-7-202].~~ **63H-7-202. Powers of the Authority.**

806 The [~~Utah Communications Agency Network~~] authority shall have the power to:

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

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

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

813 (4) own, acquire, construct, operate, maintain, and repair a communications network,

814 and dispose of any portion of it;

815 (5) borrow money and incur indebtedness;

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

817 (7) enter into agreements with public agencies, the state, and federal government to

818 provide communications network services on terms and conditions it considers to be in the best

819 interest of its members;

820 (8) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real

821 property or personal property in connection with the acquisition and construction of a

822 communications network and all related facilities and rights-of-way which it owns, operates,

823 and maintains;

824 (9) contract with other public agencies, the state, or federal government to provide

825 public safety communications services in excess of those required to meet the needs or

826 requirements of its members and the state and federal government if:

827 (a) it is determined by the ~~[executive committee]~~ board to be necessary to accomplish

828 the purposes and realize the benefits of this chapter; and

829 (b) any excess is sold to other public agencies, the state, or federal government and is

830 sold on terms that assure;

831 (i) that the excess services will be used only for the purposes and benefits authorized

832 by the authority under Section 63H-7-102; and

833 (ii) that the cost of providing the excess service will be received by the ~~[Utah~~

834 ~~Communications Agency Network]~~ authority;

835 (10) provide and maintain the public safety network for all state and local

836 governmental agencies:

837 (a) within the current ~~[Utah Communications Agency Network]~~ authority network for

838 the state and local governmental agencies that currently subscribe to the ~~[Utah~~

839 ~~Communications Agency Network; and]~~ authority;

840 (b) outside of the current ~~[Utah Communications Agency Network]~~ authority network

841 for state and local governmental agencies that do not currently subscribe to the ~~[Utah~~

842 ~~Communications Agency Network;~~ authority; and
 843 (c) in a manner that:
 844 (i) promotes high quality, cost effective services; and
 845 (ii) evaluates the benefits, costs, existing facilities and equipment, and services of
 846 public and private providers;
 847 (11) maintain the current VHF high-band network; [and]
 848 (12) review, approve, disapprove, or revise recommendations made by the Utah 911
 849 Committee regarding the expenditure of funds under Sections 69-2-5.5 and 69-2-5.6; and
 850 ~~[(12)]~~ (13) perform all other duties authorized by this chapter.
 851 Section 11. Section **63H-7-203**, which is renumbered from Section 63C-7-205 is
 852 renumbered and amended to read:
 853 ~~[63C-7-205].~~ **63H-7-203. Board established -- Terms -- Vacancies.**
 854 ~~[(1) The executive committee]~~
 855 (1) There is created the "Utah Communications Authority Board."
 856 (2) The board shall consist of the following [2+] individuals:
 857 (a) [15] the member representatives elected [by the board at its annual meetings; and]
 858 as follows:
 859 ~~[(b) six state representatives:]~~
 860 (i) one representative elected from each county of the first and second class, who:
 861 (A) is in law enforcement, fire service, or a public safety answering point; and
 862 (B) has a leadership position with public safety communication experience;
 863 (ii) one representative elected from each of the seven associations of government who:
 864 (A) is in law enforcement, fire service, or a public safety answering point; and
 865 (B) has a leadership position with public safety communication experience;
 866 (iii) one representative of the Native American tribes elected by the representative of
 867 tribal governments listed in Subsection 9-9-104.5(2);
 868 (iv) one representative elected by the Utah National Guard;
 869 (v) one representative elected by an association that represents fire chiefs;

870 (vi) one representative elected by an association that represents sheriffs;
871 (vii) one representative elected by an association that represents chiefs of police; and
872 (viii) one member elected by the Utah 911 Committee created in Section [63H-7-302](#);

873 and

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

875 ~~[(2)]~~ (3) (a) (i) ~~[Five]~~ Six of the state representatives shall be appointed by the
876 governor, with two of the positions having an initial term of two years, two having an initial
877 term of three years, and one having an initial term of four years.

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

879 (iii) The ~~[five]~~ six governor-appointed state representatives shall consist of:

880 (A) the executive director of the Utah Department of Transportation or the director's
881 designee;

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

883 (C) the executive director of the Department of Natural Resources or the director's
884 designee;

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

886 [and]

887 (E) the chief information officer of the Department of Technology Services, or the
888 officer's designee~~[-]; and~~

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

890 (b) The ~~[sixth]~~ seventh state representative shall be the Utah State Treasurer or the
891 treasurer's designee.

892 (c) A vacancy on the ~~[executive committee]~~ board for a state representative shall be
893 filled for the unexpired term by appointment by the governor.

894 ~~[(3)]~~ (4) (a) (i) One-half of the positions for member representatives ~~[elected by the~~
895 ~~board]~~ selected under Subsection (2) shall have an initial term of two years and one-half of the
896 positions shall have an initial term of four years.

897 (ii) Successor member representatives of the ~~[executive committee]~~ board shall each

898 serve for a term of four years, so that the term of office for six of the member representatives
899 expires every two years.

900 (b) The member representatives of the [~~executive committee~~] board shall be
901 removable, with or without cause, by [~~a majority vote of the board~~] the entity that selected the
902 member. A vacancy on the [~~executive committee~~] board for a member representative shall be
903 filled for the unexpired term by [~~a majority of the remaining member representatives of the~~
904 ~~executive committee~~] the entity the member represents.

905 [~~(4)~~] (5) The [~~executive committee~~] board shall elect annually one of its members as
906 chair.

907 [~~(5)~~] (6) The [~~executive committee~~] board shall meet on an as-needed basis and as
908 provided in the bylaws.

909 [~~(6)~~] (7) The [~~executive committee~~] board shall also elect a vice chair, secretary, and
910 treasurer to perform those functions provided in the bylaws.

911 (a) The vice chair shall be a member of the [~~executive committee~~] board.

912 (b) The secretary and treasurer need not be members of the [~~executive committee~~]
913 board, but shall not have voting powers if they are not members of the [~~executive committee~~]
914 board.

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

917 [~~(7)~~] (8) Each member representative and state representative shall have one vote,
918 including the chair, at all meetings of the [~~executive committee~~] board.

919 [~~(8) Twelve~~] (9) A constitutional majority of the members of the [~~executive committee~~
920 constitute] board constitutes a quorum. A vote of a majority of the quorum at any meeting of
921 the [~~executive committee~~] board is necessary to take action on behalf of the [~~executive~~
922 ~~committee~~] board.

923 Section 12. Section **63H-7-204**, which is renumbered from Section 63C-7-206 is
924 renumbered and amended to read:

925 [~~63C-7-206~~]. **63H-7-204. Board -- Powers and duties.**

- 926 The ~~[executive committee]~~ board shall:
- 927 (1) manage the affairs and business of the ~~[Utah Communications Agency Network]~~
928 authority consistent with this chapter including adopting bylaws by a majority vote of its
929 members;
- 930 (2) appoint an executive director to administer the ~~[Utah Communications Agency~~
931 ~~Network]~~ authority;
- 932 (3) receive and act upon reports covering the operations of the communications
933 network and funds administered by the ~~[Utah Communications Agency Network]~~ authority;
- 934 (4) ensure that the communications network and funds are administered according to
935 law;
- 936 (5) examine and approve an annual operating budget for the ~~[Utah Communications~~
937 ~~Agency Network]~~ authority;
- 938 (6) receive and act upon recommendations of the chair;
- 939 (7) recommend to the governor and Legislature any necessary or desirable changes in
940 the statutes governing the communications network;
- 941 (8) develop broad policies for the long-term operation of the ~~[Utah Communications~~
942 ~~Agency Network]~~ authority for the performance of its functions;
- 943 (9) make and execute contracts and other instruments on behalf of the ~~[Utah~~
944 ~~Communications Agency Network]~~ authority, including agreements with members and other
945 entities;
- 946 (10) authorize the borrowing of money, the incurring of indebtedness, and the issuance
947 of bonds as provided in this chapter;
- 948 (11) adopt rules consistent with this chapter for the management of the
949 communications network in order to carry out the purposes of this chapter, and perform all
950 other acts necessary for the administration of the communications network;
- 951 (12) exercise the powers and perform the duties conferred on it by this chapter; ~~[and]~~
- 952 (13) provide for audits of the ~~[Utah Communications Agency Network.]~~ authority;
- 953 (14) establish a division within the authority for radio network services;

954 (15) establish an office within the authority for a statewide interoperability coordinator;

955 and

956 (16) establish an office within the authority for a 911 program manager.

957 Section 13. Section **63H-7-205**, which is renumbered from Section 63C-7-207 is
958 renumbered and amended to read:

959 ~~[63C-7-207]~~. **63H-7-205. Executive director -- Powers and duties.**

960 The executive director shall:

961 (1) act as the executive officer of the [~~Utah Communications Agency Network~~]
962 authority;

963 (2) administer the various acts, systems, plans, programs, and functions assigned to the
964 office;

965 (3) with the approval of the [~~executive committee~~] board, develop and [~~promulgate~~]
966 make administrative rules which are within the authority granted by this title for the
967 administration of the [~~Utah Communications Agency Network~~] authority;

968 (4) recommend to the [~~executive committee~~] board any changes in the statutes
969 affecting the [~~Utah Communications Agency Network~~] authority;

970 (5) recommend to the [~~executive committee~~] board an annual administrative budget
971 covering administration, management, and operations of the communications network and,
972 upon approval of the [~~executive committee~~] board, direct and control the subsequent
973 expenditures of the budget; and

974 (6) within the limitations of the budget, employ staff personnel, consultants, a chief
975 financial officer, and legal counsel to provide professional services and advice regarding the
976 administration of the [~~Utah Communications Agency Network~~] authority.

977 Section 14. Section **63H-7-301** is enacted to read:

978 **Part 3. Offices and Division of the Authority**

979 **63H-7-301. 911 program manager.**

980 (1) There is created within the authority the 911 program manager.

981 (2) The 911 program manager shall:

982 (a) be appointed by the executive director:

983 (i) based on the recommendation of the Utah 911 Committee; and

984 (ii) with the approval of the board; and

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

986 Section 15. Section **63H-7-302**, which is renumbered from Section 53-10-601 is

987 renumbered and amended to read:

988 ~~[53-10-601].~~ **63H-7-302. Utah 911 Committee.**

989 (1) There is created within the ~~[division,]~~ authority the Utah 911 Committee consisting
990 of the following ~~[18]~~ members:

991 (a) ~~[a]~~ one representative from ~~[each of the following]~~ a primary ~~[emergency]~~ public
992 safety answering ~~[points:]~~ point from each county of the first and second class;

993 ~~[(i) Salt Lake County;]~~

994 ~~[(ii) Davis County;]~~

995 ~~[(iii) Utah County;]~~

996 ~~[(iv) Weber County; and]~~

997 ~~[(v) Washington County;]~~

998 ~~[(b) six members representing the following primary emergency public safety~~
999 ~~answering points:]~~

1000 (b) one representative from a primary public safety answering point representing each
1001 of the following:

1002 (i) Bear River Association;

1003 (ii) Uintah Basin Association;

1004 (iii) South East Association;

1005 (iv) Six County Association;

1006 (v) Five County Association; ~~[and]~~

1007 (vi) Mountainlands Association~~[- not including Utah County];~~ and

1008 ~~[(c) the following people with knowledge of technology and equipment that might be~~
1009 ~~needed for an emergency public safety answering system:]~~

1010 ~~[(i) a representative from a local exchange carrier;]~~
 1011 ~~[(ii) a representative from a rural incumbent local exchange carrier; and]~~
 1012 ~~[(iii) two representatives from radio communications services as defined in Section~~
 1013 ~~69-2-2;]~~
 1014 (vii) Wasatch Front Regional Council;
 1015 ~~[(d)]~~ (c) two representatives from the Department of Public Safety~~;~~:
 1016 (i) one of whom represents an urban Utah [and the other rural Utah; and] public service
 1017 answering point; and
 1018 (ii) one of whom represents a rural Utah public safety answering point; and
 1019 ~~[(e) a representative from the Department of Technology Services, created in Title 63F,~~
 1020 ~~Chapter 1;]~~
 1021 (d) the statewide interoperability coordinator, created in Section 63H-7-309.
 1022 (2) (a) Each committee member shall be appointed as follows:
 1023 (i) a member described in Subsection (1)(a) shall be appointed by the governor from a
 1024 nominee or nominees submitted to the governor by the council of government for that
 1025 member's county;
 1026 (ii) the ~~[six]~~ seven members described in Subsection (1)(b) shall be appointed by the
 1027 governor from a nominee or nominees submitted to the governor by the associations described
 1028 in Subsection (1)(b) as follows:
 1029 (A) the ~~[six]~~ seven associations shall select by lot~~;~~ the first ~~[four]~~ five associations to
 1030 begin the rotation of membership as required by Subsection (2)(b)(i); and
 1031 (B) as each association is represented on the ~~[commission]~~ committee in accordance
 1032 with Subsection (2)(b)(i), that association shall select the person to represent it on the
 1033 commission; and
 1034 ~~[(iii) the members described in Subsection (1)(c) shall be appointed by the governor~~
 1035 ~~with the consent of the Senate; and]~~
 1036 ~~[(iv)]~~ (iii) the members described in Subsections (1)~~[(d)]~~(c) and ~~[(e)]~~ (d) shall be
 1037 appointed by the governor.

1038 (b) The term of office of each member is four years~~[-, except as provided in Subsections~~
1039 ~~(2)(b)(ii) through (iv)]~~.

1040 ~~[(i) The representatives from Subsection (1)(b) must rotate to provide each geographic~~
1041 ~~location at least one representative every four years, except as provided for the initial~~
1042 ~~appointment under Subsection (2)(b)(ii).]~~

1043 ~~[(ii) The associations listed in Subsection (1)(b) shall select by lot, two of its members~~
1044 ~~to an initial two-year term.]]~~

1045 ~~[(iii) The governor shall appoint two representatives from Subsection (1)(c) to initial~~
1046 ~~two-year terms.]]~~

1047 ~~[(iv) The public service answering points listed in Subsection (1)(a) shall, by lot, select~~
1048 ~~two members to serve an initial two-year term.]]~~

1049 (c) No member of the committee may serve more than two consecutive four-year terms.

1050 (d) Each mid-term vacancy shall be filled for the unexpired term in the same manner as
1051 an appointment under Subsection (2)(a).

1052 (3) (a) Committee members shall elect a chair from their number and establish rules for
1053 the organization and operation of the committee, with the chair ~~[rotating among]~~ selected by
1054 representatives from Subsections (1)(a), (b), and ~~(d)~~ (c) every year.

1055 (b) Staff services to the committee~~[-(i)]~~ shall be provided by the ~~[division, and]~~
1056 authority.

1057 ~~[(ii) may be provided by local entities through the Utah Association of Counties and~~
1058 ~~the Utah League of Cities and Towns.]]~~

1059 (c) Funding for staff services shall be provided with funds approved by the
1060 ~~[committee] board~~ from those identified under Section ~~[53-10-605]~~ 63H-7-306.

1061 (4) (a) No member may receive compensation or benefits for the member's service on
1062 the committee.

1063 (b) A member is not required to give bond for the performance of official duties.

1064 (5) A majority of the committee constitutes a quorum for voting purposes.

1065 Section 16. Section **63H-7-303**, which is renumbered from Section 53-10-602 is

1066 renumbered and amended to read:

1067 ~~[53-10-602].~~ 63H-7-303. Committee's duties and powers.

1068 (1) The committee shall:

1069 (a) review and make recommendations to the ~~[division, the Bureau of~~
1070 ~~Communications]~~ board, public safety answering points, and the Legislature on:

1071 (i) technical, administrative, fiscal, and operational issues for the implementation of [a]
1072 unified statewide ~~[wireless and land-based E-911]~~ 911 emergency ~~[system]~~ services;

1073 (ii) ~~[specific]~~ technology and standards for the implementation of [a] unified statewide
1074 ~~[wireless and land-based E-911]~~ 911 emergency ~~[system]~~ services;

1075 (iii) emerging technological upgrades;

1076 (iv) expenditures by local public ~~[service]~~ safety answering points to assure
1077 implementation of [a] unified statewide ~~[wireless and land-based E-911]~~ 911 emergency
1078 ~~[system]~~ services and standards of operation; and

1079 (v) mapping systems and technology necessary to implement the unified statewide
1080 ~~[wireless and land-based E-911]~~ 911 emergency ~~[system]~~ services;

1081 (b) administer the program funded by the Unified Statewide ~~[Unified E-911]~~ 911
1082 Emergency Service Account as provided in this part;

1083 (c) administer the program funded by the Computer Aided Dispatch Restricted
1084 Account created in Section 63H-7-310;

1085 ~~[(e)]~~ (d) assist as many local entities as possible, at their request, to implement the
1086 recommendations of the committee; and

1087 ~~[(d)]~~ (e) fulfill all other duties imposed on the committee by the Legislature by this
1088 part.

1089 (2) The committee may recommend to the board to sell, lease, or otherwise dispose of
1090 equipment or personal property purchased, leased, or belonging to the ~~[committee, the proceeds~~
1091 ~~from which shall return to the restricted account.]~~ board that is related to:

1092 (a) unified statewide 911 emergency service;

1093 (b) the computer aided dispatch system; or

1094 (c) funds expended from the restricted account created in Sections 69-2-5.5 and
 1095 69-2-5.6, the proceeds from which shall return to the respective restricted accounts.

1096 (3) The committee may make recommendations to the board to own, operate, or enter
 1097 into contracts for unified statewide 911 emergency services and a computer aided dispatch
 1098 system.

1099 ~~[(3)]~~ (4) (a) The committee shall review information regarding:

1100 (i) in aggregate, the number of ~~[telecommunication]~~ service subscribers by
 1101 ~~[telecommunication]~~ service type in a political subdivision;

1102 (ii) 911 ~~[call]~~ delivery network costs;

1103 (iii) public safety answering point costs; ~~[and]~~

1104 (iv) system engineering information~~[-]; and~~

1105 (v) a computer aided dispatch system.

1106 (b) In accordance with Subsection ~~[(3)]~~ (4)(a) the committee may request:

1107 (i) information as described in Subsection ~~[(3)]~~ (4)(a)(i) from the Utah State Tax
 1108 Commission; and

1109 (ii) information from public safety answering points connected to the ~~[911 call~~
 1110 ~~delivery]~~ computer aided dispatch system.

1111 (c) The information requested by and provided to the committee under Subsection ~~[(3)]~~
 1112 (4) is a protected record in accordance with Section 63G-2-305.

1113 ~~[(4) The committee shall issue the reimbursement allowed under Subsection~~
 1114 ~~53-10-605(1)(b) provided that:]~~

1115 ~~[(a) the reimbursement is based on aggregated cost studies submitted to the committee~~
 1116 ~~by the wireless carriers seeking reimbursement; and]~~

1117 ~~[(b) the reimbursement to any one carrier does not exceed 125% of the wireless~~
 1118 ~~carrier's contribution to the restricted account.]~~

1119 (5) The committee shall ~~[adopt]~~ make rules in accordance with Title 63G, Chapter 3,
 1120 Utah Administrative Rulemaking Act, to administer the program funded by the restricted
 1121 account created in Section ~~[53-10-603]~~ 63H-7-304 including rules that establish the criteria,

1122 standards, technology, and equipment that a local entity or state agency must adopt in order to
1123 qualify for [~~grants~~] funds from the restricted account.

1124 (6) The committee shall make rules in accordance with Title 63G, Chapter 3, Utah
1125 Administrative Rulemaking Act, to administer the restricted account created in Section
1126 63H-7-310, including rules that establish the criteria, standards, technology, and equipment that
1127 a local entity or state agency must adopt in order to qualify as a recipient of a computer aided
1128 dispatch system.

1129 [~~(6)~~] (7) The committee may employ an outside consultant to:

1130 (a) study and advise on the issue of public safety answering points[-]; and

1131 (b) advise the committee regarding:

1132 (i) public safety communications and other issues regarding unified state 911
1133 emergency services;

1134 (ii) computer aided dispatch system consolidation; and

1135 (iii) consolidation of public safety answering points by county or region.

1136 [~~(7)~~] (8) This section does not expand the authority of the Utah State Tax Commission
1137 to request additional information from a telecommunication service provider.

1138 Section 17. Section **63H-7-304**, which is renumbered from Section 53-10-603 is
1139 renumbered and amended to read:

1140 [~~53-10-603~~]. **63H-7-304. Creation of Unified Statewide 911 Emergency**
1141 **Service Account.**

1142 (1) There is created a restricted account within the General Fund known as the
1143 [~~"Statewide Unified E-911"] "Unified Statewide 911 Emergency Service Account," consisting~~

1144 of:
1145 (a) proceeds from the fee imposed in Section 69-2-5.6;

1146 (b) money appropriated or otherwise made available by the Legislature; and

1147 (c) contributions of money, property, or equipment from federal agencies, political
1148 subdivisions of the state, persons, or corporations.

1149 (2) The money in this restricted account shall be used exclusively for the following

1150 statewide public purposes:

1151 (a) enhancing public safety as provided in this chapter; and

1152 (b) providing [a] unified statewide~~[, unified, wireless E-911]~~ 911 emergency service
1153 available to public safety answering points[;].

1154 ~~[(c) providing reimbursement to providers for certain costs associated with Phase II~~
1155 ~~wireless E-911 service; and]~~

1156 ~~[(d) paying for an outside consultant hired by the Utah 911 Committee to study and~~
1157 ~~advise the committee regarding public safety answering points.]~~

1158 Section 18. Section **63H-7-305**, which is renumbered from Section 53-10-604 is
1159 renumbered and amended to read:

1160 ~~[53-10-604].~~ **63H-7-305. Committee expenses -- Committee**
1161 **responsibilities.**

1162 (1) [~~Committee~~] Subject to appropriation, expenses and the costs of administering
1163 [~~grants~~] disbursements from the restricted account, as provided in Subsection (2), shall be paid
1164 from the restricted account.

1165 (2) (a) The [~~Division of Finance~~] committee shall be responsible for the care, custody,
1166 safekeeping, collection, and accounting for [~~grants issued~~] disbursements made by the
1167 committee under the provisions of Section [~~53-10-605~~] 63H-7-306.

1168 (b) [~~The~~] Subject to appropriation, the Division of Finance may charge the restricted
1169 account the administrative costs incurred in discharging the responsibilities imposed by
1170 [~~Subsection (2)(a)~~] Section 63H-7-306.

1171 Section 19. Section **63H-7-306**, which is renumbered from Section 53-10-605 is
1172 renumbered and amended to read:

1173 ~~[53-10-605].~~ **63H-7-306. Use of money in restricted account -- Criteria --**
1174 **Division of Finance responsibilities.**

1175 (1) (a) Subject to an annual legislative appropriation from the restricted account to [~~(a)~~]
1176 ~~the committee, the committee shall: (i) authorize the use of]~~ the Division of Finance, the
1177 Division of Finance shall disburse the money in the fund[~~, by grant to a local entity or state~~

1178 ~~agency]~~ for the benefit of a public agency in accordance with this Subsection (1) and
 1179 Subsection (2)[;].
 1180 ~~[(ii) grant to state agencies and local entities]~~
 1181 (b) The committee shall administer the program and forward to the Division of Finance
 1182 the committee's authorization for disbursement from the restricted account in accordance with
 1183 this section.
 1184 (c) The committee shall:
 1185 (i) disburse on behalf of public agencies an amount not to exceed the per month fee
 1186 levied on telecommunications service under Section 69-2-5.6 for installation, implementation,
 1187 and maintenance of unified[;] statewide 911 emergency services and technology; and
 1188 ~~[(iii)]~~ (ii) in addition to any money under Subsection (1)[(a)(ii)](c)(i), [grant to]
 1189 disburse on behalf of counties of the third through sixth class the amount dedicated for rural
 1190 assistance, which is at least 3 cents per month levied on ~~[telecommunications]~~ 911 emergency
 1191 service under Section 69-2-5.6 to:
 1192 (A) enhance the 911 emergency services with a focus on areas or counties that do not
 1193 have ~~[E-911]~~ 911 emergency services; and
 1194 (B) where needed, assist the counties, in cooperation with private industry, with the
 1195 creation or integration of wireless systems and location technology in rural areas of the state[;].
 1196 ~~[(b) the committee, the committee shall:]~~
 1197 ~~[(i) include reimbursement to a provider of radio communications service, as defined in~~
 1198 ~~Section 69-2-2, for costs as provided in Subsection (1)(b)(ii); and]~~
 1199 ~~[(ii) an agreement to reimburse costs to a provider of radio communications services~~
 1200 ~~must be a written agreement among the committee, the local public safety answering point and~~
 1201 ~~the carrier; and]~~
 1202 ~~[(c)]~~ (d) The committee shall reimburse the state's Automated Geographic Reference
 1203 Center in the Division of Integrated Technology of the Department of Technology Services, an
 1204 amount equal to 1 cent per month levied on telecommunications service under Section 69-2-5.6
 1205 ~~[shall be used]~~ to enhance and upgrade ~~[statewide]~~ digital mapping standards for unified

1206 statewide 911 emergency service as required by the committee.

1207 (2) ~~[(a)]~~ Beginning July 1, ~~[2007]~~ 2014, the committee may not ~~[grant]~~ authorize
 1208 disbursements and the Division of Finance may not disburse the money in the restricted
 1209 account [to a local] on behalf of an entity unless the [local] entity [is in compliance with Phase
 1210 I, wireless E-911] has the capability to receive Internet protocol based 911 emergency service.

1211 ~~[(b) Beginning July 1, 2009, the committee may not grant money in the restricted~~
 1212 ~~account to a local entity unless the local entity is in compliance with Phase II, wireless E-911~~
 1213 ~~service.]~~

1214 ~~[(3) A local entity must deposit any money it receives from the committee into a~~
 1215 ~~special emergency telecommunications service fund in accordance with Subsection 69-2-5(4).]~~

1216 ~~[(4) For purposes of this part, "local entity" means a county, city, town, local district,~~
 1217 ~~special service district, or interlocal entity created under Title 11, Chapter 13, Interlocal~~
 1218 ~~Cooperation Act.]~~

1219 Section 20. Section **63H-7-307**, which is renumbered from Section 53-10-606 is
 1220 renumbered and amended to read:

1221 ~~[53-10-606].~~ **63H-7-307. Committee to report annually.**

1222 (1) The committee shall submit an annual report to the Executive Offices and Criminal
 1223 Justice Appropriations Subcommittee, which shall include:

1224 (a) the total aggregate surcharge collected by local entities and the state in the last
 1225 fiscal year under Sections 69-2-5 and 69-2-5.6;

1226 (b) the amount of each disbursement from the restricted account;

1227 (c) the recipient of each disbursement and describing the project for which money was
 1228 disbursed;

1229 (d) the conditions, if any, placed by the committee or the Division of Finance on
 1230 disbursements from the restricted account;

1231 (e) the planned expenditures from the restricted account for the next fiscal year;

1232 (f) the amount of any unexpended funds carried forward;

1233 (g) a cost study to guide the Legislature towards necessary adjustments of both the

1234 Unified Statewide [~~Unified E-911~~] 911 Emergency Service Account and the monthly
1235 emergency services telephone charge imposed under Section 69-2-5; and

1236 (h) a progress report of local government implementation of [~~wireless and land-based~~
1237 ~~E-911~~] 911 emergency services including:

1238 (i) a fund balance or balance sheet from each agency maintaining its own emergency
1239 telephone service fund;

1240 (ii) a report from each public safety answering point of annual call activity separating
1241 wireless and land-based 911 call volumes; and

1242 (iii) other relevant justification for ongoing support from the Unified Statewide
1243 [~~Unified E-911~~] 911 Emergency Service Account created by Section [~~53-10-603~~] 63H-7-304.

1244 (2) (a) The committee may request information from a local entity as necessary to
1245 prepare the report required by this section.

1246 (b) A local entity imposing a levy under Section 69-2-5 or receiving a [~~grant~~]
1247 disbursement under Section [~~53-10-605~~] 63H-7-306 shall provide the information requested
1248 pursuant to Subsection (2)(a).

1249 Section 21. Section **63H-7-308** is enacted to read:

1250 **63H-7-308. Radio Network Division.**

1251 (1) There is created within the authority the Radio Network Division.

1252 (2) The technical operations manager of the Radio Network Division shall be
1253 appointed by the executive director with the approval of the board.

1254 (3) The Radio Network Division shall provide technical staff and support to the
1255 authority.

1256 Section 22. Section **63H-7-309** is enacted to read:

1257 **63H-7-309. Office of Statewide Interoperability Coordinator.**

1258 (1) There is created within the authority the Office of the Statewide Interoperability
1259 Coordinator.

1260 (2) The executive director shall appoint the statewide interoperability coordinator with
1261 the approval of the board.

- 1262 (3) The Office of the Statewide Interoperability Coordinator shall:
1263 (a) promote wireless technology information and interoperability among local, state,
1264 federal, and other agencies;
1265 (b) provide a mechanism for coordinating and resolving wireless communication issues
1266 among local, state, federal, and other agencies;
1267 (c) improve data and information sharing and coordination of multijurisdictional
1268 responses;
1269 (d) identify opportunities to consolidate infrastructures and technologies;
1270 (e) evaluate current technologies and determine if they are meeting the needs of agency
1271 personnel in respective service areas; and
1272 (f) create and maintain procedures for requesting interoperability channels.

1273 Section 23. Section **63H-7-310** is enacted to read:

1274 **63H-7-310. Creation of Computer Aided Dispatch Restricted Account --**
1275 **Administration -- Use of money.**

- 1276 (1) There is created a restricted account within the General Fund known as the
1277 "Computer Aided Dispatch Restricted Account," consisting of:
1278 (a) proceeds from the fee imposed in Section [69-2-5.5](#);
1279 (b) money appropriated or otherwise made available by the Legislature; and
1280 (c) contributions of money from federal agencies, political subdivisions of the state,
1281 persons, or corporations.
1282 (2) The money in this restricted account shall be used exclusively for the following
1283 statewide public purposes:
1284 (a) enhancing public safety as provided in this chapter; and
1285 (b) creating and maintaining a shared computer aided dispatch system including:
1286 (i) a single computer aided dispatch platform that will be selected, maintained, shared,
1287 or hosted on a statewide or regional basis;
1288 (ii) a single computer aided dispatch platform selected by a county of the first class,
1289 when:

1290 (A) authorized through an interlocal agreement between the county's two primary
1291 public safety answering points; and

1292 (B) the county's computer aided dispatch platform is capable of interfacing with the
1293 platform described in Subsection (2)(b)(i); and

1294 (iii) a statewide computer aided dispatch system data sharing platform to provide
1295 interoperability of systems.

1296 (3) Subject to appropriation, the Division of Finance may charge the administrative
1297 costs incurred in discharging the responsibilities imposed by this section.

1298 (4) (a) Subject to an annual legislative appropriation from the restricted account to the
1299 Division of Finance, the Division of Finance shall disburse the money in the fund, based on the
1300 authorization of the committee under Subsections (4)(b) and (c).

1301 (b) The Utah 911 Committee shall administer the development and maintenance of the
1302 shared computer aided dispatch system:

1303 (i) for state agencies and local entities; and

1304 (ii) where needed, to assist public agencies with the creation or integration and
1305 maintenance of the shared computer aided dispatch system.

1306 (c) The Utah 911 Committee shall:

1307 (i) annually report to the Division of Finance the committee's authorized disbursements
1308 from the restricted account;

1309 (ii) be responsible for the care, custody, safekeeping, collection, and accounting for
1310 disbursements; and

1311 (iii) submit an annual report to the Executive Offices and Criminal Justice

1312 Appropriations Subcommittee, which shall include:

1313 (A) the amount of each disbursement from the restricted account;

1314 (B) the recipient of each disbursement and a description of the project for which money
1315 was disbursed;

1316 (C) the conditions, if any, placed by the committee or the Division of Finance on
1317 disbursements from the amount appropriated from the restricted account;

- 1318 (D) the planned expenditures from the restricted account for the next fiscal year;
- 1319 (E) the amount of any unexpended funds carried forward; and
- 1320 (F) a progress report of implementation of a statewide computer aided dispatch system.
- 1321 (5) (a) The committee may request information from a public safety answering point as
- 1322 necessary to prepare the report required by this section.

1323 (b) A recipient under this section shall provide the information requested pursuant to
 1324 Subsection (5)(a).

1325 Section 24. Section **63H-7-401**, which is renumbered from Section 63C-7-301 is
 1326 renumbered and amended to read:

Part 4. Bonding Authority

1328 ~~[63C-7-301].~~ **63H-7-401. Bond authorized -- Payment -- Security --**
 1329 **Liability -- Purpose -- Exemption from certain taxes.**

1330 (1) The [~~Utah Communications Agency Network~~] authority may:

1331 (a) issue bonds from time to time for any of its corporate purposes provided in Section
 1332 [~~63C-7-102~~] 63H-7-102;

1333 (b) issue refunding bonds for the purpose of paying or retiring bonds previously issued
 1334 by it;

1335 (c) issue bonds on which the principal and interest are payable:

1336 (i) exclusively from the income, purchase or lease payments, and revenues of all or a
 1337 portion of the communications network; or

1338 (ii) from its revenues generally.

1339 (2) Any bonds issued by the [~~Utah Communications Agency Network~~] authority may
 1340 be additionally secured by a pledge of any loan, lease, grant, agreement, or contribution, in
 1341 whole or in part, from the federal government or other source, or a pledge of any income or
 1342 revenue of the [~~Utah Communications Agency Network~~] authority.

1343 (3) The officers of the [~~Utah Communications Agency Network~~] authority and any
 1344 person executing the bonds are not liable personally on the bonds.

1345 (4) (a) The bonds and other obligations of the [~~Utah Communications Agency~~

1346 ~~Network~~ authority are not a debt of any member or state representative of the [~~Utah~~
1347 ~~Communications Agency Network~~] authority, and do not constitute indebtedness for purposes
1348 of any constitutional or statutory debt limitation or restrictions.

1349 (b) The face of the bonds and other obligations shall state the provisions of Subsection
1350 (4)(a).

1351 (5) Any bonds of the [~~Utah Communications Agency Network~~] authority shall be
1352 revenue obligations, payable solely from the proceeds, revenues, or purchase and lease
1353 payments received by the [~~Utah Communications Agency Network~~] authority for the
1354 communications network.

1355 (6) The full faith and credit of any member or state representative may not be pledged
1356 directly or indirectly for the payment of the bonds.

1357 (7) A member or state representative may not incur any pecuniary liability under this
1358 chapter until it enters into a service contract, lease, or other financing obligation with the [~~Utah~~
1359 ~~Communications Agency Network~~] authority. Once a member enters into a service contract,
1360 lease, or other financing obligation with the [~~Utah Communications Agency Network~~]
1361 authority, the member shall be obligated to the [~~Utah Communications Agency Network~~]
1362 authority as provided in that contract, lease, or financing obligation.

1363 (8) A bond or obligation may not be made payable out of any funds or properties other
1364 than those of the [~~Utah Communications Agency Network~~] authority.

1365 (9) Bonds of the [~~Utah Communications Agency Network~~] authority are:

1366 (a) declared to be issued for an essential public and governmental purpose by public
1367 instrumentalities; and

1368 (b) together with interest and income, exempt from all taxes, except the corporate
1369 franchise tax.

1370 (10) The provisions of this chapter exempting the properties of the [~~Utah~~
1371 ~~Communications Agency Network~~] authority and its bonds and interest and income on them
1372 from taxation shall be considered part of the contract for the security of bonds and have the
1373 force of contract, by virtue of this part and without the necessity of this being restated in the

1374 bonds, between the bondholders, including all transferees of the bonds, [~~and~~] the [~~Utah~~
1375 ~~Communications Agency Network~~] authority and the state.

1376 Section 25. Section **63H-7-402**, which is renumbered from Section 63C-7-302 is
1377 renumbered and amended to read:

1378 ~~[63C-7-302]~~. **63H-7-402. Bonds to be authorized by resolution -- Form --**
1379 **Sale -- Negotiability -- Validity presumed.**

1380 (1) Bonds of the [~~Utah Communications Agency Network~~] authority shall:

1381 (a) be authorized by resolution of the [~~executive committee~~] board and may be issued
1382 in one or more series;

1383 (b) bear dates, mature, bear interest rates, be in denominations, be either coupon or
1384 registered, carry conversion or registration privileges, have rank or priority, be executed, and be
1385 payable; and

1386 (c) be subject to terms of redemption, with or without premium, as the resolution or its
1387 trust indenture provides.

1388 (2) The bonds may bear interest at a fixed or variable interest rate as the resolution
1389 provides. The resolution may establish a method, formula, or index pursuant to which the
1390 interest rate on the bonds may be determined from time to time.

1391 (3) In connection with the bonds, and on behalf of the [~~Utah Communications Agency~~
1392 ~~Network, the executive committee~~] authority, the board may authorize and enter into
1393 agreements or other arrangements with financial, banking, and other institutions for letters of
1394 credit, standby letters of credit, surety bonds, reimbursement agreements, remarketing
1395 agreements, indexing agreements, tender agent agreements, and other agreements to secure the
1396 bonds, to enhance the marketability and creditworthiness of the bonds, to determine a fixed or
1397 variable interest rate on the bonds, and to pay from any legally available source, including the
1398 proceeds of the bonds, of fees, charges, and other amounts coming due with respect to any such
1399 agreements.

1400 (4) The bonds may be sold at public or private sale in a manner and at prices, either at,
1401 in excess of, or below par value as provided by resolution of the [~~executive committee~~] board.

1402 (5) If members or officers of the [~~Utah Communications Agency Network~~] authority
1403 whose signatures appear on bonds or coupons cease to be members or officers before the
1404 delivery of the bonds, their signatures are valid and sufficient for all purposes.

1405 (6) Any bonds issued under this part are fully negotiable.

1406 (7) In any suit, action, or proceeding involving the validity or enforceability of any
1407 bond of the [~~Utah Communications Agency Network~~] authority or the security for it, any bond
1408 reciting in substance that it has been issued by the [~~Utah Communications Agency Network~~]
1409 authority to aid in financing the communications network shall be conclusively considered to
1410 have been issued for such purposes, and the communications network shall be conclusively
1411 considered to have been planned, located, and carried out in accordance with this part.

1412 Section 26. Section **63H-7-403**, which is renumbered from Section 63C-7-303 is
1413 renumbered and amended to read:

1414 ~~[63C-7-303]~~. **63H-7-403. Bonds and other obligations -- Additional**
1415 **powers of the authority.**

1416 In connection with the issuance of bonds or the incurring of obligations under leases,
1417 and in order to secure the payment of bonds or obligations, the [~~Utah Communications Agency~~
1418 ~~Network~~] authority, in addition to its other powers, may:

1419 (1) pledge all or any part of its gross or net rents, fees, or revenues to which its right
1420 then exists or may accrue in the future;

1421 (2) mortgage all or any part of its real or personal property owned or acquired in the
1422 future;

1423 (3) covenant against:

1424 (a) pledging all or any part of its rents, fees, and revenues;

1425 (b) mortgaging all or any part of its real or personal property to which its right or title
1426 then exists or accrues in the future;

1427 (c) permitting any lien on its revenues or property;

1428 (d) extending the time for the payment of its bonds or interest on them;

1429 (e) the use and disposition of the money held in the funds in Subsection (7); and

- 1430 (f) the use, maintenance, and replacement of any or all of its real or personal property;
- 1431 (4) covenant as to:
- 1432 (a) bonds to be issued;
- 1433 (b) the issuance of bonds in escrow or otherwise;
- 1434 (c) the use and disposition of the bond proceeds;
- 1435 (d) the insurance to be carried on the property in Subsection (3)(f) and the use and
- 1436 disposition of insurance money; and
- 1437 (e) the rights, liabilities, powers, and duties arising upon its breach of any covenant,
- 1438 condition, or obligation;
- 1439 (5) provide for the replacement of lost, destroyed, or mutilated bonds;
- 1440 (6) covenant for the redemption of the bonds and provide the terms and conditions for
- 1441 their redemption;
- 1442 (7) create or authorize the creation of special funds for money held for construction or
- 1443 operating costs, debt service, reserves, or other purposes; ~~and~~
- 1444 (8) prescribe the procedure, if any, by which the terms of any contract with
- 1445 bondholders may be amended or abrogated, the number of bondholders of outstanding bonds
- 1446 which must consent to the action, and the manner in which consent shall be given;
- 1447 (9) covenant and prescribe as to events of default and terms and conditions upon which
- 1448 any or all of its bonds or obligations shall become or may be declared due before maturity, and
- 1449 as to the terms and conditions upon which such declaration and its consequences may be
- 1450 waived;
- 1451 (10) vest in any obligee of the [~~Utah Communications Agency Network~~] authority or
- 1452 any specified proportion of them the right:
- 1453 (a) to enforce the payment of bonds or any covenants securing or relating to the bonds;
- 1454 (b) after default by the [~~Utah Communications Agency Network~~] authority to:
- 1455 (i) take possession of and use, operate, and manage any facilities or any part of it or any
- 1456 funds connected with the facilities and funds, and collect the revenues arising from them; and
- 1457 (ii) dispose of the facilities and funds in accordance with the agreement with the [~~Utah~~

1458 ~~Communications Agency Network~~ authority;

1459 (11) provide the:

1460 (a) powers and duties of an obligee and limit the obligee's liabilities; and

1461 (b) terms and conditions upon which the obligees may enforce any covenant or rights
1462 securing or relating to the bonds;

1463 (12) exercise all or any part or combination of the powers granted in this chapter;

1464 (13) perform any acts necessary, convenient, or desirable to secure its bonds; and

1465 (14) make any covenants or perform any acts calculated to make the bonds more
1466 marketable.

1467 Section 27. Section ~~63H-7-404~~, which is renumbered from Section 63C-7-304 is
1468 renumbered and amended to read:

1469 ~~[63C-7-304]~~. **63H-7-404. Reserve funds for debt service.**

1470 (1) To assure the continued operation and solvency of the [~~Utah Communications~~
1471 ~~Agency Network~~] authority for the carrying out of its purpose, the [~~Utah Communications~~
1472 ~~Agency Network~~] authority may establish reserve funds necessary to secure the payment of
1473 debt service on its bonds.

1474 (2) The resolution authorizing the issuance of the bonds shall specify the minimum
1475 amount that is required to be on deposit in the reserve funds.

1476 (3) The chair shall annually, on or before December 1, certify to the governor, the
1477 director of finance, and to each member the amount, if any, required to restore the funds to
1478 their required funding levels.

1479 (4) (a) The governor may request from the Legislature an appropriation of the amount
1480 certified in Subsection (3) to restore the reserve funds to their required funding levels or to
1481 meet any projected principal or interest payment deficiency. Any amount appropriated shall be
1482 repaid to the General Fund of the state in excess of the amounts which the [~~executive~~
1483 ~~committee~~] board determines will keep it self-supporting.

1484 (b) The [~~executive committee~~] board shall adjust the fees of the members so that the
1485 state is repaid for the amount appropriated in Subsection (4)(a) within 18 months after the state

1486 has paid the deficit.

1487 (5) The members are jointly responsible for 1/2 the amount certified in Subsection (3)
1488 to restore the reserve funds to their required funding levels. The ~~[executive committee]~~ board
1489 may request from each member money proportionate to their participation in the network to
1490 restore the funding level. Any amount paid by the members shall be proportionally repaid to
1491 them from 1/2 of any money in excess of the amounts which the ~~[executive committee]~~ board
1492 determines will keep it self-supporting.

1493 Section 28. Section **63H-7-405**, which is renumbered from Section 63C-7-305 is
1494 renumbered and amended to read:

1495 ~~[63C-7-305]~~. **63H-7-405. Investment of the authority funds.**

1496 The state treasurer shall invest all money held on deposit by or on behalf of the [~~Utah~~
1497 ~~Communications Agency Network~~] authority. The ~~[executive committee]~~ board may provide
1498 advice to the state treasurer concerning investment of the money of the [~~Utah Communications~~
1499 ~~Agency Network~~] authority.

1500 Section 29. Section **63H-7-406**, which is renumbered from Section 63C-7-306 is
1501 renumbered and amended to read:

1502 ~~[63C-7-306]~~. **63H-7-406. Publication of notice, resolution, or other**
1503 **proceeding -- Period for contesting.**

1504 (1) The ~~[executive committee of the Utah Communications Agency Network]~~ board
1505 may provide for the publication of any resolution or other proceedings adopted under this
1506 chapter:

- 1507 (a) in a newspaper of general circulation within the state; and
- 1508 (b) as required in Section 45-1-101.

1509 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the
1510 ~~[executive committee]~~ board may, in lieu of publishing the entire resolution or other
1511 proceeding, publish a notice of bonds to be issued containing:

- 1512 (a) the name of the issuer;
- 1513 (b) the purpose of the issue;

- 1514 (c) the type of bonds and the maximum principal amount which may be issued;
- 1515 (d) the maximum number of years over which the bonds may mature;
- 1516 (e) the maximum interest rate which the bonds may bear, if any;
- 1517 (f) the maximum discount from par, expressed as a percentage of principal amount, at
- 1518 which the bonds may be sold; and
- 1519 (g) the times and place where a copy of the resolution or other proceeding may be
- 1520 examined, which shall be at the principal office of the [~~Utah Communications Agency~~
- 1521 ~~Network~~] authority during regular business hours and for a period of at least 30 days after the
- 1522 publication of the notice.

1523 (3) For a period of 30 days after the publication, any person in interest may contest the

1524 legality of the resolution or proceeding, any bonds which may be authorized by the resolution

1525 or proceeding, or any provision made for the security and payment of the bonds by filing a

1526 pleading with the district court for the city in which the [~~Utah Communications Network~~]

1527 authority maintains its principal office.

1528 Section 30. Section **63H-7-501**, which is renumbered from Section 63C-7-208 is

1529 renumbered and amended to read:

1530 **Part 5. General Provisions**

1531 [~~63C-7-208~~]. **63H-7-501. Property and funds of the authority declared**

1532 **public property -- Exemption from taxes.**

1533 (1) The property and funds of the [~~Utah Communications Agency Network~~] authority

1534 are declared to be public property used for essential public and governmental purposes.

1535 (2) The property and the [~~Utah Communications Agency Network~~] authority are

1536 exempt from all taxes and special assessments of any public body. This tax exemption does

1537 not apply to any portion of a project used for a profit-making enterprise.

1538 Section 31. Section **63H-7-502**, which is renumbered from Section 63C-7-209 is

1539 renumbered and amended to read:

1540 [~~63C-7-209~~]. **63H-7-502. Term of the authority -- Dissolution --**

1541 **Withdrawal.**

1542 (1) (a) The [~~Utah Communications Agency Network~~] authority may be dissolved by [a
1543 ~~vote of 3/4 of all the members of the board or by~~] an act of the Legislature.

1544 (b) Title to all assets of the [~~Utah Communications Agency Network~~] authority upon
1545 its dissolution shall revert to the members and the state pro rata, based upon the total amount of
1546 money paid to the [~~Utah Communications Agency Network~~] authority by each member or the
1547 state for services provided to each by the communications network.

1548 (c) The board is authorized to:

1549 (i) take any necessary action to dissolve the [~~Utah Communications Agency Network~~]
1550 authority; and

1551 (ii) dispose of the property of the [~~Utah Communications Agency Network~~] authority
1552 upon its dissolution as provided in Subsection (1)(b).

1553 (2) (a) Each member may, at any time, withdraw as a member of the [~~Utah~~
1554 ~~Communications Agency Network~~] authority by delivering to the [~~executive committee~~] board
1555 a written notice of withdrawal which has been approved by the governing body of the member,
1556 except that a member may not withdraw from the [~~Utah Communications Agency Network~~]
1557 authority at any time during which it has an outstanding payment obligation to the [~~Utah~~
1558 ~~Communications Agency Network~~] authority as a result of having entered into a service
1559 contract, lease, or other financial obligation.

1560 (b) Except as provided in Subsection (2)(a), the [~~executive committee~~] board shall
1561 delete the petitioning member from the membership of the [~~Utah Communications Agency~~
1562 ~~Network~~] authority as of the date of the [~~executive committee's~~] board's receipt of the
1563 member's notice of withdrawal. The [~~executive committee~~] board may not include a member
1564 who has given notice of withdrawal in any future obligation of the [~~Utah Communications~~
1565 ~~Agency Network~~] authority.

1566 Section 32. Section **63H-7-503**, which is renumbered from Section 63C-7-210 is
1567 renumbered and amended to read:

1568 ~~[63C-7-210]~~. **63H-7-503. Relation to certain acts -- Participation in Risk**
1569 **Management Fund.**

1570 (1) The [~~Utah Communications Agency Network~~] Utah Communications Authority is
1571 exempt from:

1572 (a) Title 63J, Chapter 1, Budgetary Procedures Act;

1573 (b) Title 63A, Utah Administrative Services Code, except as provided in Section
1574 [63A-4-205.5](#);

1575 (c) Title 63G, Chapter 6a, Utah Procurement Code;

1576 (d) Title 63G, Chapter 4, Administrative Procedures Act; and

1577 (e) Title 67, Chapter 19, Utah State Personnel Management Act.

1578 (2) The board shall adopt budgetary procedures, accounting, procurement, and
1579 personnel policies substantially similar to those from which they have been exempted in
1580 Subsection (1).

1581 (3) Subject to the requirements of Subsection [63E-1-304\(2\)](#), the administration may
1582 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).

1583 Section 33. Section **63H-7-504**, which is renumbered from Section 63C-7-211 is
1584 renumbered and amended to read:

1585 ~~[63C-7-211]~~. **63H-7-504. Annual report to governor and Legislature --**
1586 **Contents -- Audit by state auditor -- Reimbursement for costs.**

1587 (1) The [~~Utah Communications Agency Network~~] authority shall, following the close
1588 of each fiscal year, submit an annual report of its activities for the preceding year to the
1589 governor and the Legislature. Each report shall set forth a complete operating and financial
1590 statement of the agency during the fiscal year it covers.

1591 (2) The state auditor shall at least once in each year audit the books and accounts of the
1592 [~~Utah Communications Agency Network~~] authority or shall contract with an independent
1593 certified public accountant for this audit. The audit shall include a review of the procedures
1594 adopted under the requirements of Subsection [~~63C-7-210~~] [63H-7-503\(2\)](#) and a determination
1595 as to whether the board has complied with the requirements of Subsection [~~63C-7-210~~]
1596 [63H-7-503\(2\)](#).

1597 (3) The [~~Utah Communications Agency Network~~] authority shall reimburse the state

1598 auditor from available money of the [~~Utah Communications Agency Network~~] authority for the
1599 actual and necessary costs of that audit.

1600 Section 34. Section **63I-1-269** is amended to read:

1601 **63I-1-269. Repeal dates, Title 69.**

1602 Section ~~69-2-5.6~~, Emergency services telecommunications charge to fund unified
1603 statewide [~~unified E-911~~] 911 emergency service, is repealed July 1, 2021.

1604 Section 35. Section **63I-4a-102** is amended to read:

1605 **63I-4a-102. Definitions.**

1606 (1) (a) "Activity" means to provide a good or service.

1607 (b) "Activity" includes to:

1608 (i) manufacture a good or service;

1609 (ii) process a good or service;

1610 (iii) sell a good or service;

1611 (iv) offer for sale a good or service;

1612 (v) rent a good or service;

1613 (vi) lease a good or service;

1614 (vii) deliver a good or service;

1615 (viii) distribute a good or service; or

1616 (ix) advertise a good or service.

1617 (2) (a) Except as provided in Subsection (2)(b), "agency" means:

1618 (i) the state; or

1619 (ii) an entity of the state including a department, office, division, authority,

1620 commission, or board.

1621 (b) "Agency" does not include:

1622 (i) the Legislature;

1623 (ii) an entity or agency of the Legislature;

1624 (iii) the state auditor;

1625 (iv) the state treasurer;

- 1626 (v) the Office of the Attorney General;
- 1627 (vi) the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;
- 1628 (vii) the Utah Science Center Authority created in Title 63H, Chapter 3, Utah Science
1629 Center Authority;
- 1630 (viii) the Heber Valley Railroad Authority created in Title 63H, Chapter 4, Heber
1631 Valley Historic Railroad Authority;
- 1632 (ix) the Utah State Railroad Museum Authority created in Title 63H, Chapter 5, Utah
1633 State Railroad Museum Authority;
- 1634 (x) the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7, Utah
1635 Housing Corporation Act;
- 1636 (xi) the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah State Fair
1637 Corporation Act;
- 1638 (xii) the Workers' Compensation Fund created in Title 31A, Chapter 33, Workers'
1639 Compensation Fund;
- 1640 (xiii) the Utah State Retirement Office created in Title 49, Chapter 11, Utah State
1641 Retirement Systems Administration;
- 1642 (xiv) a charter school chartered by the State Charter School Board or a board of
1643 trustees of a higher education institution under Title 53A, Chapter 1a, Part 5, The Utah Charter
1644 Schools Act;
- 1645 (xv) the Utah Schools for the Deaf and the Blind created in Title 53A, Chapter 25b,
1646 Utah Schools for the Deaf and the Blind;
- 1647 (xvi) an institution of higher education as defined in Section [53B-3-102](#);
- 1648 (xvii) the School and Institutional Trust Lands Administration created in Title 53C,
1649 Chapter 1, Part 2, School and Institutional Trust Lands Administration;
- 1650 (xviii) the [~~Utah Communications Agency Network~~] Utah Communications Authority
1651 created in Title [~~63C~~] 63H, Chapter 7, [~~Utah Communications Agency Network~~] Utah
1652 Communications Authority Act; or
- 1653 (xix) the Utah Capital Investment Corporation created in Title 63M, Chapter 1, Part 12,

1654 Utah Venture Capital Enhancement Act.

1655 (3) "Agency head" means the chief administrative officer of an agency.

1656 (4) "Board" means the Free Market Protection and Privatization Board created in

1657 Section [631-4a-202](#).

1658 (5) "Commercial activity" means to engage in an activity that can be obtained in whole
1659 or in part from a private enterprise.

1660 (6) "Local entity" means:

1661 (a) a political subdivision of the state, including a:

1662 (i) county;

1663 (ii) city;

1664 (iii) town;

1665 (iv) local school district;

1666 (v) local district; or

1667 (vi) special service district;

1668 (b) an agency of an entity described in this Subsection (6), including a department,
1669 office, division, authority, commission, or board; or

1670 (c) an entity created by an interlocal cooperative agreement under Title 11, Chapter 13,
1671 Interlocal Cooperation Act, between two or more entities described in this Subsection (6).

1672 (7) "Private enterprise" means a person that engages in an activity for profit.

1673 (8) "Privatize" means that an activity engaged in by an agency is transferred so that a
1674 private enterprise engages in the activity, including a transfer by:

1675 (a) contract;

1676 (b) transfer of property; or

1677 (c) another arrangement.

1678 (9) "Special district" means:

1679 (a) a local district, as defined in Section [17B-1-102](#);

1680 (b) a special service district, as defined in Section [17D-1-102](#); or

1681 (c) a conservation district, as defined in Section [17D-3-102](#).

1682 Section 36. Section **63J-1-201** is amended to read:

1683 **63J-1-201. Governor's proposed budget to Legislature -- Contents -- Preparation**
1684 **-- Appropriations based on current tax laws and not to exceed estimated revenues.**

1685 (1) The governor shall deliver, not later than 30 days before the date the Legislature
1686 convenes in the annual general session, a confidential draft copy of the governor's proposed
1687 budget recommendations to the Office of the Legislative Fiscal Analyst according to the
1688 requirements of this section.

1689 (2) (a) When submitting a proposed budget, the governor shall, within the first three
1690 days of the annual general session of the Legislature, submit to the presiding officer of each
1691 house of the Legislature:

1692 (i) a proposed budget for the ensuing fiscal year;

1693 (ii) a schedule for all of the proposed changes to appropriations in the proposed budget,
1694 with each change clearly itemized and classified; and

1695 (iii) as applicable, a document showing proposed changes in estimated revenues that
1696 are based on changes in state tax laws or rates.

1697 (b) The proposed budget shall include:

1698 (i) a projection of the total estimated revenues, including estimated receipts of federal
1699 funds, and appropriations for the next fiscal year;

1700 (ii) the source of changes to all direct, indirect, and in-kind matching funds for all
1701 federal grants or assistance programs included in the budget;

1702 (iii) a plan of proposed changes to appropriations and estimated revenues for the next
1703 fiscal year that is based upon the current fiscal year state tax laws and rates and considers
1704 projected changes in federal grants or assistance programs included in the budget;

1705 (iv) an itemized estimate of the proposed changes to appropriations for:

1706 (A) the Legislative Department as certified to the governor by the president of the
1707 Senate and the speaker of the House;

1708 (B) the Executive Department;

1709 (C) the Judicial Department as certified to the governor by the state court

1710 administrator;

1711 (D) changes to salaries payable by the state under the Utah Constitution or under law
1712 for lease agreements planned for the next fiscal year; and

1713 (E) all other changes to ongoing or one-time appropriations, including dedicated
1714 credits, restricted funds, nonlapsing balances, grants, and federal funds;

1715 (v) for each line item, the average annual dollar amount of staff funding associated
1716 with all positions that were vacant during the last fiscal year;

1717 (vi) deficits or anticipated deficits;

1718 (vii) the recommendations for each state agency for new full-time employees for the
1719 next fiscal year, which shall also be provided to the State Building Board as required by
1720 Subsection [63A-5-103\(2\)](#);

1721 (viii) any explanation that the governor may desire to make as to the important features
1722 of the budget and any suggestion as to methods for the reduction of expenditures or increase of
1723 the state's revenue; and

1724 (ix) information detailing certain fee increases as required by Section [63J-1-504](#).

1725 (3) For the purpose of preparing and reporting the proposed budget:

1726 (a) The governor shall require the proper state officials, including all public and higher
1727 education officials, all heads of executive and administrative departments and state institutions,
1728 bureaus, boards, commissions, and agencies expending or supervising the expenditure of the
1729 state money, and all institutions applying for state money and appropriations, to provide
1730 itemized estimates of changes in revenues and appropriations.

1731 (b) The governor may require the persons and entities subject to Subsection (3)(a) to
1732 provide other information under these guidelines and at times as the governor may direct,
1733 which may include a requirement for program productivity and performance measures, where
1734 appropriate, with emphasis on outcome indicators.

1735 (c) The governor may require representatives of public and higher education, state
1736 departments and institutions, and other institutions or individuals applying for state
1737 appropriations to attend budget meetings.

1738 (4) In submitting the budgets for the Departments of Health and Human Services and
1739 the Office of the Attorney General, the governor shall consider a separate recommendation in
1740 the governor's budget for changes in funds to be contracted to:

- 1741 (a) local mental health authorities under Section 62A-15-110;
- 1742 (b) local substance abuse authorities under Section 62A-15-110;
- 1743 (c) area agencies under Section 62A-3-104.2;
- 1744 (d) programs administered directly by and for operation of the Divisions of Substance
1745 Abuse and Mental Health and Aging and Adult Services;
- 1746 (e) local health departments under Title 26A, Chapter 1, Local Health Departments;
- 1747 and
- 1748 (f) counties for the operation of Children's Justice Centers under Section 67-5b-102.

1749 (5) (a) In making budget recommendations, the governor shall consider an amount
1750 sufficient to grant the following entities the same percentage increase for wages and benefits
1751 that the governor includes in the governor's budget for persons employed by the state:

- 1752 (i) local health departments, local mental health authorities, local substance abuse
1753 authorities, and area agencies;
- 1754 (ii) local conservation districts and Utah Association of Conservation District
1755 employees, as related to the budget for the Department of Agriculture; and
- 1756 (iii) employees of corporations that provide direct services under contract with:
 - 1757 (A) the Utah State Office of Rehabilitation and the Division of Services for People
1758 with Disabilities;
 - 1759 (B) the Division of Child and Family Services; and
 - 1760 (C) the Division of Juvenile Justice Services within the Department of Human
1761 Services.

1762 (b) If the governor does not include in the governor's budget an amount sufficient to
1763 grant an increase for any entity described in Subsection (5)(a), the governor shall include a
1764 message to the Legislature regarding the governor's reason for not including that amount.

1765 (6) The governor shall include in the governor's budget the state's portion of the budget

1766 for the [~~Utah Communications Agency Network~~] Utah Communications Authority established
1767 in Title [~~63C~~] 63H, Chapter 7, [~~Utah Communications Agency Network~~] Utah
1768 Communications Authority Act.

1769 (7) (a) The governor shall include a separate recommendation in the governor's budget
1770 for funds to maintain the operation and administration of the Utah Comprehensive Health
1771 Insurance Pool. In making the recommendation, the governor may consider:

1772 (i) actuarial analysis of growth or decline in enrollment projected over a period of at
1773 least three years;

1774 (ii) actuarial analysis of the medical and pharmacy claims costs projected over a period
1775 of at least three years;

1776 (iii) the annual Medical Care Consumer Price Index;

1777 (iv) the annual base budget for the pool established by the Business, Economic
1778 Development, and Labor Appropriations Subcommittee for each fiscal year;

1779 (v) the growth or decline in insurance premium taxes and fees collected by the State
1780 Tax Commission and the Insurance Department; and

1781 (vi) the availability of surplus General Fund revenue under Section 63J-1-312 and
1782 Subsection 59-14-204(5).

1783 (b) In considering the factors in Subsections (7)(a)(i), (ii), and (iii), the governor may
1784 consider the actuarial data and projections prepared for the board of the Utah Comprehensive
1785 Health Insurance Pool as it develops the governor's financial statements and projections for
1786 each fiscal year.

1787 (8) (a) In submitting the budget for the Department of Public Safety, the governor shall
1788 include a separate recommendation in the governor's budget for maintaining a sufficient
1789 number of alcohol-related law enforcement officers to maintain the enforcement ratio equal to
1790 or below the number specified in Subsection 32B-1-201(2).

1791 (b) If the governor does not include in the governor's budget an amount sufficient to
1792 maintain the number of alcohol-related law enforcement officers described in Subsection
1793 (8)(a), the governor shall include a message to the Legislature regarding the governor's reason

1794 for not including that amount.

1795 (9) (a) The governor may revise all estimates, except those relating to the Legislative
1796 Department, the Judicial Department, and those providing for the payment of principal and
1797 interest to the state debt and for the salaries and expenditures specified by the Utah
1798 Constitution or under the laws of the state.

1799 (b) The estimate for the Judicial Department, as certified by the state court
1800 administrator, shall also be included in the budget without revision, but the governor may make
1801 separate recommendations on the estimate.

1802 (10) The total appropriations requested for expenditures authorized by the budget may
1803 not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing
1804 fiscal year.

1805 (11) If any item of the budget as enacted is held invalid upon any ground, the invalidity
1806 does not affect the budget itself or any other item in it.

1807 Section 37. Section **63J-7-102** is amended to read:

1808 **63J-7-102. Scope and applicability of chapter.**

1809 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute
1810 superseding provisions of this chapter by explicit reference to this chapter, the provisions of
1811 this chapter apply to each agency and govern each grant received on or after May 5, 2008.

1812 (2) This chapter does not govern:

1813 (a) a grant deposited into a General Fund restricted account;

1814 (b) a grant deposited into a Trust and Agency Fund as defined in Section [51-5-4](#);

1815 (c) a grant deposited into an Enterprise Fund as defined in Section [51-5-4](#);

1816 (d) a grant made to the state without a restriction or other designated purpose that is
1817 deposited into the General Fund as free revenue;

1818 (e) a grant made to the state that is restricted only to "education" and that is deposited
1819 into the Education Fund or Uniform School Fund as free revenue;

1820 (f) in-kind donations;

1821 (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state

1822 when required by state law or application of state law;

1823 (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax

1824 Contribution Act;

1825 (i) a grant received by an agency from another agency or political subdivision;

1826 (j) a grant to the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion

1827 Act;

1828 (k) a grant to the Utah Science Center Authority created in Title 63H, Chapter 3, Utah

1829 Science Center Authority;

1830 (l) a grant to the Heber Valley Railroad Authority created in Title 63H, Chapter 4,

1831 Heber Valley Historic Railroad Authority;

1832 (m) a grant to the Utah State Railroad Museum Authority created in Title 63H, Chapter

1833 5, Utah State Railroad Museum Authority;

1834 (n) a grant to the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7,

1835 Utah Housing Corporation Act;

1836 (o) a grant to the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah

1837 State Fair Corporation Act;

1838 (p) a grant to the Workers' Compensation Fund created in Title 31A, Chapter 33,

1839 Workers' Compensation Fund;

1840 (q) a grant to the Utah State Retirement Office created in Title 49, Chapter 11, Utah

1841 State Retirement Systems Administration;

1842 (r) a grant to the School and Institutional Trust Lands Administration created in Title

1843 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration;

1844 (s) a grant to the [~~Utah Communications Agency Network~~] Utah Communications

1845 Authority created in Title [~~63C~~] 63H, Chapter 7, [~~Utah Communications Agency Network~~]

1846 Utah Communications Authority Act;

1847 (t) a grant to the Medical Education Program created in Section [53B-24-202](#);

1848 (u) a grant to the Utah Capital Investment Corporation created in Title 63M, Chapter 1,

1849 Part 12, Utah Venture Capital Enhancement Act;

- 1850 (v) a grant to the Utah Charter School Finance Authority created in Section
- 1851 53A-20b-103;
- 1852 (w) a grant to the State Building Ownership Authority created in Section 63B-1-304;
- 1853 (x) a grant to the Utah Comprehensive Health Insurance Pool created in Section
- 1854 31A-29-104; or
- 1855 (y) a grant to the Military Installation Development Authority created in Section
- 1856 63H-1-201.

1857 (3) An agency need not seek legislative review or approval of grants under Part 2,
1858 Grant Approval Requirements, if:

- 1859 (a) the governor has declared a state of emergency; and
- 1860 (b) the grant is donated to the agency to assist victims of the state of emergency under
- 1861 Subsection 53-2a-204(1).

1862 Section 38. Section 69-2-2 is amended to read:

1863 **69-2-2. Definitions.**

1864 As used in this chapter:

1865 (1) "911 emergency [~~telephone~~] service" means a unified statewide communication
1866 system which provides citizens with rapid direct access to public [~~emergency operation centers~~
1867 ~~by dialing the telephone number~~] safety answering points by accessing "911" with the objective
1868 of reducing the response time to situations requiring law enforcement, fire, medical, rescue,
1869 and other emergency services.

1870 (2) "Local exchange service" means the provision of public telecommunications
1871 services by a wireline common carrier to customers within a geographic area encompassing one
1872 or more local communities as described in the carrier's service territory maps, tariffs, price
1873 lists, or rate schedules filed with and approved by the Public Service Commission.

1874 (3) "Local exchange service switched access line" means the transmission facility and
1875 local switching equipment used by a wireline common carrier to connect a customer location to
1876 a carrier's local exchange switching network for providing two-way interactive voice, or voice
1877 capable, services.

1878 (4) "Mobile telecommunications service" is as defined in Section 54-8b-2.

1879 (5) "Public agency" means any county, city, town, special service district, or public
1880 authority located within the state which provides or has authority to provide fire fighting, law
1881 enforcement, ambulance, medical, or other emergency services.

1882 (6) "Public safety agency" means a functional division of a public agency which
1883 provides fire fighting, law enforcement, medical, or other emergency services.

1884 (7) "Public safety answering point" means a facility that:

1885 (a) is equipped and staffed under the authority of a political subdivision; and

1886 (b) receives 911 [~~calls~~] communications, other calls for emergency services, and
1887 asynchronous event notifications for a defined geographic area.

1888 (8) "Radio communications access line" means the radio equipment and assigned
1889 customer identification number used to connect a mobile or fixed radio customer in Utah to a
1890 radio communication service provider's network for two-way interactive voice, or voice
1891 capable, services.

1892 (9) "Radio communications service" means a public telecommunications service
1893 providing the capability of two-way interactive telecommunications between mobile and fixed
1894 radio customers, and between mobile or fixed radio customers and the local exchange service
1895 network customers of a wireline common carrier. Radio communications service providers
1896 include corporations, persons or entities offering cellular telephone service, enhanced
1897 specialized mobile radio service, rural radio service, radio common carrier services, personal
1898 communications services, and any equivalent wireless public telecommunications service, as
1899 defined in 47 CFR, parts 20, 22, 24, and 90.

1900 (10) "Wireline common carrier" means a public telecommunications service provider
1901 that primarily uses metallic or nonmetallic cables and wires for connecting customers to its
1902 local exchange service networks.

1903 Section 39. Section 69-2-3 is amended to read:

1904 **69-2-3. 911 service -- Establishment.**

1905 The governing authority of any public agency may establish a 911 emergency

1906 [~~telephone~~] service to provide service to any part or all of the territory lying within the
1907 geographical area of such public agency and may join with the governing authority of any other
1908 public agency to provide 911 emergency [~~telephone~~] service to any part or all of the territory
1909 lying within their respective jurisdictions. A county may provide 911 emergency [~~telephone~~]
1910 service within other public safety agency jurisdictions only upon agreement with the governing
1911 authority of such public safety agency.

1912 Section 40. Section **69-2-4** is amended to read:

1913 **69-2-4. Administration.**

1914 The administration of the 911 emergency [~~telephone~~] system shall be provided by the
1915 governing authority of the public agency establishing 911 emergency [~~telephone~~] service either
1916 directly or by the appointment of employees of the public agency as directed by the governing
1917 authority, except that any 911 emergency [~~telephone~~] service established by a special service
1918 district shall be administered as set forth in Title 17D, Chapter 1, Special Service District Act.

1919 Section 41. Section **69-2-5** is amended to read:

1920 **69-2-5. Funding for 911 emergency service -- Administrative charge.**

1921 (1) In providing funding of 911 emergency [~~telecommunications~~] service, any public
1922 agency establishing a 911 emergency [~~telecommunications~~] service may:

1923 (a) seek assistance from the federal or state government, to the extent constitutionally
1924 permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or
1925 indirectly;

1926 (b) seek funds appropriated by local governmental taxing authorities for the funding of
1927 public safety agencies; and

1928 (c) seek gifts, donations, or grants from individuals, corporations, or other private
1929 entities.

1930 (2) For purposes of providing funding of 911 emergency [~~telecommunications~~] service,
1931 special service districts may raise funds as provided in Section **17D-1-105** and may borrow
1932 money and incur indebtedness as provided in Section **17D-1-103**.

1933 (3) (a) Except as provided in Subsection (3)(b) and subject to the other provisions of

1934 this Subsection (3) a county, city, or town within which 911 emergency [~~telecommunications~~]
1935 service is provided may levy a monthly [~~an~~] 911 emergency services [~~telecommunications~~]
1936 charge on:

1937 (i) each local exchange service switched access line within the boundaries of the
1938 county, city, or town;

1939 (ii) each revenue producing radio communications access line with a billing address
1940 within the boundaries of the county, city, or town; and

1941 (iii) any other service, including voice over Internet protocol, provided to a user within
1942 the boundaries of the county, city, or town that allows the user to make calls to and receive
1943 calls from the public switched telecommunications network, including commercial mobile
1944 radio service networks.

1945 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin
1946 telecommunications service is exempt from 911 emergency [~~telecommunications~~] service
1947 charges.

1948 (c) The amount of the charge levied under this section may not exceed:

1949 (i) 61 cents per month for each local exchange service switched access line;

1950 (ii) 61 cents per month for each radio communications access line; and

1951 (iii) 61 cents per month for each service under Subsection (3)(a)(iii).

1952 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as
1953 provided in Section [59-12-102](#) or [59-12-215](#):

1954 (A) "mobile telecommunications service";

1955 (B) "place of primary use";

1956 (C) "service address"; and

1957 (D) "telecommunications service."

1958 (ii) An access line described in Subsection (3)(a) is considered to be within the
1959 boundaries of a county, city, or town if the telecommunications services provided over the
1960 access line are located within the county, city, or town:

1961 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax

1962 Act; and

1963 (B) determined in accordance with Section 59-12-215.

1964 (iii) The rate imposed on an access line under this section shall be determined in

1965 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection

1966 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,

1967 city, or town in which is located:

1968 (A) for a telecommunications service, the purchaser's service address; or

1969 (B) for mobile telecommunications service, the purchaser's place of primary use.

1970 (iv) The rate imposed on an access line under this section shall be the lower of:

1971 (A) the rate imposed by the county, city, or town in which the access line is located

1972 under Subsection (3)(d)(ii); or

1973 (B) the rate imposed by the county, city, or town in which it is located:

1974 (I) for telecommunications service, the purchaser's service address; or

1975 (II) for mobile telecommunications service, the purchaser's place of primary use.

1976 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent

1977 to levy the charge under this Subsection (3) at least 30 days before the effective date of the

1978 charge being levied.

1979 (ii) For purposes of this Subsection (3)(e):

1980 (A) "Annexation" means an annexation to:

1981 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or

1982 (II) a county under Title 17, Chapter 2, County Consolidations and Annexations.

1983 (B) "Annexing area" means an area that is annexed into a county, city, or town.

1984 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if [~~on or after July 1,~~

1985 ~~2003;~~] a county, city, or town enacts or repeals a charge or changes the amount of the charge

1986 under this section, the enactment, repeal, or change shall take effect:

1987 (I) on the first day of a calendar quarter; and

1988 (II) after a 90-day period beginning on the date the State Tax Commission receives

1989 notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.

1990 (B) The notice described in Subsection (3)(e)(iii)(A) shall state:

1991 (I) that the county, city, or town will enact or repeal a charge or change the amount of

1992 the charge under this section;

1993 (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);

1994 (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and

1995 (IV) if the county, city, or town enacts the charge or changes the amount of the charge

1996 described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.

1997 (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge

1998 increase under this section shall take effect on the first day of the first billing period:

1999 (I) that begins after the effective date of the enactment of the charge or the charge

2000 increase; and

2001 (II) if the billing period for the charge begins before the effective date of the enactment

2002 of the charge or the charge increase imposed under this section.

2003 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge

2004 decrease under this section shall take effect on the first day of the last billing period:

2005 (I) that began before the effective date of the repeal of the charge or the charge

2006 decrease; and

2007 (II) if the billing period for the charge begins before the effective date of the repeal of

2008 the charge or the charge decrease imposed under this section.

2009 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if [~~for an annexation~~

2010 ~~that occurs on or after July 1, 2003;~~] the annexation will result in the enactment, repeal, or a

2011 change in the amount of a charge imposed under this section for an annexing area, the

2012 enactment, repeal, or change shall take effect:

2013 (I) on the first day of a calendar quarter; and

2014 (II) after a 90-day period beginning on the date the State Tax Commission receives

2015 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that

2016 annexes the annexing area.

2017 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

2018 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an
2019 enactment, repeal, or a change in the charge being imposed under this section for the annexing
2020 area;

2021 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

2022 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

2023 (IV) if the county, city, or town enacts the charge or changes the amount of the charge
2024 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

2025 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge
2026 increase under this section shall take effect on the first day of the first billing period:

2027 (I) that begins after the effective date of the enactment of the charge or the charge
2028 increase; and

2029 (II) if the billing period for the charge begins before the effective date of the enactment
2030 of the charge or the charge increase imposed under this section.

2031 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge
2032 decrease under this section shall take effect on the first day of the last billing period:

2033 (I) that began before the effective date of the repeal of the charge or the charge
2034 decrease; and

2035 (II) if the billing period for the charge begins before the effective date of the repeal of
2036 the charge or the charge decrease imposed under this section.

2037 (f) Subject to Subsection (3)(g), ~~an~~ a 911 emergency services ~~telecommunications~~
2038 charge levied under this section shall:

2039 (i) be billed and collected by the person that provides the:

2040 (A) local exchange service switched access line services; or

2041 (B) radio communications access line services; and

2042 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax
2043 Commission.

2044 (g) ~~An~~ A 911 emergency services ~~telecommunications~~ charge on a mobile
2045 telecommunications service may be levied, billed, and collected only to the extent permitted by

2046 the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2047 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:

2048 (i) bill the charge imposed by this section in combination with the charge levied under
2049 Section [69-2-5.6](#) as one line item charge; and

2050 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as
2051 reimbursement for the cost of billing, collecting, and remitting the levy.

2052 (i) The State Tax Commission shall~~[-(i)]~~ collect, enforce, and administer the charge
2053 imposed under this Subsection (3) using the same procedures used in the administration,
2054 collection, and enforcement of the state sales and use taxes under:

2055 ~~[(A)]~~ (i) Title 59, Chapter 1, General Taxation Policies; and

2056 ~~[(B)]~~ (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2057 ~~[(F)]~~ (A) Section [59-12-104](#);

2058 ~~[(H)]~~ (B) Section [59-12-104.1](#);

2059 ~~[(HH)]~~ (C) Section [59-12-104.2](#);

2060 (D) Section [59-12-104.6](#);

2061 ~~[(IV)]~~ (E) Section [59-12-107.1](#); and

2062 ~~[(V)]~~ (F) Section [59-12-123](#)~~[-and]~~.

2063 ~~[(i)]~~ (j) The State Tax Commission shall transmit money collected under this
2064 Subsection (3) monthly by electronic funds transfer to the county, city, or town that imposes
2065 the charge.

2066 ~~[(j)]~~ (k) A person that pays a charge under this section shall pay the charge to the
2067 commission:

2068 (i) monthly on or before the last day of the month immediately following the last day of
2069 the previous month if:

2070 (A) the person is required to file a sales and use tax return with the commission
2071 monthly under Section [59-12-108](#); or

2072 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
2073 12, Sales and Use Tax Act; or

2074 (ii) quarterly on or before the last day of the month immediately following the last day
2075 of the previous quarter if the person is required to file a sales and use tax return with the
2076 commission quarterly under Section 59-12-107.

2077 ~~[(k)]~~ (l) A charge a person pays under this section shall be paid using a form prescribed
2078 by the State Tax Commission.

2079 ~~[(h)]~~ (m) The State Tax Commission shall retain and deposit an administrative charge
2080 in accordance with Section 59-1-306 from the revenues the State Tax Commission collects
2081 from a charge under this section.

2082 ~~[(m)]~~ (n) A charge under this section is subject to Section 69-2-5.8.

2083 (4) (a) Any money received by a public agency for the provision of 911 emergency
2084 ~~[telecommunications]~~ service shall be deposited in a special emergency telecommunications
2085 service fund.

2086 (b) (i) Except as provided in Subsection (5)(b), the money in the 911 emergency
2087 ~~[telecommunications]~~ service fund shall be expended by the public agency to pay the costs of:

2088 (A) establishing, installing, maintaining, and operating a 911 emergency
2089 ~~[telecommunications]~~ service system;

2090 (B) receiving and processing emergency ~~[calls]~~ communications from the 911 system
2091 or other ~~[calls]~~ communications or requests for emergency services;

2092 (C) integrating a 911 emergency service system into an established public safety
2093 dispatch center, including contracting with the providers of local exchange service, radio
2094 communications service, and vendors of appropriate terminal equipment as necessary to
2095 implement the 911 emergency ~~[telecommunications service]~~ services; or

2096 (D) indirect costs associated with the maintaining and operating of a 911 emergency
2097 ~~[telecommunications]~~ services system.

2098 (ii) Revenues derived for the funding of 911 emergency ~~[telecommunications]~~ service
2099 may be used by the public agency for personnel costs associated with receiving and processing
2100 ~~[calls]~~ communications and deploying emergency response resources when the system is
2101 integrated with any public safety dispatch system.

2102 (c) Any unexpended money in the 911 emergency [~~telecommunications~~] service fund
2103 at the end of a fiscal year does not lapse, and must be carried forward to be used for the
2104 purposes described in this section.

2105 (5) (a) Revenue received by a local entity from an increase in the levy imposed under
2106 Subsection (3) after the 2004 Annual General Session:

2107 (i) may be used by the public [~~agency~~] safety answering point for the purposes under
2108 Subsection (4)(b); and

2109 (ii) shall be deposited into the special 911 emergency [~~telecommunications~~] service
2110 fund described in Subsection (4)(a).

2111 (b) Revenue received by a local entity from [~~grants~~] disbursements from the Utah 911
2112 Committee under Section [~~53-10-605~~] 63H-7-306:

2113 (i) shall be deposited into the special 911 emergency [~~telecommunications~~] service
2114 fund under Subsection (4)(a); and

2115 (ii) shall only be used for that portion of the costs related to the development and
2116 operation of wireless and land-based enhanced 911 emergency telecommunications service and
2117 the implementation of [~~wireless E-911 Phase I and Phase H~~] 911 services as provided in
2118 Subsection (5)(c).

2119 (c) The costs allowed under Subsection (5)(b)(ii) include the public safety answering
2120 point's [~~or local entity's~~] costs for:

2121 (i) acquisition, upgrade, modification, maintenance, and operation of public service
2122 answering point equipment capable of receiving [~~E-911~~] 911 information;

2123 (ii) database development, operation, and maintenance; and

2124 (iii) personnel costs associated with establishing, installing, maintaining, and operating
2125 wireless [~~E-911 Phase I and Phase H~~] 911 services, including training emergency service
2126 personnel regarding receipt and use of [~~E-911~~] 911 wireless service information and educating
2127 consumers regarding the appropriate and responsible use of [~~E-911~~] 911 wireless service.

2128 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the
2129 2004 Annual General Session shall increase the levy to the maximum amount permitted by

2130 Subsection (3)(c).

2131 Section 42. Section **69-2-5.5** is amended to read:

2132 **69-2-5.5. Emergency services telecommunications charge to fund the Computer**
2133 **Aided Dispatch Restricted Account -- Administrative charge.**

2134 (1) Subject to Subsection (7), there is imposed an emergency services
2135 telecommunications charge of [7] 6 cents per month on each local exchange service switched
2136 access line and each revenue producing radio communications access line that is subject to an
2137 emergency services telecommunications charge levied by a county, city, or town under Section
2138 69-2-5.

2139 (2) (a) Subject to Subsection (7), an emergency services telecommunications charge
2140 imposed under this section shall be billed and collected by the person that provides:

- 2141 (i) local exchange service switched access line services; or
- 2142 (ii) radio communications access line services.

2143 (b) A person that pays an emergency services telecommunications charge under this
2144 section shall pay the emergency services telecommunications charge to the commission:

2145 (i) monthly on or before the last day of the month immediately following the last day of
2146 the previous month if:

2147 (A) the person is required to file a sales and use tax return with the commission
2148 monthly under Section 59-12-108; or

2149 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
2150 12, Sales and Use Tax Act; or

2151 (ii) quarterly on or before the last day of the month immediately following the last day
2152 of the previous quarter if the person is required to file a sales and use tax return with the
2153 commission quarterly under Section 59-12-107.

2154 (c) An emergency services telecommunications charge imposed under this section shall
2155 be deposited into the [~~General Fund as dedicated credits to pay for:~~] Computer Aided Dispatch
2156 Restricted Account created in Section 63H-7-310.

2157 [~~(i) costs of establishing, installing, maintaining, and operating the University of Utah~~]

2158 ~~Poison Control Center; and]~~

2159 ~~[(ii) expenses of the State Tax Commission to administer and enforce the collection of~~
2160 ~~the emergency services telecommunications charges.]~~

2161 ~~[(3) Funds for the University of Utah Poison Control Center program are nonlapsing.]~~

2162 ~~[(4)]~~ (3) Emergency services telecommunications charges remitted to the State Tax
2163 Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the
2164 State Tax Commission.

2165 ~~[(5)]~~ (4) (a) The State Tax Commission shall administer, collect, and enforce the
2166 charge imposed under Subsection (1) according to the same procedures used in the
2167 administration, collection, and enforcement of the state sales and use tax under:

2168 (i) Title 59, Chapter 1, General Taxation Policies; and

2169 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2170 (A) Section [59-12-104](#);

2171 (B) Section [59-12-104.1](#);

2172 (C) Section [59-12-104.2](#); ~~[and]~~

2173 (D) Section [59-12-104.6](#);

2174 ~~[(D)]~~ (E) Section [59-12-107.1](#)[-]; and

2175 (F) Section [59-12-123](#).

2176 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2177 State Tax Commission may make rules to administer, collect, and enforce the emergency
2178 services telecommunications charges imposed under this section.

2179 (c) The State Tax Commission shall retain and deposit an administrative charge in
2180 accordance with Section [59-1-306](#) from the revenues the State Tax Commission collects from
2181 an emergency services telecommunications charge under this section.

2182 (d) A charge under this section is subject to Section [69-2-5.8](#).

2183 ~~[(6)]~~ (5) A provider of local exchange service switched access line services or radio
2184 communications access line services who fails to comply with this section is subject to
2185 penalties and interest as provided in Sections [59-1-401](#) and [59-1-402](#).

2186 ~~[(7)]~~ (6) An emergency services telecommunications charge under this section on a
 2187 mobile telecommunications service may be imposed, billed, and collected only to the extent
 2188 permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2189 Section 43. Section **69-2-5.6** is amended to read:

2190 **69-2-5.6. 911 services charge to fund unified statewide 911 emergency service --**
 2191 **Administrative charge.**

2192 (1) Subject to Subsection **69-2-5(3)(g)**, there is imposed a unified statewide [~~unified~~
 2193 ~~E-911~~] 911 emergency service charge of 9 cents per month on each local exchange service
 2194 switched access line and each revenue producing radio communications access line that is
 2195 subject to [~~an~~] a 911 emergency services [~~telecommunications~~] charge levied by a county, city,
 2196 or town under Section **69-2-5** [~~or 69-2-5.5 at~~].

2197 ~~[(a) 13 cents per month until June 30, 2007; and]~~

2198 ~~[(b) 8 cents per month on and after July 1, 2007.]~~

2199 (2) (a) [~~An~~] A 911 emergency services [~~telecommunications~~] charge imposed under this
 2200 section shall be:

2201 (i) subject to Subsection **69-2-5(3)(g)**; and

2202 (ii) billed and collected by the person that provides:

2203 (A) local exchange service switched access line services;

2204 (B) radio communications access line services; or

2205 (C) service described in Subsection **69-2-5(3)(a)(iii)**.

2206 (b) A person that pays a charge under this section shall pay the charge to the
 2207 commission:

2208 (i) monthly on or before the last day of the month immediately following the last day of
 2209 the previous month if:

2210 (A) the person is required to file a sales and use tax return with the commission
 2211 monthly under Section **59-12-108**; or

2212 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
 2213 12, Sales and Use Tax Act; or

2214 (ii) quarterly on or before the last day of the month immediately following the last day
2215 of the previous quarter if the person is required to file a sales and use tax return with the
2216 commission quarterly under Section [59-12-107](#).

2217 (c) A charge imposed under this section shall be deposited into the [~~Statewide~~] Unified
2218 [~~E-911~~] Statewide 911 Emergency Service Account created by Section [~~53-10-603~~]
2219 [63H-7-304](#).

2220 (3) The person that bills and collects the charges levied by this section pursuant to
2221 Subsections (2)(b) and (c) may:

2222 (a) bill the charge imposed by this section in combination with the charge levied under
2223 Section [69-2-5](#) as one line item charge; and

2224 (b) retain an amount not to exceed 1.5% of the charges collected under this section as
2225 reimbursement for the cost of billing, collecting, and remitting the levy.

2226 (4) The State Tax Commission shall collect, enforce, and administer the charges
2227 imposed under Subsection (1) using the same procedures used in the administration, collection,
2228 and enforcement of the emergency services telecommunications charge to fund the [~~Poison~~
2229 ~~Control Center under Section [69-2-5.5](#)~~] Computer Aided Dispatch Restricted Account under
2230 Section [63H-7-310](#).

2231 (5) Notwithstanding Section [~~53-10-603~~] [63H-7-304](#), the State Tax Commission shall
2232 retain and deposit an administrative charge in accordance with Section [59-1-306](#) from the
2233 revenues the State Tax Commission collects from a charge under this section.

2234 (6) A charge under this section is subject to Section [69-2-5.8](#).

2235 (7) This section sunsets in accordance with Section [63I-1-269](#).

2236 Section 44. Section [69-2-5.7](#) is amended to read:

2237 **69-2-5.7. Prepaid wireless telecommunications charge to fund 911 service --**
2238 **Administrative charge.**

2239 (1) As used in this section:

2240 (a) "Consumer" means a person who purchases prepaid wireless telecommunications
2241 service in a transaction.

2242 (b) "Prepaid wireless 911 service charge" means the charge that is required to be
2243 collected by a seller from a consumer in the amount established under Subsection (2).

2244 (c) (i) "Prepaid wireless telecommunications service" means a wireless
2245 telecommunications service that:

2246 (A) is paid for in advance;

2247 (B) is sold in predetermined units of time or dollars that decline with use in a known
2248 amount or provides unlimited use of the service for a fixed amount or time; and

2249 (C) allows a caller [~~to dial 911~~] to access 911 emergency [~~telephone~~] service.

2250 (ii) "Prepaid wireless telecommunications service" does not include a wireless
2251 telecommunications service that is billed:

2252 (A) to a customer on a recurring basis; and

2253 (B) in a manner that includes the emergency services telecommunications charges,
2254 described in Sections 69-2-5, 69-2-5.5, and 69-2-5.6, for each radio communication access line
2255 assigned to the customer.

2256 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a
2257 consumer.

2258 (e) "Transaction" means each purchase of prepaid wireless telecommunications service
2259 from a seller.

2260 (f) "Wireless telecommunications service" means commercial mobile radio service as
2261 defined by 47 C.F.R. Sec. 20.3, as amended.

2262 (2) There is imposed a prepaid wireless 911 service charge of 1.9% of the sales price
2263 per transaction.

2264 (3) The prepaid wireless 911 service charge shall be collected by the seller from the
2265 consumer for each transaction occurring in this state.

2266 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,
2267 receipt, or similar document that is provided by the seller to the consumer.

2268 (5) For purposes of Subsection (3), the location of a transaction is determined in
2269 accordance with Sections 59-12-211 through 59-12-215.

2270 (6) When prepaid wireless telecommunications service is sold with one or more other
2271 products or services for a single non-itemized price, then the percentage specified in Section
2272 (2) shall apply to the entire non-itemized price.

2273 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by
2274 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the
2275 charge.

2276 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under
2277 Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller
2278 remits to the State Tax Commission money collected by the person under Title 59, Chapter 12,
2279 Sales and Use Tax Act.

2280 (9) The State Tax Commission:

2281 (a) shall collect, enforce, and administer the charge imposed under this section using
2282 the same procedures used in the administration, collection, and enforcement of the state sales
2283 and use taxes under:

2284 (i) Title 59, Chapter 1, General Taxation Policies; and

2285 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2286 (A) Section 59-12-104;

2287 (B) Section 59-12-104.1;

2288 (C) Section 59-12-104.2;

2289 (D) Section 59-12-107.1; and

2290 (E) Section 59-12-123;

2291 (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected
2292 under Subsection (9)(a) as reimbursement for administering this section;

2293 (c) shall distribute the prepaid wireless 911 service charge revenue, except as retained
2294 under Subsection (9)(b), as follows:

2295 (i) 80.3% of the revenue shall be distributed to each county, city, or town in the same
2296 percentages and in the same manner as the entities receive money to fund 911 emergency
2297 telecommunications services under Section 69-2-5;

2298 (ii) ~~[9.2%]~~ 7.9% of the revenue shall be distributed to fund the ~~[Poison Control Center~~
2299 ~~as in Section 69-2-5.5]~~ Computer Aided Dispatch Restricted Account created in Section
2300 63H-7-310; and

2301 (iii) ~~[10.5%]~~ 11.8% of the revenue shall be distributed to fund the unified statewide
2302 ~~[unified E-911]~~ 911 emergency service as in Section 69-2-5.6; and

2303 (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative
2304 Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.

2305 (10) A charge under this section is subject to Section 69-2-5.8.

2306 Section 45. **Repealer.**

2307 This bill repeals:

2308 Section 63C-7-203, **Establishment of the Utah Communications Agency Network**
2309 **Board -- Terms -- Vacancies.**

2310 Section 63C-7-204, **Powers of the board.**

2311 Section 63F-1-801, **Statewide Communications Interoperability Committee --**
2312 **Membership -- Chair -- Quorum.**

2313 Section 63F-1-802, **Duties and powers.**

2314 Section 46. **Transition of Utah 911 Committee, the Statewide Communications and**
2315 **Interoperability Committee, radio services within the Department of Technology**
2316 **Services, and the Utah Communications Agency Network into the Utah Communications**
2317 **Authority.**

2318 (1) The Legislature finds that there is a statewide purpose and need to consolidate the
2319 management of 911 emergency services and communications in the state and to create a
2320 statewide computer aided dispatch platform. In order to improve unified statewide emergency
2321 services, the Utah Communications Agency Network shall be renamed the Utah
2322 Communications Authority and shall be consolidated with the Utah 911 Committee, the
2323 Statewide Communications and Interoperability Committee, and the radio services within the
2324 Department of Technology Services. The consolidation of services management and assets
2325 creates a unique opportunity to improve the development, delivery, and administration of

2326 unified statewide 911 emergency services, radio, and radio interoperability.

2327 (2) The executive directors of the Department of Technology Services and the Utah
2328 Communications Agency Network shall serve as the transition directors for the consolidation
2329 described in Subsection (1).

2330 (3) (a) The transition directors shall, in accordance with the provisions of this bill and
2331 this transition section, enter into a memorandum of understanding with the appropriate entities
2332 to, effective July 1, 2014:

2333 (i) transfer employees and adjust the employment status of state personnel as necessary
2334 to implement the consolidation of 911 emergency services management and a statewide
2335 computer aided dispatch platform into the Utah Communications Authority;

2336 (ii) transfer service level agreements and responsibilities, maintenance resources,
2337 equipment, communications system assets, and sites and facilities from the Department of
2338 Technology Services, the Utah 911 Committee, and the Department of Public Safety to the
2339 Utah Communications Authority; and

2340 (iii) allocate the cost of the transfer and mergers required by the memorandum of
2341 understanding.

2342 (b) The memorandum of understanding shall:

2343 (i) preserve the value of vested Program 1 and Program 2 sick leave benefits and other
2344 vested leave benefits for state employees transferred to the Utah Communications Authority;

2345 (ii) establish the entities and funds that will be responsible for paying for
2346 postretirement sick leave benefits and other vested leave benefits for the employees transferred
2347 to the Utah Communications Authority; and

2348 (iii) include other agreements necessary to transfer the appropriate employees, entities,
2349 communications system assets, sites, facilities, service level agreements, maintenance
2350 resources and agreements, and equipment into the Utah Communications Authority in
2351 accordance with this bill.

2352 (4) If the transition directors cannot agree on the terms of consolidation under
2353 Subsection (3) of this chapter, each transition director shall submit a recommendation to the

2354 governor and to the Legislature's Public Utilities and Technology Interim Committee. The
2355 governor shall determine the resolution of the transition director's memorandum of
2356 understanding.

2357 (5) The Department of Administrative Services, through the Division of Finance, the
2358 Division of Facilities and Construction Management, Fleet Management, and the Department
2359 of Human Resource Management shall, effective July 1, 2014:

2360 (a) designate the funds that will be responsible for vested postretirement sick leave
2361 benefits and vested leave benefits for employees transferred to the Utah Communications
2362 Authority;

2363 (b) transfer funds from the termination pools administered by the Division of Finance
2364 to the Utah Communications Authority or to the Post-Retirement Benefits Trust Fund as
2365 necessary to implement the memorandum of understanding entered into under Subsection (3);

2366 (c) assist the Department of Technology Services with the transfer of ownership of
2367 equipment, assignment of leases, and transition of leaseholds and property from the
2368 Department of Technology Services to the Utah Communications Authority; and

2369 (d) take other action required by the memorandum of understanding established under
2370 Subsection (3) that is necessary to assist with the consolidation of the management of 911
2371 emergency services and a statewide computer aided dispatch platform into the Utah
2372 Communications Authority.

2373 (6) The memorandum of understanding shall be made public and posted on the state's
2374 transparency website.

2375 (7) All administrative rules, orders, contracts, grants, bonds, and agreements relating to
2376 the functions of the radio services within the Department of Technology Services, the Utah
2377 Communications Agency Network, or the Utah 911 Committee, its board or officers, prior to
2378 July 1, 2014, remain in effect until revised, amended, or rescinded, and shall be assigned to and
2379 administered by the Utah Communications Authority, including the collection of revenues
2380 under contracts and the payment for services under contract.

2381 (8) Any suit, action, or other proceeding lawfully commenced by, against, or before

2382 any entity affected by this chapter shall not be abated by reason of this bill or the reorganization
2383 of the Utah Communications Agency Network, the Utah 911 Committee, and the radio services
2384 within the Department of Technology Services into the Utah Communications Authority.

2385 (9) The authority of the transition directors under this chapter is repealed on July 1,
2386 2014.

2387 Section 47. **Effective date.**

2388 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2014.

2389 (2) Uncodified Section 46, Transition of Utah 911 Committee, takes effect on May 13,
2390 2014.