

## HB0343S01 compared with HB0343

~~deleted text~~ shows text that was in HB0343 but was deleted in HB0343S01.

inserted text shows text that was not in HB0343 but was inserted into HB0343S01.

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Representative Brad L. Dee proposes the following substitute bill:

### UTAH COMMUNICATION AUTHORITY EMERGENCY RADIO AND 911 AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad L. Dee**

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

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ renumbers the Utah Communications Authority Act;
- ▶ amends definitions;
- ▶ amends powers of the Utah Communications Authority;
- ▶ amends the duties of the board of the authority;
- ▶ creates the 911 Division within the authority and:

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- establishes the division's duties;
- specifies the role of the 911 Division in recommending disbursements from certain restricted accounts;
- requires the 911 Division to report to the executive director of the authority; and
- creates a 911 advisory committee to the 911 Division and designates membership and duties of the advisory committee;
- ▶ creates the Radio Network Division within the authority and:
  - establishes the division's duties;
  - creates a Utah Statewide Radio System Restricted Account within the General Fund and specifies its purpose;
  - specifies the role of the Radio Network Division in the disbursement of money from certain restricted accounts; and
  - authorizes the appointment of an advisory committee and designates membership and duties;
- ▶ creates the Interoperability Division within the authority and:
  - establishes the division's duties;
  - creates a statewide interoperability coordinator and the coordinator's duties; and
  - authorizes the appointment of an advisory committee and designates membership and duties;
- ▶ creates the Administrative Services Division within the authority and:
  - establishes the division's duties, which include the investment, safekeeping of funds, and financial reporting for the authority; and
  - appoints a financial officer for the authority and establishes the duties of the financial officer;†
- ~~creates an emergency services telecommunications charge to fund the Utah Statewide Radio System Restricted Account;~~
- ~~changes the distribution of the prepaid wireless assessments;‡~~ and
  - ▶ makes technical and conforming amendments.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

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~~{ None}~~ This bill provides a special effective date.

### Utah Code Sections Affected:

#### AMENDS:

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

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

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

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

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

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

63J-7-102, as last amended by Laws of Utah 2014, Chapter 320

69-2-5, as last amended by Laws of Utah 2014, Chapter 320

69-2-5.5, as last amended by Laws of Utah 2014, Chapter 320

69-2-5.6, as last amended by Laws of Utah 2014, Chapter 320

69-2-5.7, as last amended by Laws of Utah 2014, Chapter 320

~~{ 69-2-5.8, as enacted by Laws of Utah 2012, Chapter 326~~

‡ 69-2-7, as last amended by Laws of Utah 2014, Chapter 36

#### ENACTS:

63H-7a-402, Utah Code Annotated 1953

63H-7a-403, Utah Code Annotated 1953

63H-7a-404, Utah Code Annotated 1953

63H-7a-405, Utah Code Annotated 1953

63H-7a-502, Utah Code Annotated 1953

63H-7a-503, Utah Code Annotated 1953

63H-7a-504, Utah Code Annotated 1953

63H-7a-601, Utah Code Annotated 1953

63H-7a-603, Utah Code Annotated 1953

63H-7a-700, Utah Code Annotated 1953

63H-7a-800, Utah Code Annotated 1953

~~{ 69-2-5.9, Utah Code Annotated 1953~~

#### ‡RENUMBERS AND AMENDS:

63H-7a-101, (Renumbered from 63H-7-101, as renumbered and amended by Laws of

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Utah 2014, Chapter 320)

**63H-7a-102**, (Renumbered from 63H-7-102, as renumbered and amended by Laws of Utah 2014, Chapter 320)

**63H-7a-103**, (Renumbered from 63H-7-103, as renumbered and amended by Laws of Utah 2014, Chapter 320)

**63H-7a-201**, (Renumbered from 63H-7-201, as renumbered and amended by Laws of Utah 2014, Chapter 320)

**63H-7a-202**, (Renumbered from 63H-7-202, as renumbered and amended by Laws of Utah 2014, Chapter 320)

**63H-7a-203**, (Renumbered from 63H-7-203, as renumbered and amended by Laws of Utah 2014, Chapter 320)

**63H-7a-204**, (Renumbered from 63H-7-204, as renumbered and amended by Laws of Utah 2014, Chapter 320)

**63H-7a-205**, (Renumbered from 63H-7-205, as renumbered and amended by Laws of Utah 2014, Chapter 320)

**63H-7a-301**, (Renumbered from 63H-7-301, as enacted by Laws of Utah 2014, Chapter 320)

**63H-7a-302**, (Renumbered from 63H-7-303, as renumbered and amended by Laws of Utah 2014, Chapter 320)

**63H-7a-303**, (Renumbered from 63H-7-310, as enacted by Laws of Utah 2014, Chapter 320)

**63H-7a-304**, (Renumbered from 63H-7-304, as renumbered and amended by Laws of Utah 2014, Chapter 320)

**63H-7a-305**, (Renumbered from 63H-7-305, as renumbered and amended by Laws of Utah 2014, Chapter 320)

**63H-7a-306**, (Renumbered from 63H-7-307, as renumbered and amended by Laws of Utah 2014, Chapter 320)

**63H-7a-307**, (Renumbered from 63H-7-302, as renumbered and amended by Laws of Utah 2014, Chapter 320)

**63H-7a-401**, (Renumbered from 63H-7-308, as enacted by Laws of Utah 2014, Chapter 320)

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- 63H-7a-501**, (Renumbered from 63H-7-309, as enacted by Laws of Utah 2014, Chapter 320)
- 63H-7a-602**, (Renumbered from 63H-7-306, as renumbered and amended by Laws of Utah 2014, Chapter 320)
- 63H-7a-701**, (Renumbered from 63H-7-401, as renumbered and amended by Laws of Utah 2014, Chapter 320)
- 63H-7a-702**, (Renumbered from 63H-7-402, as renumbered and amended by Laws of Utah 2014, Chapter 320)
- 63H-7a-703**, (Renumbered from 63H-7-403, as renumbered and amended by Laws of Utah 2014, Chapter 320)
- 63H-7a-704**, (Renumbered from 63H-7-404, as renumbered and amended by Laws of Utah 2014, Chapter 320)
- 63H-7a-705**, (Renumbered from 63H-7-405, as renumbered and amended by Laws of Utah 2014, Chapter 320)
- 63H-7a-706**, (Renumbered from 63H-7-406, as renumbered and amended by Laws of Utah 2014, Chapter 320)
- 63H-7a-801**, (Renumbered from 63H-7-501, as renumbered and amended by Laws of Utah 2014, Chapter 320)
- 63H-7a-802**, (Renumbered from 63H-7-502, as renumbered and amended by Laws of Utah 2014, Chapter 320)
- 63H-7a-803**, (Renumbered from 63H-7-503, as renumbered and amended by Laws of Utah 2014, Chapter 320)
- 63H-7a-804**, (Renumbered from 63H-7-504, as renumbered and amended by Laws of Utah 2014, Chapter 320)
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*Be it enacted by the Legislature of the state of Utah:*

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

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

As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) a tax commissioner;

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

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

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

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(i) in accordance with judicial order;

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

(A) this title; or

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

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

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

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

(2) This section does not prohibit:

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

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

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

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

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

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

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

(i) the United States Internal Revenue Service; or

(ii) the revenue service of any other state.

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

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subdivisions of another state, or any political subdivision of this state, except as limited by Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal government grant substantially similar privileges to this state.

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

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

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

- (i) Chapter 13, Part 2, Motor Fuel; or
- (ii) Chapter 13, Part 4, Aviation Fuel.

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

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

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

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

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

- (i) provide to the Division of Consumer Protection within the Department of



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Commerce and the attorney general data:

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

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

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

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

(j) Notwithstanding Subsection (1), the commission shall make the directory required by Section 59-14-603 available for public inspection.

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

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

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

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

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

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

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

(A) Office of the Legislative Fiscal Analyst; or

(B) Office of Legislative Research and General Counsel.

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

(A) gained by the commission; and

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

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

(I) address;

(II) name;

(III) Social Security number; or

(IV) taxpayer identification number.

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

(iv) An office may provide information received from the commission in accordance with this Subsection (3)(o) only:

(A) as:

(I) a fiscal estimate;

(II) fiscal note information; or

(III) statistical information; and

(B) if the information is classified to prevent the identification of a particular return.

(v) (A) A person may not request information from an office under Title 63G, Chapter 2, Government Records Access and Management Act, or this section, if that office received the information from the commission in accordance with this Subsection (3)(o).

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

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

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

- (A) information contained in a return filed with the commission;
- (B) information contained in a report filed with the commission;
- (C) a schedule related to Subsection (3)(p)(i)(A) or (B); or
- (D) a document filed with the commission; or

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

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

- (i) requests the information; and
- (ii) provides the commission with a signed release form from the taxpayer allowing the Driver License Division access to the information.

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

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

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

- (i) an eligibility worker with the Department of Health or its designee requests the information from the commission; and
- (ii) the eligibility worker has complied with the identity verification and consent provisions of Sections 26-18-2.5 and 26-40-105.

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

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authorized under Section 59-2-103.

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

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

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

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

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

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

(ii) is not subject to:

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

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

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

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

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

#### **Authority.**

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

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

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

As used in this title:

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

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

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

(4) (a) "Independent entity" means an entity having a public purpose relating to the state or its citizens that is individually created by the state or is given by the state the right to

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exist and conduct its affairs as an:

- (i) independent state agency; or
- (ii) independent corporation.
- (b) "Independent entity" includes the:
  - (i) Utah Dairy Commission created by Section 4-22-2;
  - (ii) Heber Valley Historic Railroad Authority created by Section 63H-4-102;
  - (iii) Utah State Railroad Museum Authority created by Section 63H-5-102;
  - (iv) Utah Science Center Authority created by Section 63H-3-103;
  - (v) Utah Housing Corporation created by Section 35A-8-704;
  - (vi) Utah State Fair Corporation created by Section 63H-6-103;
  - (vii) Workers' Compensation Fund created by Section 31A-33-102;
  - (viii) Utah State Retirement Office created by Section 49-11-201;
  - (ix) School and Institutional Trust Lands Administration created by Section

53C-1-201;

- (x) School and Institutional Trust Fund Office created by Section 53D-1-201;
- (xi) Utah Communications Authority created in Section [~~63H-7-201~~] 63H-7a-201;
- (xii) Utah Energy Infrastructure Authority created by Section 63H-2-201;
- (xiii) Utah Capital Investment Corporation created by Section 63M-1-1207; and
- (xiv) Military Installation Development Authority created by Section 63H-1-201.

(c) Notwithstanding this Subsection (4), "independent entity" does not include:

- (i) the Public Service Commission of Utah created by Section 54-1-1;
- (ii) an institution within the state system of higher education;
- (iii) a city, county, or town;
- (iv) a local school district;
- (v) a local district under Title 17B, Limited Purpose Local Government Entities - Local

Districts; or

(vi) a special service district under Title 17D, Chapter 1, Special Service District Act.

(5) "Independent state agency" means an entity that is created by the state, but is independent of the governor's direct supervisory control.

(6) "Money held in trust" means money maintained for the benefit of:

- (a) one or more private individuals, including public employees;

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- (b) one or more public or private entities; or
- (c) the owners of a quasi-public corporation.

(7) "Public corporation" means an artificial person, public in ownership, individually created by the state as a body politic and corporate for the administration of a public purpose relating to the state or its citizens.

(8) "Quasi-public corporation" means an artificial person, private in ownership, individually created as a corporation by the state which has accepted from the state the grant of a franchise or contract involving the performance of a public purpose relating to the state or its citizens.

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

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

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

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

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

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

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

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

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

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

(5) test questions and answers to be used in future license, certification, registration,

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employment, or academic examinations;

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

- (a) an invitation for bids;
- (b) a request for proposals;
- (c) a request for quotes;
- (d) a grant; or
- (e) other similar document;

(7) information submitted to or by a governmental entity in response to a request for information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict the right of a person to have access to the information, after:

(a) a contract directly relating to the subject of the request for information has been awarded and signed by all parties; or

(b) (i) a final determination is made not to enter into a contract that relates to the subject of the request for information; and

(ii) at least two years have passed after the day on which the request for information is issued;

(8) records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

(a) public interest in obtaining access to the information is greater than or equal to the governmental entity's need to acquire the property on the best terms possible;

(b) the information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

(c) in the case of records that would identify property, potential sellers of the described property have already learned of the governmental entity's plans to acquire the property;

(d) in the case of records that would identify the appraisal or estimated value of

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property, the potential sellers have already learned of the governmental entity's estimated value of the property; or

(e) the property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Section 78B-6-505;

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

(A) members of a legislative body;

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

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

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

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

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

(21) research requests from legislators to the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in response to these requests;

(22) drafts, unless otherwise classified as public;

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

(a) collective bargaining; or

(b) imminent or pending litigation;

(24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;

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

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

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

(28) records of an institution within the state system of higher education defined in Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in

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accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;

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

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

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

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

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

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

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

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

(37) the name of a donor or a prospective donor to a governmental entity, including an

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institution within the state system of higher education defined in Section 53B-1-102, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

(a) the donor requests anonymity in writing;

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

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

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

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

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

(i) unpublished lecture notes;

(ii) unpublished notes, data, and information:

(A) relating to research; and

(B) of:

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

(II) a sponsor of sponsored research;

(iii) unpublished manuscripts;

(iv) creative works in process;

(v) scholarly correspondence; and

(vi) confidential information contained in research proposals;

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

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

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

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

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

(a) a production facility; or

(b) a magazine;

(43) information:

(a) contained in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1; or

(b) received or maintained in relation to the Identity Theft Reporting Information System (IRIS) established under Section 67-5-22;

(44) information contained in the Management Information System and Licensing Information System described in Title 62A, Chapter 4a, Child and Family Services;

(45) information regarding National Guard operations or activities in support of the National Guard's federal mission;

(46) records provided by any pawn or secondhand business to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;

(47) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;

(48) except to the extent that the record is exempt from this chapter pursuant to Section 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:

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- (a) the safety of the general public; or
- (b) the security of:
  - (i) governmental property;
  - (ii) governmental programs; or
  - (iii) the property of a private person who provides the Division of Emergency

Management information;

(49) records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act or Title 4, Chapter 31, Control of Animal Disease;

(50) as provided in Section 26-39-501:

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

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

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

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

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

- (i) the nature of the law, ordinance, rule, or order; and
- (ii) the individual complying with the law, ordinance, rule, or order;

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

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

(b) conducted using animals;

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

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

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

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

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

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

(58) information requested by and provided to the [~~Utah State 911 Committee under Section 63H-7-303~~] 911 Division under Section 63H-7a-302;

(59) in accordance with Section 73-10-33:

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

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

(60) the following records in the custody or control of the Office of Inspector General of Medicaid Services, created in Section 63A-13-201:

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

(b) records and audit workpapers to the extent they would disclose the identity of a person who, during the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any

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recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected;

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

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

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

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

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

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

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

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

### CHAPTER 7a. UTAH COMMUNICATIONS AUTHORITY ACT

#### Part 1. General Provisions

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

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

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

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

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

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



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agencies.

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

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

As used in this chapter:

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

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

(3) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase agreements, or other evidences of indebtedness or borrowing issued or incurred by the authority pursuant to this chapter.

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

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

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

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

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

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

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

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

~~[(11)]~~ (10) "Public safety answering point" means an organization, entity, or combination of entities which have joined together to form a central answering point for the receipt, management, and dissemination to the proper responding agency, of emergency and nonemergency communications, including 911 communications, police, fire, emergency

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medical, transportation, parks, wildlife, corrections, and any other governmental communications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The authority shall have the power to:

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

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

(3) make and execute contracts and all other instruments necessary or convenient for

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the performance of its duties and the exercise of its powers and functions under this chapter, including contracts with private companies licensed under Title 26, Chapter 8a, Utah Emergency Medical Services System Act;

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

(5) borrow money and incur indebtedness;

(6) issue bonds as provided in this chapter;

(7) enter into agreements with public agencies, private entities, the state, and federal government to provide public safety communications network services on terms and conditions it considers to be in the best interest of its members;

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

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

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

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

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

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

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

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

(b) ~~[outside of the current authority network for state and local governmental agencies~~

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that do not currently subscribe to the authority; and (c)] in a manner that:

- (i) promotes high quality, cost effective services; and
- (ii) evaluates the benefits, costs, existing facilities and equipment, and services of

public and private providers;

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

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

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

- (a) the 911 Division;
- (b) the Radio Network Division; and
- (c) the Interoperability Division; and

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

Section 11. Section **63H-7a-203**, which is renumbered from Section 63H-7-203 is renumbered and amended to read:

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

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

(2) The board shall consist of the following individuals, who may not be employed by the authority or any office or division of the authority:

- (a) the member representatives elected as follows:
  - (i) one representative elected from each county of the first and second class, who:
    - (A) is in law enforcement, fire service, or a public safety answering point; and
    - (B) has a leadership position with public safety communication experience;
  - (ii) one representative elected from each of the seven associations of government who:
    - (A) is in law enforcement, fire service, or a public safety answering point; and
    - (B) has a leadership position with public safety communication experience;
  - (iii) one representative of the Native American tribes elected by the representative of

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

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

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

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

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

~~(viii)~~ one member elected by the ~~Utah~~ 911 Advisory Committee created in Section ~~63H-7-302~~ 63H-7a-307; and ~~(f)~~

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

(3) (a) (i) Six of the state representatives shall be appointed by the governor, with two of the positions having an initial term of two years, two having an initial term of three years, and one having an initial term of four years.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The member representatives of the board shall be removable, with or without cause,

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by the entity that selected the member. A vacancy on the board for a member representative shall be filled for the unexpired term by the entity the member represents.

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

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

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

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

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

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

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

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

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

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

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

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

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

The board shall:

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

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

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

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

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- (5) examine and approve an annual operating budget for the authority;
- (6) receive and act upon recommendations of the chair;
- (7) recommend to the governor and Legislature any necessary or desirable changes in the statutes governing the public safety communications network;
- (8) develop broad policies for the long-term operation of the authority for the performance of its functions;
- (9) make and execute contracts and other instruments on behalf of the authority, including agreements with members and other entities;
- (10) authorize the borrowing of money, the incurring of indebtedness, and the issuance of bonds as provided in this chapter;
- (11) adopt rules consistent with this chapter and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the management of the public safety communications network in order to carry out the purposes of this chapter, and perform all other acts necessary for the administration of the public safety communications network;
- (12) exercise the powers and perform the duties conferred on it by this chapter;
- (13) provide for audits of the authority;
- (14) establish [~~a division~~] the following divisions within the authority [~~for radio network services~~];
  - (a) 911 Division;
  - (b) Radio Network Division;
  - (c) Interoperability Division; and
  - (d) Administrative Services Division;

~~[(15) establish an office within the authority for a statewide interoperability coordinator; and]~~

~~[(16) establish an office within the authority for a 911 program manager.]~~

(15) establish a 911 advisory committee to the 911 Division in accordance with Section 63H-7a-307;

(16) establish one or more ~~temporary~~ advisory committees to the Radio Network Division in accordance with Section ~~63H-7a-404~~ 63H-7a-405; and

(17) establish one or more ~~temporary~~ advisory committees to the Interoperability Division in accordance with Section 63H-7a-504.

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Section 13. Section **63H-7a-205**, which is renumbered from Section 63H-7-205 is renumbered and amended to read:

~~[63H-7-205].~~            **63H-7a-205. Executive director -- Powers and duties.**

The executive director shall:

- (1) act as the executive officer of the authority;
- (2) administer the various acts, systems, plans, programs, and functions assigned to the office;
- (3) [~~with the approval of the board, develop and make~~] recommend administrative rules and policies to the board, which are within the authority granted by this title for the administration of the authority;
- (4) recommend to the board any changes in the statutes affecting the authority;
- (5) recommend to the board an annual administrative budget covering administration, management, and operations of the public safety communications network and, upon approval of the board, direct and control the subsequent expenditures of the budget; [~~and~~]
- (6) within the limitations of the budget, employ staff personnel, consultants, a [~~chief~~] financial officer, and legal counsel to provide professional services and advice regarding the administration of the authority[-]; and
- (7) submit an annual report, on or before November 1 of each year, to the Executive Offices and Criminal Justice Appropriations Subcommittee, which shall include:
  - (a) the total aggregate surcharge collected by local entities in the state in the last fiscal year under Sections 69-2-5, 69-2-5.6, and 69-2-5.9;
  - (b) the amount of each disbursement from the restricted accounts;
  - (c) the recipient of each disbursement, or goods and services received, describing the project for which money was disbursed, or goods and services provided;
  - (d) the conditions, if any, placed by a division, the authority, the executive director, or the board on the disbursements from a restricted account;
  - (e) the anticipated expenditures from the restricted accounts for the next fiscal year;
  - (f) the amount of any unexpended funds carried forward;
  - (g) a progress report of implementation of statewide 911 emergency services,  
including:
  - (i) fund balance or balance sheet from the emergency telephone service fund of each



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agency that has imposed a levy under Section 69-2-5:

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

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

(h) the anticipated expenditures from the restricted accounts.

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

### Part 3. 911 Division

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

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

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

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

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

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

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

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

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

Section 15. Section **63H-7a-302**, which is renumbered from Section 63H-7-303 is renumbered and amended to read:

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

(1) The [committee] 911 Division shall:

(a) review and make recommendations to the [board, public safety answering points, and the Legislature on] executive director:

(i) regarding:

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

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

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

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

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

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

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

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

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

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

(ii) an annual plan for the programs funded by the Computer Aided Dispatch Restricted Account created in Section 63H-7a-303 and the Unified Statewide 911 Emergency Service Account [as provided in this part] created in Section 63H-7a-304;

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

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

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

(d) ~~{contract with}~~ reimburse the state's Automated Geographic Reference Center ~~{, as necessary,}~~ [in the Division of Integrated Technology of the Department of Technology Services, an amount equal to 1 cent per month levied on telecommunications service under Section 69-2-5.6 to enhance and upgrade digital mapping standards for unified statewide 911 emergency {services, as the projects and associated expenditures are authorized by the board, and} service as required by the division.](#)

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

(2) The ~~[committee]~~ 911 Division may recommend to the ~~[board]~~ executive director to sell, lease, or otherwise dispose of equipment or personal property purchased, leased, or belonging to the ~~[board]~~ authority that is related to ~~[-(a)-unified statewide 911 emergency~~

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service; (b) ~~the computer aided dispatch system; or (c)~~ funds expended from the restricted account created in Sections 69-2-5.5 and 69-2-5.6, the proceeds from which shall return to the respective restricted accounts.

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

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

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

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

(iii) public safety answering point costs;

(iv) system engineering information; and

(v) a computer aided dispatch system.

(b) In accordance with Subsection (4)(a) the ~~[committee]~~ 911 Division may request:

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

(ii) information from public safety answering points ~~[connected]~~ related to the computer aided dispatch system.

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

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

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

~~[(6) The committee shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to]~~

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(b) administer the Computer Aided Dispatch Restricted Account created in Section ~~[63H-7-310]~~ 63H-7a-303, including rules that establish the criteria, standards, technology, and equipment that ~~[a local entity or state agency]~~ a public safety answering point must adopt in order to qualify as a recipient ~~[of a computer aided dispatch system]~~ of goods or services that are funded from the restricted account.

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

~~[(b) advise the committee regarding:]~~

~~[(i) public safety communications and other issues regarding unified state 911 emergency services;]~~

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

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

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

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

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

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

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

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

- (a) enhancing public safety as provided in this chapter; and
- (b) creating [and maintaining] a shared computer aided dispatch system including:
  - (i) [a single] an interoperable computer aided dispatch platform that will be selected,

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~~[maintained]~~, shared, or hosted on a statewide ~~{}~~ or regional ~~{}~~ basis;

(ii) ~~[a single]~~ an interoperable computer aided dispatch platform selected by a county of the first class, when:

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

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

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

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

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

~~[(b) ~~{}~~ (3)(a) The ~~{}~~ Utah 911 Committee ~~{}~~ 911 Division] shall administer the development and maintenance of the shared computer aided dispatch system:]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the total aggregate surcharge collected by local entities and the state in the last

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fiscal year under Sections 69-2-5 and 69-2-5.6;

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

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

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

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

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

~~[(g) a cost study to guide the Legislature towards necessary adjustments of both the Unified Statewide 911 Emergency Service Account and the monthly emergency services telephone charge imposed under Section 69-2-5; and]~~

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

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

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

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

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

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

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



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~~[63H-7-302].~~ 63H-7a-307. 911 Advisory Committee -- Membership --

### Duties.

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

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

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

(i) Bear River Association;

(ii) Uintah Basin Association;

(iii) South East Association;

(iv) Six County Association;

(v) Five County Association;

(vi) Mountainlands Association; and

(vii) Wasatch Front Regional Council; and

(c) ~~[two representatives]~~ one representative from the Department of Public Safety~~[:]~~ who represents a Utah public safety answering point.

~~[(i) one of whom represents an urban Utah public service answering point; and]~~

~~[(ii) one of whom represents a rural Utah public safety answering point; and]~~

~~[(d) the statewide interoperability coordinator, created in Section 63H-7-309.]~~

(2) (a) Each advisory committee member shall be appointed as follows:

(i) a member described in Subsection (1)(a) shall be appointed by the ~~[governor]~~ board from a nominee or nominees submitted to the ~~[governor]~~ board by the council of government for that member's county;

(ii) the seven members described in Subsection (1)(b) shall be appointed by the ~~[governor]~~ board from a nominee or nominees submitted to the ~~[governor]~~ board by the associations described in Subsection (1)(b) ~~[as follows:]~~; and

~~[(A) the seven associations shall select by lot the first five associations to begin the rotation of membership as required by Subsection (2)(b)(i); and]~~

~~[(B) as each association is represented on the committee in accordance with Subsection (2)(b)(i), that association shall select the person to represent it on the commission; and]~~

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(iii) the ~~[members]~~ member described in ~~[Subsections]~~ Subsection (1)(c) ~~[and (d)]~~ shall be appointed by the ~~[governor]~~ board based on the nomination from the public safety commissioner.

(b) The term of office of each member is four years.

~~[(c) No member of the { advisory} committee may serve more than two consecutive four-year terms.]~~

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

~~[(3) (a) {} Committee members shall elect a chair from their number and establish rules for the organization and operation of the committee, with the chair selected by representatives from Subsections (1)(a), (b), and (c) every year {} The 911 Division shall appoint a meeting facilitator}]~~

(3) (a) The 911 Advisory Committee members shall annually elect a chair for the advisory committee by selecting from the members described in Subsections (1)(a) through (e).

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

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

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

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

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

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

(7) The advisory committee shall:

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

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

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

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

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

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

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

### **Part 4. Radio Network Division**

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

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

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

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

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

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

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

(1) The Radio Network Division shall:

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

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

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

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

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

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

Restricted Account created in Section 63H-7a-403;

(c) recommend to the executive director administrative rules for approval by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the program funded by the restricted accounts created in Sections 69-2-5.9 and 63H-7a-403,

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including rules that establish the criteria, standards, technology, equipment, and services that will qualify for goods or services that are funded from the restricted accounts; and

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

(2) The Radio Network Division may:

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

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

(c) review information regarding:

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

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

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

(i) local and state entities; and

(ii) public safety agencies; and

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

(i) the public safety communications network;

(ii) radio technologies and services;

(iii) microwave connectivity;

(iv) fiber connectivity; and

(~~five~~v) public safety communication network connectivity and usage.

(3) The information requested by and provided to the Radio Network Division under Subsections (2)(c) and (d) is a protected record in accordance with Section 63G-2-305.

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

Section 23. Section **63H-7a-403** is enacted to read:

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

**Administration -- Use of money.**

(1) There is created a restricted account within the General Fund known as the "Utah

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Statewide Radio System Restricted Account," consisting of:

~~{~~ ~~(a) proceeds from the fee imposed in Section 69-2-5.9;~~

~~}~~ ~~(~~b~~)~~a~~) money appropriated or otherwise made available by the Legislature; and~~

~~(~~c~~)~~b~~) contributions of money from federal agencies, political subdivisions of the state, persons, or corporations.~~

(2) The money in this restricted account shall be used exclusively for the statewide purpose of acquiring, constructing, operating, maintaining, and repairing a statewide radio system public safety communications network as authorized in Section 63H-7a-202, including:

(a) a public safety communications network and related facilities, real property, improvements, and equipment necessary for the acquisition, construction, and operation of services and facilities;

(b) installation, implementation, and maintenance of ~~{radio}~~public safety communications ~~{and microwave connectivity}~~network;

(c) maintaining the VHF and 800 MHz radio networks; and

(d) an operating budget to include personnel costs not otherwise covered by funds from another account.

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

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

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

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

~~{4}~~1) The Radio Network Division shall:

(a) (i) administer the development, installation, implementation, and maintenance of the Utah ~~{statewide radio}~~Statewide Public Safety Communications network system for the authority; ~~{ and~~

~~{~~  
(b) ~~}~~

(ii) spend up to \$1,500,000 of the one-time appropriation in fiscal year 2015-16 for a

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study, the scope of which shall be determined by the board based on the advice of the Radio Network Division and the executive director, to complete a detailed design and planning proposal for the upgrade and expansion of all phases of the statewide radio system network, which shall include at least:

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

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

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

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

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

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

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

(B) to purchase dispatch radio consoles; and

(C) for other needs identified within the detailed design proposal.

(b) The one-time appropriation in the 2015-16 fiscal year to the Radio Network Division is non-lapsing.

(c) (i) When the study under Subsection (1)(a) is complete, the board shall report to the Legislative Executive Appropriations Committee which shall study appropriate funding mechanisms for upgrade and maintenance of the statewide radio system network.

(ii) The division shall annually report to the executive director and the board the Radio Network Division's authorized disbursements from the restricted account.

~~(15)2~~ Current radio user fees imposed by the authority may be repealed on July 1, 2016, contingent upon an ongoing funding source being established for the construction of a new public safety communications network and the operation and maintenance of the authority.

(3) In accordance with Section 63H-7a-603, the Administrative Services Division is responsible for the care, custody, safekeeping, collection, and accounting for disbursements from the Utah Statewide Radio System Restricted Account and shall submit an annual report to

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the executive director ~~{, which shall include:~~

- ~~—— (a) the amount of each disbursement from the restricted account;~~
- ~~—— (b) the recipient of each disbursement and a description of the project for which money was disbursed;~~
- ~~—— (c) the conditions, if any, placed by the Radio Network Division, the Administrative Services Division, or the board on disbursements from the amount appropriated from the restricted account;~~
- ~~—— (d) the planned expenditures from the restricted account for the next fiscal year; and~~
- ~~—— (e) the amount of any unexpended funds carried forward;~~
- ~~—— (6) (a) The Administrative Services Division may request information from a public safety agency as necessary to prepare the report required by this section.~~
- ~~—— (b) A recipient under this section shall provide the information requested pursuant to Subsection (6)(a).~~
- ~~—— Section 24; for approval by the board.~~

Section 25. Section ~~{63H-7a-404}~~ 63H-7a-405 is enacted to read:

~~{63H-7a-404}~~63H-7a-405. **Radio network advisory committees.**

(1) (a) The Radio Network Division may request the executive director to ask the board to establish one or more technical advisory committees in accordance with this section.

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

- (i) local government officials;
- (ii) consumers;
- (iii) 911 ~~{service users}~~ public safety answering point personnel;
- (iv) law enforcement personnel;
- (v) firefighting personnel;
- (vi) emergency medical services personnel;
- (vii) emergency management personnel;
- (viii) information technology personnel and radio technicians; and
- (ix) other representatives selected by the board.

(2) (a) The Radio Network ~~{Division}~~ Advisory Committee shall ~~{appoint}~~ annually elect a ~~{meeting facilitator}~~ chair for the advisory committee by selecting from members

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described in Subsections (1)(b)(i) through (viii).

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

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

(3) An advisory committee member:

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

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

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

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

(5) The advisory committee shall:

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

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

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

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

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

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

Section ~~{25}~~26. Section **63H-7a-501**, which is renumbered from Section 63H-7-309 is renumbered and amended to read:

### **Part 5. Interoperability Division**

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

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

~~[(1)]~~ (2) There is created within the authority the [Office of the Statewide Interoperability Coordinator] Interoperability Division, which shall be responsible for the duties of the authority as specified in this chapter.

~~[(2)]~~ (3) The executive director shall appoint [the] a statewide interoperability



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coordinator with the approval of the board. The statewide interoperability coordinator shall be funded by the Department of Public Safety.

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

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

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

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

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

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

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

Section ~~{26}~~27. Section **63H-7a-502** is enacted to read:

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

(1) The Interoperability Division shall:

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

(i) statewide interoperability coordination and FirstNet standards;

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

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

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

(b) review information and records regarding:

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

(ii) matters related to statewide interoperability coordination;

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

(iv) training needs;

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(c) prepare and submit to the executive director~~f~~

~~(i) an annual budget for~~ for approval by the ~~{Interoperability Division, and~~

~~(ii) }~~board an annual plan for the Interoperability Division~~f~~

~~(d) advise the governor on matters related to FirstNet~~; and

~~(f)c~~d fulfill all other duties imposed on the Interoperability Division by this chapter.

(2) The Interoperability Division may:

(a) recommend to the executive director to own, operate, or enter into contracts related to statewide interoperability, FirstNet, and training;

(b) request information needed under Subsection (1)(b)(i) from:

(i) the State Tax Commission; and

(ii) public safety agencies;

(c) employ an outside consultant to study and advise the Interoperability Division on:

(i) issues of statewide interoperability;

(ii) FirstNet; and

(iii) training; and

(d) request the board to appoint an advisory committee in accordance with Section 63H-7a-504.

(3) The information requested by and provided to the Interoperability Division under Subsection (1)(b)(i) is a protected record in accordance with Section 63G-2-305.

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

Section ~~{27}~~28. Section **63H-7a-503** is enacted to read:

### **63H-7a-503. Statewide interoperability coordinator.**

The statewide interoperability coordinator shall:

(1) promote wireless technology information and interoperability among local, state, federal, and other agencies;

(2) provide a mechanism for coordinating and resolving wireless communication issues among local, state, federal, and other agencies;

(3) improve data and information sharing and coordination of multijurisdictional responses;

(4) ~~{identify}~~consider opportunities to consolidate or improve interoperability of

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infrastructures and technologies:

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

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

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

Section ~~{28}~~29. Section **63H-7a-504** is enacted to read:

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

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

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

(i) local government officials;

(ii) consumers;

(iii) 911 ~~{service users}~~public safety answering point personnel;

(iv) law enforcement personnel;

(v) firefighting personnel;

(vi) emergency medical services personnel;

(vii) emergency management personnel;

(viii) information technology personnel and radio technicians; and

(ix) other representatives selected by the board.

(c) A member appointed to an advisory committee:

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

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

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

(2) (a) The Interoperability ~~{Division}~~Advisory Committee shall ~~{appoint}~~annually elect a ~~{meeting facilitator}~~chair for the advisory committee by selecting from the members described in Subsection (1)(b)(i) through (vii).

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

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(c) Funding for staff and contracting services shall be provided with funds approved by the board from those identified under Section 63H-7a-602.

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

(4) The advisory committee shall:

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

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

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

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

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

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

Section ~~{29}~~30. Section **63H-7a-601** is enacted to read:

### **Part 6. Administrative Services Division**

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

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

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

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

Section ~~{30}~~31. Section **63H-7a-602**, which is renumbered from Section 63H-7-306 is renumbered and amended to read:

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

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

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~~Subsection (1) and Subsection (2)] as authorized in this chapter.~~

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

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

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

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

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

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

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

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

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

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(b) The Radio Network Division shall administer the program funded by the restricted account created in Section 63H-7a-403 and forward to the Administrative Services Division the Radio Network Division's documentation for disbursement, as approved by the board, from the restricted account in accordance with this section and Part 4, Radio Network Division.

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

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

Section ~~31~~32. Section **63H-7a-603** is enacted to read:

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

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

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

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

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

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

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

(2) The financial officer shall:

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

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

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Section ~~{32}~~33. Section **63H-7a-700** is enacted to read:

### Part 7. Bonding Authority

#### **63H-7a-700. Title.**

This part is known as "Bonding Authority."

Section ~~{33}~~34. Section **63H-7a-701**, which is renumbered from Section 63H-7-401 is renumbered and amended to read:

#### **~~[63H-7-401].~~ 63H-7a-701. Bond authorized -- Payment -- Security -- Liability -- Purpose -- Exemption from certain taxes.**

(1) The authority may:

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

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

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

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

(ii) from its revenues generally.

(2) Any bonds issued by the authority may be additionally secured by a pledge of any loan, lease, grant, agreement, or contribution, in whole or in part, from the federal government or other source, or a pledge of any income or revenue of the authority.

(3) The officers of the authority and any person executing the bonds are not liable personally on the bonds.

(4) (a) The bonds and other obligations of the authority are not a debt of any member or state representative of the authority, and do not constitute indebtedness for purposes of any constitutional or statutory debt limitation or restrictions.

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

(5) Any bonds of the authority shall be revenue obligations, payable solely from the proceeds, revenues, or purchase and lease payments received by the authority for the public safety communications network.

(6) The full faith and credit of any member or state representative may not be pledged

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directly or indirectly for the payment of the bonds.

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

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

(9) Bonds of the authority are:

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

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

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

Section ~~{34}~~35. Section **63H-7a-702**, which is renumbered from Section 63H-7-402 is renumbered and amended to read:

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

(1) Bonds of the authority shall:

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

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

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

(2) The bonds may bear interest at a fixed or variable interest rate as the resolution provides. The resolution may establish a method, formula, or index pursuant to which the



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interest rate on the bonds may be determined from time to time.

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

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

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

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

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

Section ~~{35}~~36. Section **63H-7a-703**, which is renumbered from Section 63H-7-403 is renumbered and amended to read:

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

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

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

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

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future;

(3) covenant against:

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

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

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

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

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

(f) the use, maintenance, and replacement of any or all of its real or personal property;

(4) covenant as to:

(a) bonds to be issued;

(b) the issuance of bonds in escrow or otherwise;

(c) the use and disposition of the bond proceeds;

(d) the insurance to be carried on the property in Subsection (3)(f) and the use and disposition of insurance money; and

(e) the rights, liabilities, powers, and duties arising upon its breach of any covenant, condition, or obligation;

(5) provide for the replacement of lost, destroyed, or mutilated bonds;

(6) covenant for the redemption of the bonds and provide the terms and conditions for their redemption;

(7) create or authorize the creation of special funds for money held for construction or operating costs, debt service, reserves, or other purposes;

(8) prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the number of bondholders of outstanding bonds which must consent to the action, and the manner in which consent shall be given;

(9) covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;

(10) vest in any obligee of the authority or any specified proportion of them the right:

(a) to enforce the payment of bonds or any covenants securing or relating to the bonds;

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(b) after default by the authority to:

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

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

(11) provide the:

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

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

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

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

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

Section ~~36~~37. Section **63H-7a-704**, which is renumbered from Section 63H-7-404 is renumbered and amended to read:

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

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

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

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

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

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

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

Section ~~{37}~~38. Section **63H-7a-705**, which is renumbered from Section 63H-7-405 is renumbered and amended to read:

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

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

Section ~~{38}~~39. Section **63H-7a-706**, which is renumbered from Section 63H-7-406 is renumbered and amended to read:

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

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

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

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

- (a) the name of the issuer;
- (b) the purpose of the issue;
- (c) the type of bonds and the maximum principal amount which may be issued;
- (d) the maximum number of years over which the bonds may mature;
- (e) the maximum interest rate which the bonds may bear, if any;
- (f) the maximum discount from par, expressed as a percentage of principal amount, at which the bonds may be sold; and

(g) the times and place where a copy of the resolution or other proceeding may be examined, which shall be at the principal office of the authority during regular business hours

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and for a period of at least 30 days after the publication of the notice.

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

Section ~~{39}~~40. Section **63H-7a-800** is enacted to read:

### **Part 8. Miscellaneous Provisions**

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

This part is known as "Miscellaneous Provisions."

Section ~~{40}~~41. Section **63H-7a-801**, which is renumbered from Section 63H-7-501 is renumbered and amended to read:

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

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

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

Section ~~{41}~~42. Section **63H-7a-802**, which is renumbered from Section 63H-7-502 is renumbered and amended to read:

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

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

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

(c) The board is authorized to:

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

(ii) dispose of the property of the authority upon its dissolution as provided in

Subsection (1)(b).

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

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

Section ~~{42}~~43. Section **63H-7a-803**, which is renumbered from Section 63H-7-503 is renumbered and amended to read:

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

(1) The Utah Communications Authority is exempt from:

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

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

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

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

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

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

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

Section ~~{43}~~44. Section **63H-7a-804**, which is renumbered from Section 63H-7-504 is renumbered and amended to read:

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

(1) The authority shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor and the Legislature. Each report shall set

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forth a complete operating and financial statement of the agency during the fiscal year it covers.

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

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

Section ~~{44}~~45. Section **63I-4a-102** is amended to read:

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

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

(b) "Activity" includes to:

(i) manufacture a good or service;

(ii) process a good or service;

(iii) sell a good or service;

(iv) offer for sale a good or service;

(v) rent a good or service;

(vi) lease a good or service;

(vii) deliver a good or service;

(viii) distribute a good or service; or

(ix) advertise a good or service.

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

(i) the state; or

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

(b) "Agency" does not include:

(i) the Legislature;

(ii) an entity or agency of the Legislature;

(iii) the state auditor;

(iv) the state treasurer;

(v) the Office of the Attorney General;

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- (vi) the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;
  - (vii) the Utah Science Center Authority created in Title 63H, Chapter 3, Utah Science Center Authority;
  - (viii) the Heber Valley Railroad Authority created in Title 63H, Chapter 4, Heber Valley Historic Railroad Authority;
  - (ix) the Utah State Railroad Museum Authority created in Title 63H, Chapter 5, Utah State Railroad Museum Authority;
  - (x) the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7, Utah Housing Corporation Act;
  - (xi) the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah State Fair Corporation Act;
  - (xii) the Workers' Compensation Fund created in Title 31A, Chapter 33, Workers' Compensation Fund;
  - (xiii) the Utah State Retirement Office created in Title 49, Chapter 11, Utah State Retirement Systems Administration;
  - (xiv) a charter school chartered by the State Charter School Board or a board of trustees of a higher education institution under Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act;
  - (xv) the Utah Schools for the Deaf and the Blind created in Title 53A, Chapter 25b, Utah Schools for the Deaf and the Blind;
  - (xvi) an institution of higher education as defined in Section 53B-3-102;
  - (xvii) the School and Institutional Trust Lands Administration created in Title 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration;
  - (xviii) the Utah Communications Authority created in Title 63H, Chapter [7] 7a, Utah Communications Authority Act; or
  - (xix) the Utah Capital Investment Corporation created in Title 63M, Chapter 1, Part 12, Utah Venture Capital Enhancement Act.
- (3) "Agency head" means the chief administrative officer of an agency.
- (4) "Board" means the Free Market Protection and Privatization Board created in Section 63I-4a-202.
- (5) "Commercial activity" means to engage in an activity that can be obtained in whole



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or in part from a private enterprise.

(6) "Local entity" means:

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

(i) county;

(ii) city;

(iii) town;

(iv) local school district;

(v) local district; or

(vi) special service district;

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

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

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

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

(a) contract;

(b) transfer of property; or

(c) another arrangement.

(9) "Special district" means:

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

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

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

Section ~~{45}~~46. Section **63J-7-102** is amended to read:

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

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

(2) This chapter does not govern:

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

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

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- (c) a grant deposited into an Enterprise Fund as defined in Section 51-5-4;
- (d) a grant made to the state without a restriction or other designated purpose that is deposited into the General Fund as free revenue;
- (e) a grant made to the state that is restricted only to "education" and that is deposited into the Education Fund or Uniform School Fund as free revenue;
- (f) in-kind donations;
- (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state when required by state law or application of state law;
- (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax Contribution Act;
- (i) a grant received by an agency from another agency or political subdivision;
- (j) a grant to the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;
- (k) a grant to the Utah Science Center Authority created in Title 63H, Chapter 3, Utah Science Center Authority;
- (l) a grant to the Heber Valley Railroad Authority created in Title 63H, Chapter 4, Heber Valley Historic Railroad Authority;
- (m) a grant to the Utah State Railroad Museum Authority created in Title 63H, Chapter 5, Utah State Railroad Museum Authority;
- (n) a grant to the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7, Utah Housing Corporation Act;
- (o) a grant to the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah State Fair Corporation Act;
- (p) a grant to the Workers' Compensation Fund created in Title 31A, Chapter 33, Workers' Compensation Fund;
- (q) a grant to the Utah State Retirement Office created in Title 49, Chapter 11, Utah State Retirement Systems Administration;
- (r) a grant to the School and Institutional Trust Lands Administration created in Title 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration;
- (s) a grant to the Utah Communications Authority created in Title 63H, Chapter [7] 7a, Utah Communications Authority Act;

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

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

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

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

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

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

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

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

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

Section ~~46~~47. Section 69-2-5 is amended to read:

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

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

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

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

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

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

(3) (a) Except as provided in Subsection (3)(b) and subject to the other provisions of this Subsection (3) a county, city, or town within which 911 emergency service is provided

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may levy a monthly 911 emergency services charge on:

- (i) each local exchange service switched access line within the boundaries of the county, city, or town;
- (ii) each revenue producing radio communications access line with a billing address within the boundaries of the county, city, or town; and
- (iii) any other service, including voice over Internet protocol, provided to a user within the boundaries of the county, city, or town that allows the user to make calls to and receive calls from the public switched telecommunications network, including commercial mobile radio service networks.

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

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

- (i) 61 cents per month for each local exchange service switched access line;
- (ii) 61 cents per month for each radio communications access line; and
- (iii) 61 cents per month for each service under Subsection (3)(a)(iii).

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

- (A) "mobile telecommunications service";
- (B) "place of primary use";
- (C) "service address"; and
- (D) "telecommunications service."

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

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

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

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

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

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

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

(A) the rate imposed by the county, city, or town in which the access line is located under Subsection (3)(d)(ii); or

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

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

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

(e) (i) A county, city, or town shall notify the Public Service Commission of the intent to levy the charge under this Subsection (3) at least 30 days before the effective date of the charge being levied.

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

(A) "Annexation" means an annexation to:

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

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

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

(iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if a county, city, or town enacts or repeals a charge or changes the amount of the charge under this section, the enactment, repeal, or change shall take effect:

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

(II) after a 90-day period beginning on the date the State Tax Commission receives notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.

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

(I) that the county, city, or town will enact or repeal a charge or change the amount of the charge under this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) radio communications access line services; and

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

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

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

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

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

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

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

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

(A) Section 59-12-104;

(B) Section 59-12-104.1;

(C) Section 59-12-104.2;

(D) Section 59-12-104.6;

(E) Section 59-12-107.1; and

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(F) Section 59-12-123.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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implement the 911 emergency services; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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responsible use of 911 wireless service.

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

Section ~~{47}~~48. Section **69-2-5.5** is amended to read:

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

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

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

- (i) local exchange service switched access line services; or
- (ii) radio communications access line services.

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

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

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

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

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

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

(3) Emergency services telecommunications charges remitted to the State Tax

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Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the State Tax Commission.

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

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

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

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

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

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

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

Section ~~48~~49. Section **69-2-5.6** is amended to read:

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

(1) Subject to Subsection 69-2-5(3)(g), there is imposed a unified statewide 911 emergency service charge of 9 cents per month on each local exchange service switched access

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line and each revenue producing radio communications access line that is subject to a 911 emergency services charge levied by a county, city, or town under Section 69-2-5.

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

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

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

(A) local exchange service switched access line services;

(B) radio communications access line services; or

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

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

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

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

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

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

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

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

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

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

(4) The State Tax Commission shall collect, enforce, and administer the charges imposed under Subsection (1) using the same procedures used in the administration, collection, and enforcement of the emergency services telecommunications charge to fund the Computer Aided Dispatch Restricted Account under Section [~~63H-7-310~~] 63H-7a-303.

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

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

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

Section ~~{49}~~50. Section **69-2-5.7** is amended to read:

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

#### **Administrative charge.**

(1) As used in this section:

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

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

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

(A) is paid for in advance;

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

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

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

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

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

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

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

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

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(2) There is imposed a prepaid wireless 911 service charge of ~~1.9%~~ ~~3.7%~~ of the sales price per transaction.

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

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

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

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

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

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

(9) The State Tax Commission:

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

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

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

(A) Section 59-12-104;

(B) Section 59-12-104.1;

(C) Section 59-12-104.2;

(D) Section 59-12-107.1; and

(E) Section 59-12-123;

(b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected under Subsection (9)(a) as reimbursement for administering this section;

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(c) shall distribute the prepaid wireless 911 service charge revenue, except as retained under Subsection (9)(b), as follows:

(i) ~~{}~~80.3%~~{}~~ 41.5% of the revenue shall be distributed to each county, city, or town in the same percentages and in the same manner as the entities receive money to fund 911 emergency telecommunications services under Section 69-2-5;

(ii) ~~{}~~7.9%~~{}~~ 4.1% of the revenue shall be distributed to fund the Computer Aided Dispatch Restricted Account created in Section [~~63H-7-310~~; and] 63H-7a-303;

(iii) ~~{}~~11.8%~~{}~~ 6.1% of the revenue shall be distributed to fund the unified statewide 911 emergency service as in Section 69-2-5.6; and

~~{~~ (iv) 48.3% of the revenue shall be distributed to fund the statewide radio network as in Section 69-2-5.9; and

~~}~~ (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.

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

Section ~~{50}~~51. Section ~~{69-2-5.8}~~69-2-7 is amended to read:

~~{~~ **69-2-5.8. State Tax Commission redistribution of revenues from certain telecommunications charges.**

~~\_\_\_\_\_~~ (1) As used in this section:

~~\_\_\_\_\_~~ (a) "Commission" means the State Tax Commission.

~~\_\_\_\_\_~~ (b) "Eligible portion of qualifying telecommunications charge revenues" means the portion of qualifying telecommunications charge revenues that:

~~\_\_\_\_\_~~ (i) were part of an original distribution; and

~~\_\_\_\_\_~~ (ii) the commission determines should have been transmitted:

~~\_\_\_\_\_~~ (A) to a secondary recipient political subdivision; and

~~\_\_\_\_\_~~ (B) during the redistribution period.

~~\_\_\_\_\_~~ (c) "Original distribution" means that the commission:

~~\_\_\_\_\_~~ (i) collects an amount of qualifying telecommunications charge revenues; and

~~\_\_\_\_\_~~ (ii) transmits the amount of qualifying telecommunications charge revenues to an original recipient political subdivision.

~~\_\_\_\_\_~~ (d) "Original recipient political subdivision" means a county, city, or town to which the commission makes an original distribution.

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~~—— (e) "Qualifying telecommunications charge revenues" means revenues the commission collects from a charge under:~~

~~—— (i) Section 69-2-5;~~

~~—— (ii) Section 69-2-5.5;~~

~~—— (iii) Section 69-2-5.6; [or]~~

~~—— (iv) Section 69-2-5.7[.]; and~~

~~—— (v) Section 69-2-5.9.~~

~~—— (f) "Redistribution" means that the commission:~~

~~—— (i) makes an original distribution of qualifying telecommunications charge revenues to an original recipient political subdivision;~~

~~—— (ii) after the commission makes the original distribution of qualifying telecommunications charge revenues to the original recipient political subdivision, determines that an eligible portion of qualifying telecommunications charge revenues should have been transmitted to a secondary recipient political subdivision as a result of:~~

~~—— (A) a county, city, or town providing written notice to the commission that qualifying telecommunications charge revenues that the commission distributed to an original recipient political subdivision should have been transmitted to a secondary recipient political subdivision; or~~

~~—— (B) the commission finding that an extraordinary circumstance, as defined by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, exists that requires the commission to make a redistribution without receiving the notice described in Subsection (1)(f)(ii)(A); and~~

~~—— (iii) in accordance with this section, transmits to the secondary recipient political subdivision the eligible portion of qualifying telecommunications charge revenues for the redistribution period.~~

~~—— (g) "Redistribution determination date" means the date the commission determines that a secondary recipient political subdivision should have received a redistribution, regardless of the date the commission actually transmits the redistribution to the secondary recipient political subdivision.~~

~~—— (h) "Redistribution period" means the time period:~~

~~—— (i) if the commission determines that an eligible portion of qualifying~~



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~~telecommunications charge revenues should have been transmitted to a secondary recipient political subdivision beginning on a date that is 90 or more days before the redistribution determination date:~~

~~—— (A) beginning 90 days before the redistribution determination date; and~~

~~—— (B) ending on the redistribution determination date; or~~

~~—— (ii) if the commission determines that an eligible portion of qualifying telecommunications charge revenues should have been transmitted to a secondary recipient political subdivision beginning on a date that is less than 90 days before the redistribution determination date:~~

~~—— (A) beginning on the date the eligible portion of qualifying telecommunications charge revenues should have been transmitted to the secondary recipient political subdivision; and~~

~~—— (B) ending on the redistribution determination date.~~

~~—— (i) "Secondary recipient political subdivision" means a county, city, or town that the commission determines should receive a redistribution.~~

~~—— (2) Subject to Subsection (3), the commission may make a redistribution to a secondary recipient political subdivision in an amount equal to the eligible portion of qualifying telecommunications charge revenues if:~~

~~—— (a) the commission provides written notice to the following within 15 days after the commission determines to make the redistribution:~~

~~—— (i) the original recipient political subdivision; and~~

~~—— (ii) the secondary recipient political subdivision; and~~

~~—— (b) the commission obtains:~~

~~—— (i) an amended return from each person that reports a transaction that will be subject to the redistribution; or~~

~~—— (ii) if the commission determines that an amended return described in Subsection (2)(b)(i) is not required to make the redistribution, information:~~

~~—— (A) supporting the redistribution; and~~

~~—— (B) supplied by a person who collects a qualifying telecommunications charge revenues, a county, city, or town, or the commission.~~

~~—— (3) The commission shall make a redistribution within 60 days after the requirements of Subsection (2) are met.~~

## HB0343S01 compared with HB0343

~~—— (4) This section does not limit the commission's authority to make a distribution of revenues under this chapter for a time period other than the redistribution period.~~

~~—— Section 51. Section **69-2-5.9** is enacted to read:~~

~~—— **69-2-5.9. Emergency services telecommunications charge to fund the Utah Statewide Radio System Restricted Account -- Administrative charge.**~~

~~—— (1) Subject to Subsection (6), there is imposed an emergency services telecommunications charge of 71 cents per month on each local exchange service switched access line and each revenue producing radio communications access line that is subject to an emergency services telecommunications charge levied by a county, city, or town under Section 69-2-5.~~

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

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

~~—— (ii) radio communications access line services.~~

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

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

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

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

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

~~—— (c) An emergency services telecommunications charge imposed under this section shall be deposited into the Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.~~

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

## HB0343S01 compared with HB0343

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

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

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

~~(A) Section 59-12-104;~~

~~(B) Section 59-12-104.1;~~

~~(C) Section 59-12-104.2;~~

~~(D) Section 59-12-104.6;~~

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

~~(F) Section 59-12-123.~~

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

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

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

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

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

~~Section 52. Section 69-2-7 is amended to read:~~

‡ **69-2-7. Limitation of duties and liabilities.**

Except as provided in Section 69-2-8, nothing contained in this chapter imposes any duties or liabilities beyond those otherwise specified by law upon any provider of local exchange service, radio communications service, voice over Internet protocol service, or terminal equipment needed to implement 911 emergency telephone service and the Utah statewide radio system and public safety communication network, created in Title 63H,

## HB0343S01 compared with HB0343

Chapter 7a, Utah Communications Authority Act.

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**Legislative Review Note**

— as of ~~2-17-15 8:49 AM~~

— ~~Office of Legislative Research and General Counsel~~; Section 52. Effective date.

This bill takes effect on July 1, 2015.