

Representative Brad L. Dee proposes the following substitute bill:

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

3 2015 GENERAL SESSION

4 STATE OF UTAH

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

6 Senate Sponsor: Wayne A. Harper

8 **LONG TITLE**

9 **General Description:**

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

13 **Highlighted Provisions:**

14 This bill:

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



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

45 **Money Appropriated in this Bill:**

46 None

47 **Other Special Clauses:**

48 This bill provides a special effective date.

49 **Utah Code Sections Affected:**

50 AMENDS:

51 [26-8b-102](#), as last amended by Laws of Utah 2014, Chapter 320

52 [59-1-403](#), as last amended by Laws of Utah 2014, Chapter 320

53 [63A-4-205.5](#), as last amended by Laws of Utah 2014, Chapter 320

54 [63E-1-102](#), as last amended by Laws of Utah 2014, Chapters 320, 426, and 426

55 [63G-2-305](#), as last amended by Laws of Utah 2014, Chapters 90 and 320

56 [63I-4a-102](#), as last amended by Laws of Utah 2014, Chapter 320

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

63 ENACTS:

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

75 RENUMBERS AND AMENDS:

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

88 **63H-7a-204**, (Renumbered from 63H-7-204, as renumbered and amended by Laws of
89 Utah 2014, Chapter 320)

90 **63H-7a-205**, (Renumbered from 63H-7-205, as renumbered and amended by Laws of
91 Utah 2014, Chapter 320)

92 **63H-7a-301**, (Renumbered from 63H-7-301, as enacted by Laws of Utah 2014, Chapter
93 320)

94 **63H-7a-302**, (Renumbered from 63H-7-303, as renumbered and amended by Laws of
95 Utah 2014, Chapter 320)

96 **63H-7a-303**, (Renumbered from 63H-7-310, as enacted by Laws of Utah 2014, Chapter
97 320)

98 **63H-7a-304**, (Renumbered from 63H-7-304, as renumbered and amended by Laws of
99 Utah 2014, Chapter 320)

100 **63H-7a-305**, (Renumbered from 63H-7-305, as renumbered and amended by Laws of
101 Utah 2014, Chapter 320)

102 **63H-7a-306**, (Renumbered from 63H-7-307, as renumbered and amended by Laws of
103 Utah 2014, Chapter 320)

104 **63H-7a-307**, (Renumbered from 63H-7-302, as renumbered and amended by Laws of
105 Utah 2014, Chapter 320)

106 **63H-7a-401**, (Renumbered from 63H-7-308, as enacted by Laws of Utah 2014, Chapter
107 320)

108 **63H-7a-501**, (Renumbered from 63H-7-309, as enacted by Laws of Utah 2014, Chapter
109 320)

110 **63H-7a-602**, (Renumbered from 63H-7-306, as renumbered and amended by Laws of
111 Utah 2014, Chapter 320)

112 **63H-7a-701**, (Renumbered from 63H-7-401, as renumbered and amended by Laws of
113 Utah 2014, Chapter 320)

114 **63H-7a-702**, (Renumbered from 63H-7-402, as renumbered and amended by Laws of
115 Utah 2014, Chapter 320)

116 **63H-7a-703**, (Renumbered from 63H-7-403, as renumbered and amended by Laws of
117 Utah 2014, Chapter 320)

118 **63H-7a-704**, (Renumbered from 63H-7-404, as renumbered and amended by Laws of

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



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

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

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

136 As used in this chapter:

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

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

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

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

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

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

150 to a person's heart.

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

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

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

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

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

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

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

163 (i) a tax commissioner;

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

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

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

170 (i) in accordance with judicial order;

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

172 (A) this title; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

268 (A) gained by the commission; and

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

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

272 (I) address;

273 (II) name;

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

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

307 (r) Notwithstanding Subsection (1), the commission shall provide to the ~~[Utah 911~~
308 ~~Committee the information requested by the Utah 911 Committee under Subsection~~
309 ~~63H-7-303(4)]~~ Utah Communications Authority, or a division of the Utah Communications
310 Authority, the information requested by the authority under Sections [63H-7a-302](#), [63H-7a-402](#),
311 and [63H-7a-502](#).

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

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

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

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

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

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

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

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

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

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

336 Subsection (3)(o)(v):

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

338 (ii) is not subject to:

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

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

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

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

343 **63A-4-205.5. Risk management -- Coverage of the Utah Communications**

344 **Authority.**

345 The Utah Communications Authority established under authority of Title 63H, Chapter

346 [7] 7a, Utah Communications Authority Act, may participate in the Risk Management Fund.

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

348 **63E-1-102. Definitions -- List of independent entities.**

349 As used in this title:

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

351 (2) "Committee" means the Retirement and Independent Entities Committee created by

352 Section 63E-1-201.

353 (3) "Independent corporation" means a corporation incorporated in accordance with

354 Chapter 2, Independent Corporations Act.

355 (4) (a) "Independent entity" means an entity having a public purpose relating to the

356 state or its citizens that is individually created by the state or is given by the state the right to

357 exist and conduct its affairs as an:

358 (i) independent state agency; or

359 (ii) independent corporation.

360 (b) "Independent entity" includes the:

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

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

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

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

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

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

- 367 (vii) Workers' Compensation Fund created by Section [31A-33-102](#);
- 368 (viii) Utah State Retirement Office created by Section [49-11-201](#);
- 369 (ix) School and Institutional Trust Lands Administration created by Section
- 370 [53C-1-201](#);
- 371 (x) School and Institutional Trust Fund Office created by Section [53D-1-201](#);
- 372 (xi) Utah Communications Authority created in Section [~~[63H-7-201](#)~~] [63H-7a-201](#);
- 373 (xii) Utah Energy Infrastructure Authority created by Section [63H-2-201](#);
- 374 (xiii) Utah Capital Investment Corporation created by Section [63M-1-1207](#); and
- 375 (xiv) Military Installation Development Authority created by Section [63H-1-201](#).
- 376 (c) Notwithstanding this Subsection (4), "independent entity" does not include:
- 377 (i) the Public Service Commission of Utah created by Section [54-1-1](#);
- 378 (ii) an institution within the state system of higher education;
- 379 (iii) a city, county, or town;
- 380 (iv) a local school district;
- 381 (v) a local district under Title 17B, Limited Purpose Local Government Entities - Local
- 382 Districts; or
- 383 (vi) a special service district under Title 17D, Chapter 1, Special Service District Act.
- 384 (5) "Independent state agency" means an entity that is created by the state, but is
- 385 independent of the governor's direct supervisory control.
- 386 (6) "Money held in trust" means money maintained for the benefit of:
- 387 (a) one or more private individuals, including public employees;
- 388 (b) one or more public or private entities; or
- 389 (c) the owners of a quasi-public corporation.
- 390 (7) "Public corporation" means an artificial person, public in ownership, individually
- 391 created by the state as a body politic and corporate for the administration of a public purpose
- 392 relating to the state or its citizens.
- 393 (8) "Quasi-public corporation" means an artificial person, private in ownership,
- 394 individually created as a corporation by the state which has accepted from the state the grant of
- 395 a franchise or contract involving the performance of a public purpose relating to the state or its
- 396 citizens.
- 397 Section 5. Section [63G-2-305](#) is amended to read:

398 **63G-2-305. Protected records.**

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

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

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

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

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

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

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

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

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

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

426 (a) an invitation for bids;

427 (b) a request for proposals;

428 (c) a request for quotes;

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

460 access, including the governmental entity's interest in maximizing the financial benefit of the
461 transaction; or

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

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

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

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

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

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

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

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

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

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

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

491 Board of Pardons and Parole, or the Department of Human Services that are based on the
492 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
493 jurisdiction;

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

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

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

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

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

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

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

509 (A) members of a legislative body;

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

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

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

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

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

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

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

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

527 (a) collective bargaining; or

528 (b) imminent or pending litigation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

577 (a) the donor requests anonymity in writing;

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

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

584 by the donor or the donor's immediate family;

585 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
586 73-18-13;

587 (39) a notification of workers' compensation insurance coverage described in Section
588 34A-2-205;

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

592 (i) unpublished lecture notes;

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

594 (A) relating to research; and

595 (B) of:

596 (I) the institution within the state system of higher education defined in Section
597 53B-1-102; or

598 (II) a sponsor of sponsored research;

599 (iii) unpublished manuscripts;

600 (iv) creative works in process;

601 (v) scholarly correspondence; and

602 (vi) confidential information contained in research proposals;

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

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

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

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

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

615 other document that indicates the location of:

616 (a) a production facility; or

617 (b) a magazine;

618 (43) information:

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

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

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

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

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

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

632 (48) except to the extent that the record is exempt from this chapter pursuant to Section
633 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
634 prepared or maintained by the Division of Emergency Management, and the disclosure of
635 which would jeopardize:

636 (a) the safety of the general public; or

637 (b) the security of:

638 (i) governmental property;

639 (ii) governmental programs; or

640 (iii) the property of a private person who provides the Division of Emergency
641 Management information;

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

646 (50) as provided in Section [26-39-501](#):

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

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

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

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

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

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

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

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

663 (a) conducted within the state system of higher education, as defined in Section
664 [53B-1-102](#); and

665 (b) conducted using animals;

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

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

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

675 (56) records contained in the Management Information System created in Section
676 [62A-4a-1003](#);

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

708 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
709 abuse;

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

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

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

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

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

718 **Part 1. General Provisions**

719 ~~[63H-7-101]~~. **63H-7a-101. Title.**

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

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

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

724 ~~[63H-7-102]~~. **63H-7a-102. Purpose.**

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

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

732 ~~[63H-7-103]~~. **63H-7a-103. Definitions.**

733 As used in this chapter:

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

736 (2) "Board" means the Utah Communications Authority Board created in Section
737 ~~[67H-7-203]~~ [67H-7a-203](#).

738 (3) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase

739 agreements, or other evidences of indebtedness or borrowing issued or incurred by the
740 authority pursuant to this chapter.

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

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

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

747 ~~[(8)]~~ (7) "Member" means a public agency which:

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

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

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

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

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

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

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

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

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

769 (13) "State representative" means the six appointees of the governor or their designees

770 and the Utah State Treasurer or his designee.

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

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

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

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

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

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

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

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

786 ~~[63H-7-202].~~ **63H-7a-202. Powers of the Authority.**

787 The authority shall have the power to:

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

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

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

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

798 (5) borrow money and incur indebtedness;

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

800 (7) enter into agreements with public agencies, private entities, the state, and federal

801 government to provide public safety communications network services on terms and conditions
802 it considers to be in the best interest of its members;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 832 (a) the 911 Division;
- 833 (b) the Radio Network Division; and
- 834 (c) the Interoperability Division; and
- 835 (13) perform all other duties authorized by this chapter.

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

838 ~~[63H-7-203].~~ **63H-7a-203.** **Board established -- Terms -- Vacancies.**

- 839 (1) There is created the "Utah Communications Authority Board."
- 840 (2) The board shall consist of the following individuals, who may not be employed by
841 the authority or any office or division of the authority:

- 842 (a) the member representatives elected as follows:
 - 843 (i) one representative elected from each county of the first and second class, who:
 - 844 (A) is in law enforcement, fire service, or a public safety answering point; and
 - 845 (B) has a leadership position with public safety communication experience;
 - 846 (ii) one representative elected from each of the seven associations of government who:
 - 847 (A) is in law enforcement, fire service, or a public safety answering point; and
 - 848 (B) has a leadership position with public safety communication experience;
 - 849 (iii) one representative of the Native American tribes elected by the representative of
850 tribal governments listed in Subsection [9-9-104.5\(2\)](#);
 - 851 (iv) one representative elected by the Utah National Guard;
 - 852 (v) one representative elected by an association that represents fire chiefs;
 - 853 (vi) one representative elected by an association that represents sheriffs;
 - 854 (vii) one representative elected by an association that represents chiefs of police; and
 - 855 (viii) one member elected by the ~~[Utah]~~ 911 Advisory Committee created in Section
856 ~~[63H-7-302]~~ [63H-7a-307](#); and

- 857 (b) seven state representatives appointed in accordance with Subsection (3).
- 858 (3) (a) (i) Six of the state representatives shall be appointed by the governor, with two
859 of the positions having an initial term of two years, two having an initial term of three years,
860 and one having an initial term of four years.
- 861 (ii) Successor state representatives shall each serve for a term of four years.
- 862 (iii) The six governor-appointed state representatives shall consist of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

894 individuals.

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

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

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

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

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

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

906 **~~[63H-7-204].~~ 63H-7a-204. Board -- Powers and duties.**

907 The board shall:

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

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

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

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

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

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

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

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

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

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

925 (11) adopt rules consistent with this chapter and in accordance with Title 63G, Chapter
 926 3, Utah Administrative Rulemaking Act, for the management of the public safety
 927 communications network in order to carry out the purposes of this chapter, and perform all
 928 other acts necessary for the administration of the public safety communications network;

929 (12) exercise the powers and perform the duties conferred on it by this chapter;

930 (13) provide for audits of the authority;

931 (14) establish [~~a division~~] the following divisions within the authority [~~for radio~~
 932 ~~network services~~];

933 (a) 911 Division;

934 (b) Radio Network Division;

935 (c) Interoperability Division; and

936 (d) Administrative Services Division;

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

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

940 (15) establish a 911 advisory committee to the 911 Division in accordance with Section
 941 63H-7a-307;

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

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

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

948 ~~[63H-7-205].~~ **63H-7a-205. Executive director -- Powers and duties.**

949 The executive director shall:

950 (1) act as the executive officer of the authority;

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

953 (3) [~~with the approval of the board, develop and make~~] recommend administrative
 954 rules and policies to the board, which are within the authority granted by this title for the
 955 administration of the authority;

- 956 (4) recommend to the board any changes in the statutes affecting the authority;
- 957 (5) recommend to the board an annual administrative budget covering administration,
- 958 management, and operations of the public safety communications network and, upon approval
- 959 of the board, direct and control the subsequent expenditures of the budget; ~~[and]~~
- 960 (6) within the limitations of the budget, employ staff personnel, consultants, a ~~[chief]~~
- 961 financial officer, and legal counsel to provide professional services and advice regarding the
- 962 administration of the authority~~[-]; and~~
- 963 (7) submit an annual report, on or before November 1 of each year, to the Executive
- 964 Offices and Criminal Justice Appropriations Subcommittee, which shall include:
- 965 (a) the total aggregate surcharge collected by local entities in the state in the last fiscal
- 966 year under Sections 69-2-5 and 69-2-5.6;
- 967 (b) the amount of each disbursement from the restricted accounts;
- 968 (c) the recipient of each disbursement, or goods and services received, describing the
- 969 project for which money was disbursed, or goods and services provided;
- 970 (d) the conditions, if any, placed by a division, the authority, the executive director, or
- 971 the board on the disbursements from a restricted account;
- 972 (e) the anticipated expenditures from the restricted accounts for the next fiscal year;
- 973 (f) the amount of any unexpended funds carried forward;
- 974 (g) a progress report of implementation of statewide 911 emergency services,
- 975 including:
- 976 (i) fund balance or balance sheet from the emergency telephone service fund of each
- 977 agency that has imposed a levy under Section 69-2-5;
- 978 (ii) a report from each public safety answering point of annual call activity separating
- 979 wireless and land-based 911 call volumes; and
- 980 (iii) other relevant justification for ongoing support from the restricted accounts created
- 981 by Sections 63H-7a-303, 63H-7a-304, and 63H-7a-403; and
- 982 (h) the anticipated expenditures from the restricted accounts.

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

985 **Part 3. 911 Division**

986 ~~[63H-7-301].~~ **63H-7a-301. 911 Division.**

987 (1) This part is known as the "911 Division."
 988 ~~[(+)]~~ (2) There is created within the authority the 911 [program manager] Division.
 989 ~~[(2) The 911 program manager shall:]~~
 990 ~~[(a) be appointed by the executive director:]~~
 991 ~~[(i) based on the recommendation of the Utah 911 Committee; and]~~
 992 ~~[(ii) with the approval of the board; and]~~
 993 ~~[(b) provide staff services to the Utah 911 Committee created in Section 63H-7-302.]~~
 994 (3) The 911 Division shall have the duties and powers described in this chapter.

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

997 ~~[63H-7-303].~~ **63H-7a-302. 911 Division duties and powers.**

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

999 (a) review and make recommendations to the ~~[board, public safety answering points,~~
 1000 ~~and the Legislature on]~~ executive director:

1001 (i) regarding:

1002 (A) technical, administrative, fiscal, network, and operational [issues] standards for the
 1003 implementation of unified statewide 911 emergency services;

1004 ~~[(ii) technology and standards for the implementation of unified statewide 911~~
 1005 ~~emergency services;]~~

1006 ~~[(iii)]~~ (B) emerging [technological upgrades] technology; and

1007 ~~[(iv)]~~ (C) expenditures [by] from the restricted accounts created in Section 69-2-5.6 by
 1008 the 911 Division on behalf of local public safety answering points in the state, with an
 1009 emphasis on efficiencies and coordination in a regional manner;

1010 (ii) to assure implementation of a unified statewide 911 emergency services [and]
 1011 network;

1012 (iii) to establish standards of operation throughout the state; and

1013 ~~[(v)]~~ (iv) regarding mapping systems and technology necessary to implement the
 1014 unified statewide 911 emergency services;

1015 (b) ~~[administer the program]~~ prepare and submit to the executive director for approval
 1016 by the board:

1017 (i) an annual budget for the 911 Division; and

1018 (ii) an annual plan for the programs funded by the Computer Aided Dispatch Restricted
1019 Account created in Section 63H-7a-303 and the Unified Statewide 911 Emergency Service
1020 Account [as provided in this part] created in Section 63H-7a-304;

1021 ~~[(c) administer the program funded by the Computer Aided Dispatch Restricted~~
1022 ~~Account created in Section 63H-7-310;]~~

1023 ~~[(d) assist as many local entities as possible, at their request, to implement the~~
1024 ~~recommendations of the committee; and]~~

1025 (c) assist local Utah public safety answering points with the implementation and
1026 coordination of the 911 Division responsibilities as approved by the executive director and the
1027 board;

1028 (d) reimburse the state's Automated Geographic Reference Center in the Division of
1029 Integrated Technology of the Department of Technology Services, an amount equal to 1 cent
1030 per month levied on telecommunications service under Section 69-2-5.6 to enhance and
1031 upgrade digital mapping standards for unified statewide 911 emergency service as required by
1032 the division.

1033 (e) fulfill all other duties imposed on the [~~committee~~] 911 Division by [~~the Legislature~~
1034 ~~by this part~~] this chapter.

1035 (2) The [~~committee~~] 911 Division may recommend to the [~~board~~] executive director to
1036 sell, lease, or otherwise dispose of equipment or personal property purchased, leased, or
1037 belonging to the [~~board~~] authority that is related to [~~:(a) unified statewide 911 emergency~~
1038 ~~service; (b) the computer aided dispatch system; or (c)] funds expended from the restricted~~
1039 account created in Sections 69-2-5.5 and 69-2-5.6, the proceeds from which shall return to the
1040 respective restricted accounts.

1041 (3) The [~~committee~~] 911 Division may make recommendations to the [~~board~~]
1042 executive director to own, operate, or enter into contracts for [~~unified statewide 911 emergency~~
1043 ~~services and a computer aided dispatch system]~~ the use of the funds expended from the
1044 restricted account created in Section 69-2-5.5.

1045 (4) (a) The [~~committee~~] 911 Division shall review information regarding:

1046 (i) in aggregate, the number of service subscribers by service type in a political
1047 subdivision;

1048 (ii) [~~911 delivery~~] network costs;

- 1049 (iii) public safety answering point costs;
- 1050 (iv) system engineering information; and
- 1051 (v) a computer aided dispatch system.
- 1052 (b) In accordance with Subsection (4)(a) the ~~[committee]~~ 911 Division may request:
- 1053 (i) information as described in Subsection (4)(a)(i) from the Utah State Tax
- 1054 Commission; and
- 1055 (ii) information from public safety answering points ~~[connected]~~ related to the
- 1056 computer aided dispatch system.
- 1057 (c) The information requested by and provided to the ~~[committee]~~ 911 Division under
- 1058 Subsection (4) is a protected record in accordance with Section 63G-2-305.
- 1059 (5) The ~~[committee]~~ 911 Division shall ~~[make]~~ recommend to the executive director,
- 1060 for approval by the board, rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 1061 Rulemaking Act, to:
- 1062 (a) administer the program funded by the Unified Statewide 911 Emergency Service
- 1063 restricted account created in Section ~~[63H-7-304]~~ 63H-7a-304, including rules that establish
- 1064 the criteria, standards, technology, and equipment that a ~~[local entity or state agency]~~ public
- 1065 safety answering point in Utah must adopt in order to qualify for ~~[funds]~~ goods or services that
- 1066 are funded from the restricted account~~[-]; and~~
- 1067 ~~[(6) The committee shall make rules in accordance with Title 63G, Chapter 3, Utah~~
- 1068 ~~Administrative Rulemaking Act, to]~~
- 1069 (b) administer the Computer Aided Dispatch Restricted Account created in Section
- 1070 ~~[63H-7-310]~~ 63H-7a-303, including rules that establish the criteria, standards, technology, and
- 1071 equipment that ~~[a local entity or state agency]~~ a public safety answering point must adopt in
- 1072 order to qualify as a recipient ~~[of a computer aided dispatch system]~~ of goods or services that
- 1073 are funded from the restricted account.
- 1074 ~~[(7)]~~ (6) The ~~[committee may]~~ board may authorize the 911 Division to employ an
- 1075 outside consultant to~~[-(a)]~~ study and advise ~~[on the issue of public safety answering points;~~
- 1076 ~~and]~~ the division on matters related to the 911 Division duties regarding the public safety
- 1077 communications network.
- 1078 ~~[(b) advise the committee regarding:]~~
- 1079 ~~[(i) public safety communications and other issues regarding unified state 911~~

1080 emergency services;]

1081 [(ii) computer aided dispatch system consolidation; and]

1082 [(iii) consolidation of public safety answering points by county or region.]

1083 [(8)] (7) This section does not expand the authority of the Utah State Tax Commission
1084 to request additional information from a telecommunication service provider.

1085 Section 16. Section **63H-7a-303**, which is renumbered from Section 63H-7-310 is
1086 renumbered and amended to read:

1087 **[63H-7-310]. 63H-7a-303. Creation of Computer Aided Dispatch**

1088 **Restricted Account -- Administration -- Use of money.**

1089 (1) There is created a restricted account within the General Fund known as the
1090 "Computer Aided Dispatch Restricted Account," consisting of:

- 1091 (a) proceeds from the fee imposed in Section 69-2-5.5;
- 1092 (b) money appropriated or otherwise made available by the Legislature; and
- 1093 (c) contributions of money from federal agencies, political subdivisions of the state,
1094 persons, or corporations.

1095 (2) The money in this restricted account shall be used exclusively for the following
1096 statewide public purposes:

- 1097 (a) enhancing public safety as provided in this chapter; and
- 1098 (b) creating [~~and maintaining~~] a shared computer aided dispatch system including:
 - 1099 (i) [~~a single~~] an interoperable computer aided dispatch platform that will be selected,
1100 [~~maintained~~], shared, or hosted on a statewide or regional basis;
 - 1101 (ii) [~~a single~~] an interoperable computer aided dispatch platform selected by a county
1102 of the first class, when:

1103 (A) authorized through an interlocal agreement between the county's two primary
1104 public safety answering points; and

1105 (B) the county's computer aided dispatch platform is capable of interfacing with the
1106 platform described in Subsection (2)(b)(i); and

1107 (iii) a statewide computer aided dispatch system data sharing platform to provide
1108 interoperability of systems.

1109 [~~(3) Subject to appropriation, the Division of Finance may charge the administrative
1110 costs incurred in discharging the responsibilities imposed by this section.~~]

1111 ~~[(4) (a) Subject to an annual legislative appropriation from the restricted account to the~~
 1112 ~~Division of Finance, the Division of Finance shall disburse the money in the fund, based on the~~
 1113 ~~authorization of the committee under Subsections (4)(b) and (c).]~~

1114 ~~[(b) The Utah 911 Committee shall administer the development and maintenance of the~~
 1115 ~~shared computer aided dispatch system:]~~

1116 (3) (a) The 911 Division shall coordinate the development of an interoperable CAD to
 1117 CAD platform:

1118 (i) for ~~[state agencies and local entities]~~ public safety answering points; and

1119 (ii) where needed, to assist public ~~[agencies]~~ safety answering points with the creation
 1120 or integration ~~[and maintenance of the shared computer aided dispatch system]~~ of the
 1121 interoperable computer aided dispatch system.

1122 ~~[(e)]~~ (b) The [Utah 911 Committee] Administrative Services Division shall, in
 1123 accordance with Section 63H-7a-602:

1124 (i) annually report to the ~~[Division of Finance the committee's]~~ executive director the
 1125 911 Division's authorized disbursements from the restricted account;

1126 (ii) be responsible for the care, custody, safekeeping, collection, and accounting for
 1127 disbursements; and

1128 (iii) submit an annual report to the ~~[Executive Offices and Criminal Justice~~
 1129 ~~Appropriations Subcommittee]~~ executive director, which shall include:

1130 (A) the amount of each disbursement from the restricted account;

1131 (B) the recipient of each disbursement and a description of the project for which money
 1132 was disbursed;

1133 (C) the conditions, if any, placed by the ~~[committee]~~ 911 Division, the board, or the
 1134 ~~[Division of Finance]~~ Administrative Services Division on disbursements from the amount
 1135 appropriated from the restricted account;

1136 (D) the planned expenditures from the restricted account for the next fiscal year; and

1137 (E) the amount of any unexpended funds carried forward~~[-and].~~

1138 ~~[(F) a progress report of implementation of a statewide computer aided dispatch~~
 1139 ~~system:]~~

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

1142 this section.

1143 (b) A recipient of goods or services under this section shall provide the information
1144 requested pursuant to Subsection ~~[(5)]~~ (4)(a).

1145 (5) Subject to appropriation, the Administrative Services Division, created in Section
1146 63H-7a-601, may charge the administrative costs incurred in discharging the responsibilities
1147 imposed by this section.

1148 (6) Subject to an annual legislative appropriation from the restricted account to the
1149 Administrative Services Division, the Administrative Services Division shall disburse the
1150 money in the fund, based on the authorization of the board and the 911 Division under
1151 Subsection 63H-7a-302(5).

1152 Section 17. Section **63H-7a-304**, which is renumbered from Section 63H-7-304 is
1153 renumbered and amended to read:

1154 ~~**[63H-7-304].**~~ **63H-7a-304. Creation of Unified Statewide 911 Emergency**
1155 **Service Account.**

1156 (1) There is created a restricted account within the General Fund known as the "Unified
1157 Statewide 911 Emergency Service Account," consisting of:

- 1158 (a) proceeds from the fee imposed in Section 69-2-5.6;
- 1159 (b) money appropriated or otherwise made available by the Legislature; and
- 1160 (c) contributions of money, property, or equipment from federal agencies, political
1161 subdivisions of the state, persons, or corporations.

1162 (2) The money in this restricted account shall be used exclusively for the ~~[following]~~
1163 statewide public ~~[purposes:-(a)]~~ purpose of enhancing the public safety [as provided in this
1164 chapter, and] communications network related to the rapid and efficient delivery of 911
1165 services in the state.

1166 ~~[(b) providing unified statewide 911 emergency service available to public safety~~
1167 ~~answering points.]~~

1168 (3) Subject to an annual legislative appropriation from the restricted account to the
1169 Administrative Services Division, the Administrative Services Division shall disburse the
1170 money in the fund, based on the authorization of the board and the 911 Division under
1171 Subsection 63H-7a-302(5).

1172 Section 18. Section **63H-7a-305**, which is renumbered from Section 63H-7-305 is

1173 renumbered and amended to read:

1174 ~~[63H-7-305].~~ **63H-7a-305. 911 Division expenses -- Responsibilities.**

1175 (1) Subject to appropriation, expenses and the costs of administering disbursements
1176 from the restricted account, as provided in Subsection (2), shall be paid from the restricted
1177 account.

1178 (2) (a) The ~~[committee]~~ Administrative Services Division, created in Section
1179 63H-7a-601, shall be responsible for the care, custody, safekeeping, collection, and accounting
1180 for disbursements made by the ~~[committee]~~ 911 Division at the approval of the board under the
1181 provisions of Section ~~[63H-7-306]~~ 63H-7a-603.

1182 (b) Subject to appropriation, the ~~[Division of Finance]~~ Administrative Services
1183 Division may charge the restricted account the administrative costs incurred by the
1184 Administrative Services Division in discharging the responsibilities imposed by this part and
1185 Section [63H-7-306] 63H-7a-603.

1186 Section 19. Section **63H-7a-306**, which is renumbered from Section 63H-7-307 is
1187 renumbered and amended to read:

1188 ~~[63H-7-307].~~ **63H-7a-306. 911 Division to report annually.**

1189 (1) The ~~[committee]~~ 911 Division shall submit an annual report to the ~~[Executive~~
1190 ~~Offices and Criminal Justice Appropriations Subcommittee]~~ executive director for approval by
1191 the board, which shall include:

1192 (a) the total aggregate surcharge collected by local entities and the state in the last
1193 fiscal year under Sections 69-2-5 and 69-2-5.6;

1194 (b) the amount of each disbursement from the restricted ~~[account]~~ accounts created in
1195 Sections 63H-7a-303 and 63H-7a-304;

1196 (c) the recipient of each disbursement and describing the project for which money was
1197 disbursed;

1198 (d) the conditions, if any, placed ~~[by the committee or the Division of Finance]~~ by the
1199 911 Division, the board, or the Administrative Services Division on disbursements from the
1200 restricted ~~[account]~~ accounts;

1201 (e) the ~~[planned]~~ anticipated expenditures from the restricted ~~[account]~~ accounts for the
1202 next fiscal year;

1203 (f) the amount of any unexpended funds carried forward; and

1204 ~~[(g) a cost study to guide the Legislature towards necessary adjustments of both the~~
 1205 ~~Unified Statewide 911 Emergency Service Account and the monthly emergency services~~
 1206 ~~telephone charge imposed under Section 69-2-5; and]~~

1207 ~~[(h)]~~ (g) a progress report of ~~[local government]~~ implementation of statewide 911
 1208 emergency services, including:

1209 (i) a fund balance or balance sheet from the emergency telephone service fund of each
 1210 agency ~~[maintaining its own emergency telephone service fund]~~ that has imposed a levy under
 1211 Section 69-2-5;

1212 (ii) a report from each public safety answering point of annual call activity separating
 1213 wireless and land-based 911 call volumes; and

1214 (iii) other relevant justification for ongoing support from the ~~[Unified Statewide 911~~
 1215 ~~Emergency Service Account]~~ restricted accounts created by ~~[Section 63H-7-304]~~ Sections
 1216 63H-7a-303 and 63H-7a-304.

1217 (2) (a) The ~~[committee]~~ 911 Division may request information from a local entity as
 1218 necessary to prepare the report required by this section.

1219 (b) A local entity imposing a levy under Section 69-2-5 or receiving ~~[a disbursement~~
 1220 ~~under Section 63H-7-306]~~ services or goods funded from accounts created in Section
 1221 63H-7a-603 shall provide the information requested pursuant to Subsection (2)(a).

1222 Section 20. Section **63H-7a-307**, which is renumbered from Section 63H-7-302 is
 1223 renumbered and amended to read:

1224 ~~[63H-7-302].~~ **63H-7a-307. 911 Advisory Committee -- Membership --**
 1225 **Duties.**

1226 (1) There is created within the ~~[authority]~~ 911 Division the ~~[Utah]~~ 911 Advisory
 1227 Committee consisting of the following members:

1228 (a) one representative from a primary public safety answering point from each county of
 1229 the first and second class;

1230 (b) one representative from a primary public safety answering point representing each
 1231 of the following:

1232 (i) Bear River Association;

1233 (ii) Uintah Basin Association;

1234 (iii) South East Association;

1235 (iv) Six County Association;

1236 (v) Five County Association;

1237 (vi) Mountainlands Association; and

1238 (vii) Wasatch Front Regional Council; and

1239 (c) [~~two representatives~~] one representative from the Department of Public Safety[:]

1240 who represents a Utah public safety answering point.

1241 [~~(i) one of whom represents an urban Utah public service answering point; and~~]

1242 [~~(ii) one of whom represents a rural Utah public safety answering point; and~~]

1243 [~~(d) the statewide interoperability coordinator, created in Section 63H-7-309.~~]

1244 (2) (a) Each advisory committee member shall be appointed as follows:

1245 (i) a member described in Subsection (1)(a) shall be appointed by the [~~governor~~] board

1246 from a nominee or nominees submitted to the [~~governor~~] board by the council of government

1247 for that member's county;

1248 (ii) the seven members described in Subsection (1)(b) shall be appointed by the

1249 [~~governor~~] board from a nominee or nominees submitted to the [~~governor~~] board by the

1250 associations described in Subsection (1)(b) [~~as follows:~~]; and

1251 [~~(A) the seven associations shall select by lot the first five associations to begin the~~

1252 ~~rotation of membership as required by Subsection (2)(b)(i); and~~]

1253 [~~(B) as each association is represented on the committee in accordance with Subsection~~

1254 ~~(2)(b)(i), that association shall select the person to represent it on the commission; and~~]

1255 (iii) the [~~members~~] member described in [~~Subsections~~] Subsection (1)(c) [~~and (d)~~] shall

1256 be appointed by the [~~governor~~] board based on the nomination from the public safety

1257 commissioner.

1258 (b) The term of office of each member is four years.

1259 [~~(c) No member of the committee may serve more that two consecutive four-year~~

1260 ~~terms.]~~

1261 [~~(d)~~] (c) Each mid-term vacancy shall be filled for the unexpired term in the same

1262 manner as an appointment under Subsection (2)(a).

1263 [~~(3)(a) Committee members shall elect a chair from their number and establish rules~~

1264 ~~for the organization and operation of the committee, with the chair selected by representatives~~

1265 ~~from Subsections (1)(a), (b), and (c) every year.]~~

1266 (3) (a) The 911 Advisory Committee members shall annually elect a chair for the
1267 advisory committee by selecting from the members described in Subsections (1)(a) through (e).

1268 (b) Staff and contracting services to the advisory committee shall be provided by the
1269 [authority] 911 Division.

1270 (c) Funding for staff and contracting services shall be provided with funds approved by
1271 the board from those identified under Section [~~63H-7-306~~] 63H-7a-304.

1272 (4) (a) No advisory committee member may receive compensation or benefits for the
1273 member's service on the advisory committee.

1274 (b) A member is not required to give bond for the performance of official duties.

1275 (5) A majority of the advisory committee constitutes a quorum for voting purposes.

1276 (6) An advisory committee member can be removed from the advisory committee by
1277 the board based on rules adopted by the board.

1278 (7) The advisory committee shall:

1279 (a) provide input and guidance to the 911 Division concerning the public safety
1280 communications network;

1281 (b) advise the 911 Division regarding standards related to the public safety
1282 communications network;

1283 (c) review and make recommendations for the 911 Division's strategic plan;

1284 (d) provide information and evaluate industry trends related to the 911 Division's
1285 responsibilities;

1286 (e) advise the 911 Division regarding professional development; and

1287 (f) make recommendations to the 911 Division regarding the development of
1288 cooperative partnerships.

1289 Section 21. Section ~~63H-7a-401~~, which is renumbered from Section 63H-7-308 is
1290 renumbered and amended to read:

1291 **Part 4. Radio Network Division**

1292 [~~63H-7-308~~]. **63H-7a-401. Radio Network Division.**

1293 (1) This part is known as the "Radio Network Division."

1294 ~~[(+)]~~ (2) There is created within the authority the Radio Network Division.

1295 ~~[(2) The technical operations manager of the Radio Network Division shall be~~
1296 ~~appointed by the executive director with the approval of the board.]~~

1297 ~~[(3) The Radio Network Division shall provide technical staff and support to the~~
1298 ~~authority.]~~

1299 Section 22. Section **63H-7a-402** is enacted to read:

1300 **63H-7a-402. Radio Network Division duties.**

1301 (1) The Radio Network Division shall:

1302 (a) provide and maintain the public safety communications network for state and local
1303 government agencies within the authority network, including the existing VHF and 800 MHz
1304 networks, in a manner that:

1305 (i) promotes high quality, cost effective service; and

1306 (ii) evaluates the benefits, cost, existing facilities, equipment, and services of public
1307 and private providers;

1308 (b) prepare and submit to the executive director for approval by the board:

1309 (i) an annual budget for the Radio Network Division; and

1310 (ii) an annual plan for the program funded by the Utah Statewide Radio System

1311 Restricted Account created in Section [63H-7a-403](#);

1312 (c) recommend to the executive director administrative rules for approval by the board
1313 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer
1314 the program funded by the restricted account created in Section [63H-7a-403](#), including rules
1315 that establish the criteria, standards, technology, equipment, and services that will qualify for
1316 goods or services that are funded from the restricted accounts; and

1317 (d) fulfill other duties assigned to the Radio Network Division under this chapter.

1318 (2) The Radio Network Division may:

1319 (a) recommend to the executive director to sell, lease, or otherwise dispose of
1320 equipment or personal property purchased, leased, or belonging to the authority that is related
1321 to the public safety communications network;

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

1324 (c) review information regarding:

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

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

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

1359 another account.

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

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

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

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

1369 (1) The Radio Network Division shall:

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

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

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

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

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

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

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

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

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

1389 (B) to purchase dispatch radio consoles; and

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

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

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

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

1427 (3) An advisory committee member:

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

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

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

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

1434 (5) The advisory committee shall:

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

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

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

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

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

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

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

Part 5. Interoperability Division

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

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

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

1452 ~~[(2)]~~ (3) The executive director shall appoint ~~[the]~~ a statewide interoperability
1453 coordinator with the approval of the board. The statewide interoperability coordinator shall be
1454 funded by the Department of Public Safety within appropriations to the Department of Public
1455 Safety for this purpose.

1456 ~~[(3) The Office of the Statewide Interoperability Coordinator shall:]~~

1457 ~~[(a) promote wireless technology information and interoperability among local, state,~~
1458 ~~federal, and other agencies;]~~

1459 ~~[(b) provide a mechanism for coordinating and resolving wireless communication~~
1460 ~~issues among local, state, federal, and other agencies;]~~

1461 ~~[(c) improve data and information sharing and coordination of multijurisdictional~~
1462 ~~responses;]~~

1463 ~~[(d) identify opportunities to consolidate infrastructures and technologies;]~~

1464 ~~[(e) evaluate current technologies and determine if they are meeting the needs of~~
1465 ~~agency personnel in respective service areas; and]~~

1466 ~~[(f) create and maintain procedures for requesting interoperability channels.]~~

1467 Section 27. Section **63H-7a-502** is enacted to read:

1468 **63H-7a-502. Interoperability Division duties.**

1469 (1) The Interoperability Division shall:

1470 (a) review and make recommendations to the executive director, for approval by the
1471 board, regarding:

1472 (i) statewide interoperability coordination and FirstNet standards;

1473 (ii) technical, administrative, fiscal, technological, network, and operational issues for
1474 the implementation of statewide interoperability, coordination, and FirstNet;

1475 (iii) assisting local agencies with the implementation and coordination of the
1476 Interoperability Division responsibilities; and

1477 (iv) training for the public safety communications network and unified statewide 911
1478 emergency services;

1479 (b) review information and records regarding:

1480 (i) aggregate information of the number of service subscribers by service type in a
1481 political subdivision;

1482 (ii) matters related to statewide interoperability coordination;

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

1514 and technologies;

1515 (5) evaluate current technologies and determine if they are meeting the needs of agency
1516 personnel in respective service areas;

1517 (6) create and maintain procedures for requesting interoperability channels; and

1518 (7) act as the FirstNet single point of contact for the authority.

1519 Section 29. Section **63H-7a-504** is enacted to read:

1520 **63H-7a-504. Interoperability advisory committees.**

1521 (1) (a) The Interoperability Division may request the board to establish one or more
1522 temporary advisory committees in accordance with this section.

1523 (b) If approved by the board under Subsection (1)(a), the board may appoint any
1524 combination of the following as members of the advisory committee:

1525 (i) local government officials;

1526 (ii) consumers;

1527 (iii) 911 public safety answering point personnel;

1528 (iv) law enforcement personnel;

1529 (v) firefighting personnel;

1530 (vi) emergency medical services personnel;

1531 (vii) emergency management personnel;

1532 (viii) information technology personnel and radio technicians; and

1533 (ix) other representatives selected by the board.

1534 (c) A member appointed to an advisory committee:

1535 (i) shall not receive compensation or benefits for the member's service on the advisory
1536 committee;

1537 (ii) is not required to give bond for the performance of official duties; and

1538 (iii) can be removed from the advisory committee by the board based on rules adopted
1539 by the board.

1540 (2) (a) The Interoperability Advisory Committee shall annually elect a chair for the
1541 advisory committee by selecting from the members described in Subsection (1)(b)(i) through
1542 (vii).

1543 (b) Staff and contracting services to the advisory committee shall be provided by the
1544 Interoperability Division.

1545 (c) Funding for staff and contracting services shall be provided with funds approved by
 1546 the board from those identified under Section 63H-7a-602.

1547 (3) A majority of the advisory committee constitutes a quorum for voting purposes.

1548 (4) The advisory committee shall:

1549 (a) provide input and guidance to the Interoperability Division concerning the public
 1550 safety communications network;

1551 (b) advise the Interoperability Division regarding standards related to the public safety
 1552 communications network;

1553 (c) review and make recommendations for the Interoperability Division's strategic plan;

1554 (d) provide information and evaluate industry trends related to the Interoperability
 1555 Division's responsibilities;

1556 (e) advise the Interoperability Division regarding professional development; and

1557 (f) make recommendations regarding the development of cooperative partnerships.

1558 Section 30. Section **63H-7a-601** is enacted to read:

1559 **Part 6. Administrative Services Division**

1560 **63H-7a-601. Administrative Services Division -- Duties.**

1561 (1) This part is known as the "Administrative Services Division."

1562 (2) There is created within the authority the Administrative Services Division.

1563 (3) The Administrative Services Division shall provide financial and human resources
 1564 assistance to the authority under the direction of the board and the executive director. At the
 1565 board's request and with the board's approval, the Administrative Services Division shall
 1566 establish or contract for legal services for the authority.

1567 Section 31. Section **63H-7a-602**, which is renumbered from Section 63H-7-306 is
 1568 renumbered and amended to read:

1569 **[63H-7-306]. 63H-7a-602. Use of money in restricted account -- Criteria --**
 1570 **Administrative Services Division responsibilities.**

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

1576 Subsection (1) and Subsection (2)] as authorized in this chapter.

1577 (b) The ~~[committee]~~ 911 Division shall administer the program funded by the restricted
1578 accounts created in Sections 63H-7a-303 and 63H-7a-304, and forward to the ~~[Division of~~
1579 ~~Finance the committee's authorization]~~ Administrative Services Division the 911 Division's
1580 documentation for disbursement as approved by the board from the restricted [account]
1581 accounts in accordance with this section and Part 3, 911 Division.

1582 (c) The ~~[committee]~~ Administrative Services Division shall~~[:]~~ disburse funds on behalf
1583 of the 911 Division for board authorized expenditures related to the 911 Division's duties under
1584 Part 3, 911 Division.

1585 ~~[(i) disburse on behalf of public agencies an amount not to exceed the per month fee~~
1586 ~~levied on telecommunications service under Section 69-2-5.6 for installation, implementation,~~
1587 ~~and maintenance of unified statewide 911 emergency services and technology; and]~~

1588 ~~[(ii) in addition to any money under Subsection (1)(c)(i), disburse on behalf of counties~~
1589 ~~of the third through sixth class the amount dedicated for rural assistance, which is at least 3~~
1590 ~~cents per month levied on 911 emergency service under Section 69-2-5.6 to:]~~

1591 ~~[(A) enhance the 911 emergency services with a focus on areas or counties that do not~~
1592 ~~have 911 emergency services; and]~~

1593 ~~[(B) where needed, assist the counties, in cooperation with private industry, with the~~
1594 ~~creation or integration of wireless systems and location technology in rural areas of the state.]~~

1595 ~~[(d) The committee shall reimburse the state's Automated Geographic Reference~~
1596 ~~Center in the Division of Integrated Technology of the Department of Technology Services, an~~
1597 ~~amount equal to 1 cent per month levied on telecommunications service under Section 69-2-5.6~~
1598 ~~to enhance and upgrade digital mapping standards for unified statewide 911 emergency service~~
1599 ~~as required by the committee.]~~

1600 ~~[(2) Beginning July 1, 2014, the committee may not authorize disbursements and the~~
1601 ~~Division of Finance may not disburse the money in the restricted account on behalf of an entity~~
1602 ~~unless the entity has the capability to receive Internet protocol based 911 emergency service.]~~

1603 (2) (a) Subject to an annual legislative appropriation from the Utah Statewide Radio
1604 System Restricted Account, created in Section 63H-7a-403, to the Administrative Services
1605 Division, the Administrative Services Division shall disburse the money in the fund as
1606 authorized by this chapter.

1607 (b) The Radio Network Division shall administer the program funded by the restricted
1608 account created in Section [63H-7a-403](#) and forward to the Administrative Services Division the
1609 Radio Network Division's documentation for disbursement, as approved by the board, from the
1610 restricted account in accordance with this section and Part 4, Radio Network Division.

1611 (c) The Administrative Services Division shall disburse funds on behalf of the Radio
1612 Network Division for board authorized expenditures related to the Radio Network Division's
1613 duties under Part 4, Radio Network Division.

1614 (3) Subject to an annual legislative appropriation from the restricted account in Section
1615 [63H-7a-303](#) to the Administrative Services Division, the Administrative Services Division
1616 shall disburse the money in the fund as authorized by this chapter.

1617 Section 32. Section **63H-7a-603** is enacted to read:

1618 **63H-7a-603. Financial officer -- Duties.**

1619 (1) The executive director shall appoint a financial officer for the Administrative
1620 Services Division with the approval of the board. The financial officer shall be responsible for
1621 accounting for the authority, including:

1622 (a) safekeeping and investment of public funds of the authority, including the funds
1623 expended from the restricted accounts created in Sections [69-2-5.5](#), [69-2-5.6](#), [69-2-5.7](#), and
1624 [69-2-5.8](#);

1625 (b) the proper collection, deposit, disbursement, and management of the public funds
1626 of the authority in accordance with Title 51, Chapter 7, State Money Management Act;

1627 (c) have authority to sign all bills payable, notes, checks, drafts, warrants, or other
1628 negotiable instruments in the absence of the executive director and the executive director's
1629 designated employee;

1630 (d) provide to the board and the executive director a statement of the condition of the
1631 finances of the authority, at least annually and at such other times as shall be requested by the
1632 board; and

1633 (e) perform all other duties incident to the financial officer.

1634 (2) The financial officer shall:

1635 (a) be bonded in an amount established by the State Money Management Council; and

1636 (b) file written reports with the State Money Management Council pursuant to Section
1637 [51-7-15](#).

1638 Section 33. Section **63H-7a-700** is enacted to read:

1639 **Part 7. Bonding Authority**

1640 **63H-7a-700. Title.**

1641 This part is known as "Bonding Authority."

1642 Section 34. Section **63H-7a-701**, which is renumbered from Section 63H-7-401 is
1643 renumbered and amended to read:

1644 ~~[63H-7-401].~~ **63H-7a-701. Bond authorized -- Payment -- Security --**
1645 **Liability -- Purpose -- Exemption from certain taxes.**

1646 (1) The authority may:

1647 (a) issue bonds from time to time for any of its corporate purposes provided in Section
1648 [~~63H-7-102~~] 63H-7a-102;

1649 (b) issue refunding bonds for the purpose of paying or retiring bonds previously issued
1650 by it;

1651 (c) issue bonds on which the principal and interest are payable:

1652 (i) exclusively from the income, purchase or lease payments, and revenues of all or a
1653 portion of the public safety communications network; or

1654 (ii) from its revenues generally.

1655 (2) Any bonds issued by the authority may be additionally secured by a pledge of any
1656 loan, lease, grant, agreement, or contribution, in whole or in part, from the federal government
1657 or other source, or a pledge of any income or revenue of the authority.

1658 (3) The officers of the authority and any person executing the bonds are not liable
1659 personally on the bonds.

1660 (4) (a) The bonds and other obligations of the authority are not a debt of any member
1661 or state representative of the authority, and do not constitute indebtedness for purposes of any
1662 constitutional or statutory debt limitation or restrictions.

1663 (b) The face of the bonds and other obligations shall state the provisions of Subsection
1664 (4)(a).

1665 (5) Any bonds of the authority shall be revenue obligations, payable solely from the
1666 proceeds, revenues, or purchase and lease payments received by the authority for the public
1667 safety communications network.

1668 (6) The full faith and credit of any member or state representative may not be pledged

1669 directly or indirectly for the payment of the bonds.

1670 (7) A member or state representative may not incur any pecuniary liability under this
1671 chapter until it enters into a service contract, lease, or other financing obligation with the
1672 authority. Once a member enters into a service contract, lease, or other financing obligation
1673 with the authority, the member shall be obligated to the authority as provided in that contract,
1674 lease, or financing obligation.

1675 (8) A bond or obligation may not be made payable out of any funds or properties other
1676 than those of the authority.

1677 (9) Bonds of the authority are:

1678 (a) declared to be issued for an essential public and governmental purpose by public
1679 instrumentalities; and

1680 (b) together with interest and income, exempt from all taxes, except the corporate
1681 franchise tax.

1682 (10) The provisions of this chapter exempting the properties of the authority and its
1683 bonds and interest and income on them from taxation shall be considered part of the contract
1684 for the security of bonds and have the force of contract, by virtue of this part and without the
1685 necessity of this being restated in the bonds, between the bondholders, including all transferees
1686 of the bonds, the authority and the state.

1687 Section 35. Section **63H-7a-702**, which is renumbered from Section 63H-7-402 is
1688 renumbered and amended to read:

1689 ~~[63H-7-402].~~ **63H-7a-702. Bonds to be authorized by resolution -- Form --**
1690 **Sale -- Negotiability -- Validity presumed.**

1691 (1) Bonds of the authority shall:

1692 (a) be authorized by resolution of the board and may be issued in one or more series;

1693 (b) bear dates, mature, bear interest rates, be in denominations, be either coupon or
1694 registered, carry conversion or registration privileges, have rank or priority, be executed, and be
1695 payable; and

1696 (c) be subject to terms of redemption, with or without premium, as the resolution or its
1697 trust indenture provides.

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

1700 interest rate on the bonds may be determined from time to time.

1701 (3) In connection with the bonds, and on behalf of the authority, the board may
1702 authorize and enter into agreements or other arrangements with financial, banking, and other
1703 institutions for letters of credit, standby letters of credit, surety bonds, reimbursement
1704 agreements, remarketing agreements, indexing agreements, tender agent agreements, and other
1705 agreements to secure the bonds, to enhance the marketability and creditworthiness of the
1706 bonds, to determine a fixed or variable interest rate on the bonds, and to pay from any legally
1707 available source, including the proceeds of the bonds, of fees, charges, and other amounts
1708 coming due with respect to any such agreements.

1709 (4) The bonds may be sold at public or private sale in a manner and at prices, either at,
1710 in excess of, or below par value as provided by resolution of the board.

1711 (5) If members or officers of the authority whose signatures appear on bonds or
1712 coupons cease to be members or officers before the delivery of the bonds, their signatures are
1713 valid and sufficient for all purposes.

1714 (6) Any bonds issued under this part are fully negotiable.

1715 (7) In any suit, action, or proceeding involving the validity or enforceability of any
1716 bond of the authority or the security for it, any bond reciting in substance that it has been issued
1717 by the authority to aid in financing the public safety communications network shall be
1718 conclusively considered to have been issued for such purposes, and the public safety
1719 communications network shall be conclusively considered to have been planned, located, and
1720 carried out in accordance with this part.

1721 Section 36. Section **63H-7a-703**, which is renumbered from Section 63H-7-403 is
1722 renumbered and amended to read:

1723 ~~**[63H-7-403].**~~ **63H-7a-703. Bonds and other obligations -- Additional**
1724 **powers of the authority.**

1725 In connection with the issuance of bonds or the incurring of obligations under leases,
1726 and in order to secure the payment of bonds or obligations, the authority, in addition to its other
1727 powers, may:

1728 (1) pledge all or any part of its gross or net rents, fees, or revenues to which its right
1729 then exists or may accrue in the future;

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

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

- 1762 (b) after default by the authority to:
- 1763 (i) take possession of and use, operate, and manage any facilities or any part of it or any
- 1764 funds connected with the facilities and funds, and collect the revenues arising from them; and
- 1765 (ii) dispose of the facilities and funds in accordance with the agreement with the
- 1766 authority;
- 1767 (11) provide the:
- 1768 (a) powers and duties of an obligee and limit the obligee's liabilities; and
- 1769 (b) terms and conditions upon which the obligees may enforce any covenant or rights
- 1770 securing or relating to the bonds;
- 1771 (12) exercise all or any part or combination of the powers granted in this chapter;
- 1772 (13) perform any acts necessary, convenient, or desirable to secure its bonds; and
- 1773 (14) make any covenants or perform any acts calculated to make the bonds more
- 1774 marketable.

1775 Section 37. Section **63H-7a-704**, which is renumbered from Section 63H-7-404 is

1776 renumbered and amended to read:

1777 ~~[63H-7-404]~~. **63H-7a-704. Reserve funds for debt service.**

1778 (1) To assure the continued operation and solvency of the authority for the carrying out

1779 of its purpose, the authority may establish reserve funds necessary to secure the payment of

1780 debt service on its bonds.

1781 (2) The resolution authorizing the issuance of the bonds shall specify the minimum

1782 amount that is required to be on deposit in the reserve funds.

1783 (3) The chair shall annually, on or before December 1, certify to the governor, the

1784 director of finance, and to each member the amount, if any, required to restore the funds to

1785 their required funding levels.

1786 (4) (a) The governor may request from the Legislature an appropriation of the amount

1787 certified in Subsection (3) to restore the reserve funds to their required funding levels or to

1788 meet any projected principal or interest payment deficiency. Any amount appropriated shall be

1789 repaid to the General Fund of the state in excess of the amounts which the board determines

1790 will keep it self-supporting.

1791 (b) The board shall adjust the fees of the members so that the state is repaid for the

1792 amount appropriated in Subsection (4)(a) within 18 months after the state has paid the deficit.

1793 (5) The members are jointly responsible for 1/2 the amount certified in Subsection (3)
1794 to restore the reserve funds to their required funding levels. The board may request from each
1795 member money proportionate to their participation in the network to restore the funding level.
1796 Any amount paid by the members shall be proportionally repaid to them from 1/2 of any money
1797 in excess of the amounts which the board determines will keep it self-supporting.

1798 Section 38. Section **63H-7a-705**, which is renumbered from Section 63H-7-405 is
1799 renumbered and amended to read:

1800 ~~[63H-7-405]~~. **63H-7a-705. Investment of the authority funds.**

1801 The state treasurer shall invest all money held on deposit by or on behalf of the
1802 authority. The board may provide advice to the state treasurer concerning investment of the
1803 money of the authority.

1804 Section 39. Section **63H-7a-706**, which is renumbered from Section 63H-7-406 is
1805 renumbered and amended to read:

1806 ~~[63H-7-406]~~. **63H-7a-706. Publication of notice, resolution, or other**
1807 **proceeding -- Period for contesting.**

1808 (1) The board may provide for the publication of any resolution or other proceedings
1809 adopted under this chapter:

1810 (a) in a newspaper of general circulation within the state; and

1811 (b) as required in Section [45-1-101](#).

1812 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the
1813 board may, in lieu of publishing the entire resolution or other proceeding, publish a notice of
1814 bonds to be issued containing:

1815 (a) the name of the issuer;

1816 (b) the purpose of the issue;

1817 (c) the type of bonds and the maximum principal amount which may be issued;

1818 (d) the maximum number of years over which the bonds may mature;

1819 (e) the maximum interest rate which the bonds may bear, if any;

1820 (f) the maximum discount from par, expressed as a percentage of principal amount, at
1821 which the bonds may be sold; and

1822 (g) the times and place where a copy of the resolution or other proceeding may be

1823 examined, which shall be at the principal office of the authority during regular business hours

1824 and for a period of at least 30 days after the publication of the notice.

1825 (3) For a period of 30 days after the publication, any person in interest may contest the
1826 legality of the resolution or proceeding, any bonds which may be authorized by the resolution
1827 or proceeding, or any provision made for the security and payment of the bonds by filing a
1828 pleading with the district court for the city in which the authority maintains its principal office.

1829 Section 40. Section **63H-7a-800** is enacted to read:

1830 **Part 8. Miscellaneous Provisions**

1831 **63H-7a-800. Title.**

1832 This part is known as "Miscellaneous Provisions."

1833 Section 41. Section **63H-7a-801**, which is renumbered from Section 63H-7-501 is
1834 renumbered and amended to read:

1835 ~~[63H-7-501].~~ **63H-7a-801. Property and funds of the authority declared**
1836 **public property -- Exemption from taxes.**

1837 (1) The property and funds of the authority are declared to be public property used for
1838 essential public and governmental purposes.

1839 (2) The property and the authority are exempt from all taxes and special assessments of
1840 any public body. This tax exemption does not apply to any portion of a project used for a
1841 profit-making enterprise.

1842 Section 42. Section **63H-7a-802**, which is renumbered from Section 63H-7-502 is
1843 renumbered and amended to read:

1844 ~~[63H-7-502].~~ **63H-7a-802. Term of the authority -- Dissolution --**
1845 **Withdrawal.**

1846 (1) (a) The authority may be dissolved by an act of the Legislature.

1847 (b) Title to all assets of the authority upon its dissolution shall revert to the members
1848 and the state pro rata, based upon the total amount of money paid to the authority by each
1849 member or the state for services provided to each by the public safety communications
1850 network.

1851 (c) The board is authorized to:

1852 (i) take any necessary action to dissolve the authority; and

1853 (ii) dispose of the property of the authority upon its dissolution as provided in

1854 Subsection (1)(b).

1855 (2) (a) Each member may, at any time, withdraw as a member of the authority by
 1856 delivering to the board a written notice of withdrawal which has been approved by the
 1857 governing body of the member, except that a member may not withdraw from the authority at
 1858 any time during which it has an outstanding payment obligation to the authority as a result of
 1859 having entered into a service contract, lease, or other financial obligation.

1860 (b) Except as provided in Subsection (2)(a), the board shall delete the petitioning
 1861 member from the membership of the authority as of the date of the board's receipt of the
 1862 member's notice of withdrawal. The board may not include a member who has given notice of
 1863 withdrawal in any future obligation of the authority.

1864 Section 43. Section **63H-7a-803**, which is renumbered from Section 63H-7-503 is
 1865 renumbered and amended to read:

1866 ~~[63H-7-503].~~ **63H-7a-803. Relation to certain acts -- Participation in Risk**
 1867 **Management Fund.**

1868 (1) The Utah Communications Authority is exempt from:

1869 (a) Title 63J, Chapter 1, Budgetary Procedures Act;

1870 (b) Title 63A, Utah Administrative Services Code, except as provided in Section
 1871 [63A-4-205.5](#);

1872 (c) Title 63G, Chapter 6a, Utah Procurement Code;

1873 (d) Title 63G, Chapter 4, Administrative Procedures Act; and

1874 (e) Title 67, Chapter 19, Utah State Personnel Management Act.

1875 (2) The board shall adopt budgetary procedures, accounting, procurement, and
 1876 personnel policies substantially similar to those from which they have been exempted in
 1877 Subsection (1).

1878 (3) Subject to the requirements of Subsection [63E-1-304\(2\)](#), the administration may
 1879 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).

1880 Section 44. Section **63H-7a-804**, which is renumbered from Section 63H-7-504 is
 1881 renumbered and amended to read:

1882 ~~[63H-7-504].~~ **63H-7a-804. Annual report to governor and Legislature --**
 1883 **Contents -- Audit by state auditor -- Reimbursement for costs.**

1884 (1) The authority shall, following the close of each fiscal year, submit an annual report
 1885 of its activities for the preceding year to the governor and the Legislature. Each report shall set

1886 forth a complete operating and financial statement of the agency during the fiscal year it covers.

1887 (2) The state auditor shall at least once in each year audit the books and accounts of the
1888 authority or shall contract with an independent certified public accountant for this audit. The
1889 audit shall include a review of the procedures adopted under the requirements of Subsection
1890 [~~63H-7-503~~] 63H-7a-803(2) and a determination as to whether the board has complied with the
1891 requirements of Subsection [~~63H-7-503~~] 63H-7a-803(2).

1892 (3) The authority shall reimburse the state auditor from available money of the
1893 authority for the actual and necessary costs of that audit.

1894 Section 45. Section **63I-4a-102** is amended to read:

1895 **63I-4a-102. Definitions.**

1896 (1) (a) "Activity" means to provide a good or service.

1897 (b) "Activity" includes to:

1898 (i) manufacture a good or service;

1899 (ii) process a good or service;

1900 (iii) sell a good or service;

1901 (iv) offer for sale a good or service;

1902 (v) rent a good or service;

1903 (vi) lease a good or service;

1904 (vii) deliver a good or service;

1905 (viii) distribute a good or service; or

1906 (ix) advertise a good or service.

1907 (2) (a) Except as provided in Subsection (2)(b), "agency" means:

1908 (i) the state; or

1909 (ii) an entity of the state including a department, office, division, authority,
1910 commission, or board.

1911 (b) "Agency" does not include:

1912 (i) the Legislature;

1913 (ii) an entity or agency of the Legislature;

1914 (iii) the state auditor;

1915 (iv) the state treasurer;

1916 (v) the Office of the Attorney General;

- 1917 (vi) the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;
- 1918 (vii) the Utah Science Center Authority created in Title 63H, Chapter 3, Utah Science
1919 Center Authority;
- 1920 (viii) the Heber Valley Railroad Authority created in Title 63H, Chapter 4, Heber
1921 Valley Historic Railroad Authority;
- 1922 (ix) the Utah State Railroad Museum Authority created in Title 63H, Chapter 5, Utah
1923 State Railroad Museum Authority;
- 1924 (x) the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7, Utah
1925 Housing Corporation Act;
- 1926 (xi) the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah State Fair
1927 Corporation Act;
- 1928 (xii) the Workers' Compensation Fund created in Title 31A, Chapter 33, Workers'
1929 Compensation Fund;
- 1930 (xiii) the Utah State Retirement Office created in Title 49, Chapter 11, Utah State
1931 Retirement Systems Administration;
- 1932 (xiv) a charter school chartered by the State Charter School Board or a board of
1933 trustees of a higher education institution under Title 53A, Chapter 1a, Part 5, The Utah Charter
1934 Schools Act;
- 1935 (xv) the Utah Schools for the Deaf and the Blind created in Title 53A, Chapter 25b,
1936 Utah Schools for the Deaf and the Blind;
- 1937 (xvi) an institution of higher education as defined in Section [53B-3-102](#);
- 1938 (xvii) the School and Institutional Trust Lands Administration created in Title 53C,
1939 Chapter 1, Part 2, School and Institutional Trust Lands Administration;
- 1940 (xviii) the Utah Communications Authority created in Title 63H, Chapter ~~[7]~~ [7a](#), Utah
1941 Communications Authority Act; or
- 1942 (xix) the Utah Capital Investment Corporation created in Title 63M, Chapter 1, Part 12,
1943 Utah Venture Capital Enhancement Act.
- 1944 (3) "Agency head" means the chief administrative officer of an agency.
- 1945 (4) "Board" means the Free Market Protection and Privatization Board created in
1946 Section [63I-4a-202](#).
- 1947 (5) "Commercial activity" means to engage in an activity that can be obtained in whole

1948 or in part from a private enterprise.

1949 (6) "Local entity" means:

1950 (a) a political subdivision of the state, including a:

1951 (i) county;

1952 (ii) city;

1953 (iii) town;

1954 (iv) local school district;

1955 (v) local district; or

1956 (vi) special service district;

1957 (b) an agency of an entity described in this Subsection (6), including a department,
1958 office, division, authority, commission, or board; or

1959 (c) an entity created by an interlocal cooperative agreement under Title 11, Chapter 13,
1960 Interlocal Cooperation Act, between two or more entities described in this Subsection (6).

1961 (7) "Private enterprise" means a person that engages in an activity for profit.

1962 (8) "Privatize" means that an activity engaged in by an agency is transferred so that a
1963 private enterprise engages in the activity, including a transfer by:

1964 (a) contract;

1965 (b) transfer of property; or

1966 (c) another arrangement.

1967 (9) "Special district" means:

1968 (a) a local district, as defined in Section 17B-1-102;

1969 (b) a special service district, as defined in Section 17D-1-102; or

1970 (c) a conservation district, as defined in Section 17D-3-102.

1971 Section 46. Section 63J-7-102 is amended to read:

1972 **63J-7-102. Scope and applicability of chapter.**

1973 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute
1974 superseding provisions of this chapter by explicit reference to this chapter, the provisions of
1975 this chapter apply to each agency and govern each grant received on or after May 5, 2008.

1976 (2) This chapter does not govern:

1977 (a) a grant deposited into a General Fund restricted account;

1978 (b) a grant deposited into a Trust and Agency Fund as defined in Section 51-5-4;

- 1979 (c) a grant deposited into an Enterprise Fund as defined in Section 51-5-4;
- 1980 (d) a grant made to the state without a restriction or other designated purpose that is
1981 deposited into the General Fund as free revenue;
- 1982 (e) a grant made to the state that is restricted only to "education" and that is deposited
1983 into the Education Fund or Uniform School Fund as free revenue;
- 1984 (f) in-kind donations;
- 1985 (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state
1986 when required by state law or application of state law;
- 1987 (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax
1988 Contribution Act;
- 1989 (i) a grant received by an agency from another agency or political subdivision;
- 1990 (j) a grant to the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion
1991 Act;
- 1992 (k) a grant to the Utah Science Center Authority created in Title 63H, Chapter 3, Utah
1993 Science Center Authority;
- 1994 (l) a grant to the Heber Valley Railroad Authority created in Title 63H, Chapter 4,
1995 Heber Valley Historic Railroad Authority;
- 1996 (m) a grant to the Utah State Railroad Museum Authority created in Title 63H, Chapter
1997 5, Utah State Railroad Museum Authority;
- 1998 (n) a grant to the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7,
1999 Utah Housing Corporation Act;
- 2000 (o) a grant to the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah
2001 State Fair Corporation Act;
- 2002 (p) a grant to the Workers' Compensation Fund created in Title 31A, Chapter 33,
2003 Workers' Compensation Fund;
- 2004 (q) a grant to the Utah State Retirement Office created in Title 49, Chapter 11, Utah
2005 State Retirement Systems Administration;
- 2006 (r) a grant to the School and Institutional Trust Lands Administration created in Title
2007 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration;
- 2008 (s) a grant to the Utah Communications Authority created in Title 63H, Chapter [7] 7a,
2009 Utah Communications Authority Act;

2010 (t) a grant to the Medical Education Program created in Section [53B-24-202](#);

2011 (u) a grant to the Utah Capital Investment Corporation created in Title 63M, Chapter 1,

2012 Part 12, Utah Venture Capital Enhancement Act;

2013 (v) a grant to the Utah Charter School Finance Authority created in Section

2014 [53A-20b-103](#);

2015 (w) a grant to the State Building Ownership Authority created in Section [63B-1-304](#);

2016 (x) a grant to the Utah Comprehensive Health Insurance Pool created in Section

2017 [31A-29-104](#); or

2018 (y) a grant to the Military Installation Development Authority created in Section

2019 [63H-1-201](#).

2020 (3) An agency need not seek legislative review or approval of grants under Part 2,

2021 Grant Approval Requirements, if:

2022 (a) the governor has declared a state of emergency; and

2023 (b) the grant is donated to the agency to assist victims of the state of emergency under

2024 Subsection [53-2a-204](#)(1).

2025 Section 47. Section **69-2-5** is amended to read:

2026 **69-2-5. Funding for 911 emergency service -- Administrative charge.**

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

2028 911 emergency service may:

2029 (a) seek assistance from the federal or state government, to the extent constitutionally

2030 permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or

2031 indirectly;

2032 (b) seek funds appropriated by local governmental taxing authorities for the funding of

2033 public safety agencies; and

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

2035 entities.

2036 (2) For purposes of providing funding of 911 emergency service, special service

2037 districts may raise funds as provided in Section [17D-1-105](#) and may borrow money and incur

2038 indebtedness as provided in Section [17D-1-103](#).

2039 (3) (a) Except as provided in Subsection (3)(b) and subject to the other provisions of

2040 this Subsection (3) a county, city, or town within which 911 emergency service is provided

2041 may levy a monthly 911 emergency services charge on:

2042 (i) each local exchange service switched access line within the boundaries of the
2043 county, city, or town;

2044 (ii) each revenue producing radio communications access line with a billing address
2045 within the boundaries of the county, city, or town; and

2046 (iii) any other service, including voice over Internet protocol, provided to a user within
2047 the boundaries of the county, city, or town that allows the user to make calls to and receive
2048 calls from the public switched telecommunications network, including commercial mobile
2049 radio service networks.

2050 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin
2051 telecommunications service is exempt from 911 emergency service charges.

2052 (c) The amount of the charge levied under this section may not exceed:

2053 (i) 61 cents per month for each local exchange service switched access line;

2054 (ii) 61 cents per month for each radio communications access line; and

2055 (iii) 61 cents per month for each service under Subsection (3)(a)(iii).

2056 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as
2057 provided in Section [59-12-102](#) or [59-12-215](#):

2058 (A) "mobile telecommunications service";

2059 (B) "place of primary use";

2060 (C) "service address"; and

2061 (D) "telecommunications service."

2062 (ii) An access line described in Subsection (3)(a) is considered to be within the
2063 boundaries of a county, city, or town if the telecommunications services provided over the
2064 access line are located within the county, city, or town:

2065 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax
2066 Act; and

2067 (B) determined in accordance with Section [59-12-215](#).

2068 (iii) The rate imposed on an access line under this section shall be determined in
2069 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection
2070 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,
2071 city, or town in which is located:

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

2103 (I) that begins after the effective date of the enactment of the charge or the charge
2104 increase; and

2105 (II) if the billing period for the charge begins before the effective date of the enactment
2106 of the charge or the charge increase imposed under this section.

2107 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge
2108 decrease under this section shall take effect on the first day of the last billing period:

2109 (I) that began before the effective date of the repeal of the charge or the charge
2110 decrease; and

2111 (II) if the billing period for the charge begins before the effective date of the repeal of
2112 the charge or the charge decrease imposed under this section.

2113 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if the annexation will
2114 result in the enactment, repeal, or a change in the amount of a charge imposed under this
2115 section for an annexing area, the enactment, repeal, or change shall take effect:

2116 (I) on the first day of a calendar quarter; and

2117 (II) after a 90-day period beginning on the date the State Tax Commission receives
2118 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that
2119 annexes the annexing area.

2120 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

2121 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an
2122 enactment, repeal, or a change in the charge being imposed under this section for the annexing
2123 area;

2124 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

2125 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

2126 (IV) if the county, city, or town enacts the charge or changes the amount of the charge
2127 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

2128 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge
2129 increase under this section shall take effect on the first day of the first billing period:

2130 (I) that begins after the effective date of the enactment of the charge or the charge
2131 increase; and

2132 (II) if the billing period for the charge begins before the effective date of the enactment
2133 of the charge or the charge increase imposed under this section.

2134 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge
2135 decrease under this section shall take effect on the first day of the last billing period:

2136 (I) that began before the effective date of the repeal of the charge or the charge
2137 decrease; and

2138 (II) if the billing period for the charge begins before the effective date of the repeal of
2139 the charge or the charge decrease imposed under this section.

2140 (f) Subject to Subsection (3)(g), a 911 emergency services charge levied under this
2141 section shall:

2142 (i) be billed and collected by the person that provides the:

2143 (A) local exchange service switched access line services; or

2144 (B) radio communications access line services; and

2145 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax
2146 Commission.

2147 (g) A 911 emergency services charge on a mobile telecommunications service may be
2148 levied, billed, and collected only to the extent permitted by the Mobile Telecommunications
2149 Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2150 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:

2151 (i) bill the charge imposed by this section in combination with the charge levied under
2152 Section 69-2-5.6 as one line item charge; and

2153 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as
2154 reimbursement for the cost of billing, collecting, and remitting the levy.

2155 (i) The State Tax Commission shall collect, enforce, and administer the charge
2156 imposed under this Subsection (3) using the same procedures used in the administration,
2157 collection, and enforcement of the state sales and use taxes under:

2158 (i) Title 59, Chapter 1, General Taxation Policies; and

2159 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2160 (A) Section 59-12-104;

2161 (B) Section 59-12-104.1;

2162 (C) Section 59-12-104.2;

2163 (D) Section 59-12-104.6;

2164 (E) Section 59-12-107.1; and

2165 (F) Section 59-12-123.

2166 (j) The State Tax Commission shall transmit money collected under this Subsection (3)
2167 monthly by electronic funds transfer to the county, city, or town that imposes the charge.

2168 (k) A person that pays a charge under this section shall pay the charge to the
2169 commission:

2170 (i) monthly on or before the last day of the month immediately following the last day of
2171 the previous month if:

2172 (A) the person is required to file a sales and use tax return with the commission
2173 monthly under Section 59-12-108; or

2174 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
2175 12, Sales and Use Tax Act; or

2176 (ii) quarterly on or before the last day of the month immediately following the last day
2177 of the previous quarter if the person is required to file a sales and use tax return with the
2178 commission quarterly under Section 59-12-107.

2179 (l) A charge a person pays under this section shall be paid using a form prescribed by
2180 the State Tax Commission.

2181 (m) The State Tax Commission shall retain and deposit an administrative charge in
2182 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from a
2183 charge under this section.

2184 (n) A charge under this section is subject to Section 69-2-5.8.

2185 (4) (a) Any money received by a public agency for the provision of 911 emergency
2186 service shall be deposited in a special emergency telecommunications service fund.

2187 (b) (i) Except as provided in Subsection (5)(b), the money in the 911 emergency
2188 service fund shall be expended by the public agency to pay the costs of:

2189 (A) establishing, installing, maintaining, and operating a 911 emergency service
2190 system;

2191 (B) receiving and processing emergency communications from the 911 system or other
2192 communications or requests for emergency services;

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

2196 implement the 911 emergency services; or

2197 (D) indirect costs associated with the maintaining and operating of a 911 emergency
2198 services system.

2199 (ii) Revenues derived for the funding of 911 emergency service may be used by the
2200 public agency for personnel costs associated with receiving and processing communications
2201 and deploying emergency response resources when the system is integrated with any public
2202 safety dispatch system.

2203 (c) Any unexpended money in the 911 emergency service fund at the end of a fiscal
2204 year does not lapse, and must be carried forward to be used for the purposes described in this
2205 section.

2206 (5) (a) Revenue received by a local entity from an increase in the levy imposed under
2207 Subsection (3) after the 2004 Annual General Session:

2208 (i) may be used by the public safety answering point for the purposes under Subsection
2209 (4)(b); and

2210 (ii) shall be deposited into the special 911 emergency service fund described in
2211 Subsection (4)(a).

2212 (b) Revenue received by a local entity from disbursements from the ~~[Utah 911~~
2213 ~~Committee under Section 63H-7-306]~~ 911 Division under Section 63H-7a-602:

2214 (i) shall be deposited into the special 911 emergency service fund under Subsection
2215 (4)(a); and

2216 (ii) shall only be used for that portion of the costs related to the development and
2217 operation of wireless and land-based enhanced 911 emergency telecommunications service and
2218 the implementation of 911 services as provided in Subsection (5)(c).

2219 (c) The costs allowed under Subsection (5)(b)(ii) include the public safety answering
2220 point's costs for:

2221 (i) acquisition, upgrade, modification, maintenance, and operation of public service
2222 answering point equipment capable of receiving 911 information;

2223 (ii) database development, operation, and maintenance; and

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

2227 responsible use of 911 wireless service.

2228 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the
2229 2004 Annual General Session shall increase the levy to the maximum amount permitted by
2230 Subsection (3)(c).

2231 Section 48. Section **69-2-5.5** is amended to read:

2232 **69-2-5.5. Emergency services telecommunications charge to fund the Computer**
2233 **Aided Dispatch Restricted Account -- Administrative charge.**

2234 (1) Subject to Subsection (7), there is imposed an emergency services
2235 telecommunications charge of 6 cents per month on each local exchange service switched
2236 access line and each revenue producing radio communications access line that is subject to an
2237 emergency services telecommunications charge levied by a county, city, or town under Section
2238 [69-2-5](#).

2239 (2) (a) Subject to Subsection (7), an emergency services telecommunications charge
2240 imposed under this section shall be billed and collected by the person that provides:

- 2241 (i) local exchange service switched access line services; or
- 2242 (ii) radio communications access line services.

2243 (b) A person that pays an emergency services telecommunications charge under this
2244 section shall pay the emergency services telecommunications charge to the commission:

2245 (i) monthly on or before the last day of the month immediately following the last day of
2246 the previous month if:

2247 (A) the person is required to file a sales and use tax return with the commission
2248 monthly under Section [59-12-108](#); or

2249 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
2250 12, Sales and Use Tax Act; or

2251 (ii) quarterly on or before the last day of the month immediately following the last day
2252 of the previous quarter if the person is required to file a sales and use tax return with the
2253 commission quarterly under Section [59-12-107](#).

2254 (c) An emergency services telecommunications charge imposed under this section shall
2255 be deposited into the Computer Aided Dispatch Restricted Account created in Section
2256 [~~63H-7-310~~] [63H-7a-303](#).

2257 (3) Emergency services telecommunications charges remitted to the State Tax

2258 Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the
2259 State Tax Commission.

2260 (4) (a) The State Tax Commission shall administer, collect, and enforce the charge
2261 imposed under Subsection (1) according to the same procedures used in the administration,
2262 collection, and enforcement of the state sales and use tax under:

2263 (i) Title 59, Chapter 1, General Taxation Policies; and

2264 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2265 (A) Section 59-12-104;

2266 (B) Section 59-12-104.1;

2267 (C) Section 59-12-104.2;

2268 (D) Section 59-12-104.6;

2269 (E) Section 59-12-107.1; and

2270 (F) Section 59-12-123.

2271 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2272 State Tax Commission may make rules to administer, collect, and enforce the emergency
2273 services telecommunications charges imposed under this section.

2274 (c) The State Tax Commission shall retain and deposit an administrative charge in
2275 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from
2276 an emergency services telecommunications charge under this section.

2277 (d) A charge under this section is subject to Section 69-2-5.8.

2278 (5) A provider of local exchange service switched access line services or radio
2279 communications access line services who fails to comply with this section is subject to
2280 penalties and interest as provided in Sections 59-1-401 and 59-1-402.

2281 (6) An emergency services telecommunications charge under this section on a mobile
2282 telecommunications service may be imposed, billed, and collected only to the extent permitted
2283 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2284 Section 49. Section 69-2-5.6 is amended to read:

2285 **69-2-5.6. 911 services charge to fund unified statewide 911 emergency service --**
2286 **Administrative charge.**

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

2289 line and each revenue producing radio communications access line that is subject to a 911
2290 emergency services charge levied by a county, city, or town under Section [69-2-5](#).

2291 (2) (a) A 911 emergency services charge imposed under this section shall be:

2292 (i) subject to Subsection [69-2-5\(3\)\(g\)](#); and

2293 (ii) billed and collected by the person that provides:

2294 (A) local exchange service switched access line services;

2295 (B) radio communications access line services; or

2296 (C) service described in Subsection [69-2-5\(3\)\(a\)\(iii\)](#).

2297 (b) A person that pays a charge under this section shall pay the charge to the
2298 commission:

2299 (i) monthly on or before the last day of the month immediately following the last day of
2300 the previous month if:

2301 (A) the person is required to file a sales and use tax return with the commission
2302 monthly under Section [59-12-108](#); or

2303 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
2304 12, Sales and Use Tax Act; or

2305 (ii) quarterly on or before the last day of the month immediately following the last day
2306 of the previous quarter if the person is required to file a sales and use tax return with the
2307 commission quarterly under Section [59-12-107](#).

2308 (c) A charge imposed under this section shall be deposited into the Unified Statewide
2309 911 Emergency Service Account created by Section [63H-7-304](#).

2310 (3) The person that bills and collects the charges levied by this section pursuant to
2311 Subsections (2)(b) and (c) may:

2312 (a) bill the charge imposed by this section in combination with the charge levied under
2313 Section [69-2-5](#) as one line item charge; and

2314 (b) retain an amount not to exceed 1.5% of the charges collected under this section as
2315 reimbursement for the cost of billing, collecting, and remitting the levy.

2316 (4) The State Tax Commission shall collect, enforce, and administer the charges
2317 imposed under Subsection (1) using the same procedures used in the administration, collection,
2318 and enforcement of the emergency services telecommunications charge to fund the Computer
2319 Aided Dispatch Restricted Account under Section [[63H-7-310](#)] [63H-7a-303](#).

2320 (5) Notwithstanding Section [~~63H-7-304~~] 63H-7a-304, the State Tax Commission shall
2321 retain and deposit an administrative charge in accordance with Section 59-1-306 from the
2322 revenues the State Tax Commission collects from a charge under this section.

2323 (6) A charge under this section is subject to Section 69-2-5.8.

2324 (7) This section sunsets in accordance with Section 63I-1-269.

2325 Section 50. Section 69-2-5.7 is amended to read:

2326 **69-2-5.7. Prepaid wireless telecommunications charge to fund 911 service --**
2327 **Administrative charge.**

2328 (1) As used in this section:

2329 (a) "Consumer" means a person who purchases prepaid wireless telecommunications
2330 service in a transaction.

2331 (b) "Prepaid wireless 911 service charge" means the charge that is required to be
2332 collected by a seller from a consumer in the amount established under Subsection (2).

2333 (c) (i) "Prepaid wireless telecommunications service" means a wireless
2334 telecommunications service that:

2335 (A) is paid for in advance;

2336 (B) is sold in predetermined units of time or dollars that decline with use in a known
2337 amount or provides unlimited use of the service for a fixed amount or time; and

2338 (C) allows a caller to access 911 emergency service.

2339 (ii) "Prepaid wireless telecommunications service" does not include a wireless
2340 telecommunications service that is billed:

2341 (A) to a customer on a recurring basis; and

2342 (B) in a manner that includes the emergency services telecommunications charges,
2343 described in Sections 69-2-5, 69-2-5.5, and 69-2-5.6, for each radio communication access line
2344 assigned to the customer.

2345 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a
2346 consumer.

2347 (e) "Transaction" means each purchase of prepaid wireless telecommunications service
2348 from a seller.

2349 (f) "Wireless telecommunications service" means commercial mobile radio service as
2350 defined by 47 C.F.R. Sec. 20.3, as amended.

2351 (2) There is imposed a prepaid wireless 911 service charge of 1.9% of the sales price
2352 per transaction.

2353 (3) The prepaid wireless 911 service charge shall be collected by the seller from the
2354 consumer for each transaction occurring in this state.

2355 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,
2356 receipt, or similar document that is provided by the seller to the consumer.

2357 (5) For purposes of Subsection (3), the location of a transaction is determined in
2358 accordance with Sections 59-12-211 through 59-12-215.

2359 (6) When prepaid wireless telecommunications service is sold with one or more other
2360 products or services for a single non-itemized price, then the percentage specified in Section
2361 (2) shall apply to the entire non-itemized price.

2362 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by
2363 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the
2364 charge.

2365 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under
2366 Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller
2367 remits to the State Tax Commission money collected by the person under Title 59, Chapter 12,
2368 Sales and Use Tax Act.

2369 (9) The State Tax Commission:

2370 (a) shall collect, enforce, and administer the charge imposed under this section using
2371 the same procedures used in the administration, collection, and enforcement of the state sales
2372 and use taxes under:

2373 (i) Title 59, Chapter 1, General Taxation Policies; and

2374 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2375 (A) Section 59-12-104;

2376 (B) Section 59-12-104.1;

2377 (C) Section 59-12-104.2;

2378 (D) Section 59-12-107.1; and

2379 (E) Section 59-12-123;

2380 (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected
2381 under Subsection (9)(a) as reimbursement for administering this section;

2382 (c) shall distribute the prepaid wireless 911 service charge revenue, except as retained
2383 under Subsection (9)(b), as follows:

2384 (i) 80.3% of the revenue shall be distributed to each county, city, or town in the same
2385 percentages and in the same manner as the entities receive money to fund 911 emergency
2386 telecommunications services under Section [69-2-5](#);

2387 (ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch
2388 Restricted Account created in Section [~~63H-7-310~~, and] [63H-7a-303](#);

2389 (iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911
2390 emergency service as in Section [69-2-5.6](#); and

2391 (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative
2392 Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.

2393 (10) A charge under this section is subject to Section [69-2-5.8](#).

2394 Section 51. Section [69-2-7](#) is amended to read:

2395 **69-2-7. Limitation of duties and liabilities.**

2396 Except as provided in Section [69-2-8](#), nothing contained in this chapter imposes any
2397 duties or liabilities beyond those otherwise specified by law upon any provider of local
2398 exchange service, radio communications service, voice over Internet protocol service, or
2399 terminal equipment needed to implement 911 emergency telephone service and the Utah
2400 statewide radio system and public safety communication network, created in Title 63H,
2401 Chapter 7a, Utah Communications Authority Act.

2402 Section 52. **Effective date.**

2403 This bill takes effect on July 1, 2015.