

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

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

- establishes the division's duties;
- specifies the role of the 911 Division in recommending disbursements from certain restricted accounts;

- requires the 911 Division to report to the executive director of the authority; and
- creates a 911 advisory committee to the 911 Division and designates membership and duties of the advisory committee;

- ▶ creates the Radio Network Division within the authority and:
 - establishes the division's duties;



- 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;
- 44 ▶ creates an emergency services telecommunications charge to fund the Utah
- 45 Statewide Radio System Restricted Account;
- 46 ▶ changes the distribution of the prepaid wireless assessments; and
- 47 ▶ makes technical and conforming amendments.

48 **Money Appropriated in this Bill:**

49 None

50 **Other Special Clauses:**

51 None

52 **Utah Code Sections Affected:**

53 AMENDS:

- 54 **26-8b-102**, as last amended by Laws of Utah 2014, Chapter 320
- 55 **59-1-403**, as last amended by Laws of Utah 2014, Chapter 320
- 56 **63A-4-205.5**, as last amended by Laws of Utah 2014, Chapter 320
- 57 **63E-1-102**, as last amended by Laws of Utah 2014, Chapters 320, 426, and 426
- 58 **63G-2-305**, as last amended by Laws of Utah 2014, Chapters 90 and 320

- 59 [63I-4a-102](#), as last amended by Laws of Utah 2014, Chapter 320
- 60 [63J-7-102](#), as last amended by Laws of Utah 2014, Chapter 320
- 61 [69-2-5](#), as last amended by Laws of Utah 2014, Chapter 320
- 62 [69-2-5.5](#), as last amended by Laws of Utah 2014, Chapter 320
- 63 [69-2-5.6](#), as last amended by Laws of Utah 2014, Chapter 320
- 64 [69-2-5.7](#), as last amended by Laws of Utah 2014, Chapter 320
- 65 [69-2-5.8](#), as enacted by Laws of Utah 2012, Chapter 326
- 66 [69-2-7](#), as last amended by Laws of Utah 2014, Chapter 36

67 ENACTS:

- 68 [63H-7a-402](#), Utah Code Annotated 1953
- 69 [63H-7a-403](#), Utah Code Annotated 1953
- 70 [63H-7a-404](#), Utah Code Annotated 1953
- 71 [63H-7a-502](#), Utah Code Annotated 1953
- 72 [63H-7a-503](#), Utah Code Annotated 1953
- 73 [63H-7a-504](#), Utah Code Annotated 1953
- 74 [63H-7a-601](#), Utah Code Annotated 1953
- 75 [63H-7a-603](#), Utah Code Annotated 1953
- 76 [63H-7a-700](#), Utah Code Annotated 1953
- 77 [63H-7a-800](#), Utah Code Annotated 1953
- 78 [69-2-5.9](#), Utah Code Annotated 1953

79 RENUMBERS AND AMENDS:

- 80 [63H-7a-101](#), (Renumbered from 63H-7-101, as renumbered and amended by Laws of
- 81 Utah 2014, Chapter 320)
- 82 [63H-7a-102](#), (Renumbered from 63H-7-102, as renumbered and amended by Laws of
- 83 Utah 2014, Chapter 320)
- 84 [63H-7a-103](#), (Renumbered from 63H-7-103, as renumbered and amended by Laws of
- 85 Utah 2014, Chapter 320)
- 86 [63H-7a-201](#), (Renumbered from 63H-7-201, as renumbered and amended by Laws of
- 87 Utah 2014, Chapter 320)
- 88 [63H-7a-202](#), (Renumbered from 63H-7-202, as renumbered and amended by Laws of
- 89 Utah 2014, Chapter 320)

- 90 **63H-7a-203**, (Renumbered from 63H-7-203, as renumbered and amended by Laws of
- 91 Utah 2014, Chapter 320)
- 92 **63H-7a-204**, (Renumbered from 63H-7-204, as renumbered and amended by Laws of
- 93 Utah 2014, Chapter 320)
- 94 **63H-7a-205**, (Renumbered from 63H-7-205, as renumbered and amended by Laws of
- 95 Utah 2014, Chapter 320)
- 96 **63H-7a-301**, (Renumbered from 63H-7-301, as enacted by Laws of Utah 2014, Chapter
- 97 320)
- 98 **63H-7a-302**, (Renumbered from 63H-7-303, as renumbered and amended by Laws of
- 99 Utah 2014, Chapter 320)
- 100 **63H-7a-303**, (Renumbered from 63H-7-310, as enacted by Laws of Utah 2014, Chapter
- 101 320)
- 102 **63H-7a-304**, (Renumbered from 63H-7-304, as renumbered and amended by Laws of
- 103 Utah 2014, Chapter 320)
- 104 **63H-7a-305**, (Renumbered from 63H-7-305, as renumbered and amended by Laws of
- 105 Utah 2014, Chapter 320)
- 106 **63H-7a-306**, (Renumbered from 63H-7-307, as renumbered and amended by Laws of
- 107 Utah 2014, Chapter 320)
- 108 **63H-7a-307**, (Renumbered from 63H-7-302, as renumbered and amended by Laws of
- 109 Utah 2014, Chapter 320)
- 110 **63H-7a-401**, (Renumbered from 63H-7-308, as enacted by Laws of Utah 2014, Chapter
- 111 320)
- 112 **63H-7a-501**, (Renumbered from 63H-7-309, as enacted by Laws of Utah 2014, Chapter
- 113 320)
- 114 **63H-7a-602**, (Renumbered from 63H-7-306, as renumbered and amended by Laws of
- 115 Utah 2014, Chapter 320)
- 116 **63H-7a-701**, (Renumbered from 63H-7-401, as renumbered and amended by Laws of
- 117 Utah 2014, Chapter 320)
- 118 **63H-7a-702**, (Renumbered from 63H-7-402, as renumbered and amended by Laws of
- 119 Utah 2014, Chapter 320)
- 120 **63H-7a-703**, (Renumbered from 63H-7-403, as renumbered and amended by Laws of

121 Utah 2014, Chapter 320)
 122 **63H-7a-704**, (Renumbered from 63H-7-404, as renumbered and amended by Laws of
 123 Utah 2014, Chapter 320)
 124 **63H-7a-705**, (Renumbered from 63H-7-405, as renumbered and amended by Laws of
 125 Utah 2014, Chapter 320)
 126 **63H-7a-706**, (Renumbered from 63H-7-406, as renumbered and amended by Laws of
 127 Utah 2014, Chapter 320)
 128 **63H-7a-801**, (Renumbered from 63H-7-501, as renumbered and amended by Laws of
 129 Utah 2014, Chapter 320)
 130 **63H-7a-802**, (Renumbered from 63H-7-502, as renumbered and amended by Laws of
 131 Utah 2014, Chapter 320)
 132 **63H-7a-803**, (Renumbered from 63H-7-503, as renumbered and amended by Laws of
 133 Utah 2014, Chapter 320)
 134 **63H-7a-804**, (Renumbered from 63H-7-504, as renumbered and amended by Laws of
 135 Utah 2014, Chapter 320)

136
 137 *Be it enacted by the Legislature of the state of Utah:*

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

139 **26-8b-102. Definitions.**

140 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

164 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

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

167 (i) a tax commissioner;

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

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

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

174 (i) in accordance with judicial order;

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

176 (A) this title; or

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

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

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

182 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may

183 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically
184 pertinent to the action or proceeding.

185 (2) This section does not prohibit:

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

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

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

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

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

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

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

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

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

201 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and
202 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,
203 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
204 other written statements with the federal government, any other state, any of the political
205 subdivisions of another state, or any political subdivision of this state, except as limited by
206 Sections [59-12-209](#) and [59-12-210](#), if the political subdivision, other state, or the federal
207 government grant substantially similar privileges to this state.

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

213 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the

214 Division of Solid and Hazardous Waste, as defined in Section 19-6-102, as requested by the
215 director of the Division of Solid and Hazardous Waste, any records, returns, or other
216 information filed with the commission under Chapter 13, Motor and Special Fuel Tax Act, or
217 Section 19-6-410.5 regarding the environmental assurance program participation fee.

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

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

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

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

225 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
226 manufacturer and reported to the commission for the previous calendar year under Section
227 59-14-407; and

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

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

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

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

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

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

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

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

245 time period specified by the committee or office.

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

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

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

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

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

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

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

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

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

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

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

272 (A) gained by the commission; and

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

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

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

307 the Driver License Division if the Driver License Division:

308 (i) requests the information; and

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

311 (r) Notwithstanding Subsection (1), the commission shall provide to the ~~Utah 911~~
312 ~~Committee the information requested by the Utah 911 Committee under Subsection~~
313 ~~63H-7-303(4)]~~ 911 Division the information requested by the 911 Division under Section
314 63H-7a-302.

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

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

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

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

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

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

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

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

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

337 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in

338 accordance with Subsection (3)(o)(iii) or a person that requests information in accordance with
339 Subsection (3)(o)(v):

- 340 (i) is not guilty of a class A misdemeanor; and
 - 341 (ii) is not subject to:
 - 342 (A) dismissal from office in accordance with Subsection (5)(b); or
 - 343 (B) disqualification from holding public office in accordance with Subsection (5)(b).
 - 344 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.
- 345 Section 3. Section 63A-4-205.5 is amended to read:

346 **63A-4-205.5. Risk management -- Coverage of the Utah Communications**

347 **Authority.**

348 The Utah Communications Authority established under authority of Title 63H, Chapter
349 [7] 7a, Utah Communications Authority Act, may participate in the Risk Management Fund.

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

351 **63E-1-102. Definitions -- List of independent entities.**

352 As used in this title:

- 353 (1) "Authorizing statute" means the statute creating an entity as an independent entity.
- 354 (2) "Committee" means the Retirement and Independent Entities Committee created by
355 Section 63E-1-201.

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

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

- 361 (i) independent state agency; or
- 362 (ii) independent corporation.
- 363 (b) "Independent entity" includes the:
 - 364 (i) Utah Dairy Commission created by Section 4-22-2;
 - 365 (ii) Heber Valley Historic Railroad Authority created by Section 63H-4-102;
 - 366 (iii) Utah State Railroad Museum Authority created by Section 63H-5-102;
 - 367 (iv) Utah Science Center Authority created by Section 63H-3-103;
 - 368 (v) Utah Housing Corporation created by Section 35A-8-704;

- 369 (vi) Utah State Fair Corporation created by Section [63H-6-103](#);
- 370 (vii) Workers' Compensation Fund created by Section [31A-33-102](#);
- 371 (viii) Utah State Retirement Office created by Section [49-11-201](#);
- 372 (ix) School and Institutional Trust Lands Administration created by Section
- 373 [53C-1-201](#);
- 374 (x) School and Institutional Trust Fund Office created by Section [53D-1-201](#);
- 375 (xi) Utah Communications Authority created in Section [~~[63H-7-201](#)~~] [63H-7a-201](#);
- 376 (xii) Utah Energy Infrastructure Authority created by Section [63H-2-201](#);
- 377 (xiii) Utah Capital Investment Corporation created by Section [63M-1-1207](#); and
- 378 (xiv) Military Installation Development Authority created by Section [63H-1-201](#).
- 379 (c) Notwithstanding this Subsection (4), "independent entity" does not include:
- 380 (i) the Public Service Commission of Utah created by Section [54-1-1](#);
- 381 (ii) an institution within the state system of higher education;
- 382 (iii) a city, county, or town;
- 383 (iv) a local school district;
- 384 (v) a local district under Title 17B, Limited Purpose Local Government Entities - Local
- 385 Districts; or
- 386 (vi) a special service district under Title 17D, Chapter 1, Special Service District Act.
- 387 (5) "Independent state agency" means an entity that is created by the state, but is
- 388 independent of the governor's direct supervisory control.
- 389 (6) "Money held in trust" means money maintained for the benefit of:
- 390 (a) one or more private individuals, including public employees;
- 391 (b) one or more public or private entities; or
- 392 (c) the owners of a quasi-public corporation.
- 393 (7) "Public corporation" means an artificial person, public in ownership, individually
- 394 created by the state as a body politic and corporate for the administration of a public purpose
- 395 relating to the state or its citizens.
- 396 (8) "Quasi-public corporation" means an artificial person, private in ownership,
- 397 individually created as a corporation by the state which has accepted from the state the grant of
- 398 a franchise or contract involving the performance of a public purpose relating to the state or its
- 399 citizens.

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

401 **63G-2-305. Protected records.**

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

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

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

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

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

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

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

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

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

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

429 (a) an invitation for bids;

430 (b) a request for proposals;

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

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

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

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

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

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

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

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

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

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

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

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

492 (14) records that, if disclosed, would reveal recommendations made to the Board of

493 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
494 Board of Pardons and Parole, or the Department of Human Services that are based on the
495 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
496 jurisdiction;

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

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

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

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

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

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

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

512 (A) members of a legislative body;

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

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

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

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

521 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
522 Office of Legislative Research and General Counsel is a public document unless a legislator
523 asks that the records requesting the legislation be maintained as protected records until such

524 time as the legislator elects to make the legislation or course of action public;

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

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

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

530 (a) collective bargaining; or
531 (b) imminent or pending litigation;

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

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

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

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

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

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

553 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
554 revenue estimates, and fiscal notes of proposed legislation before issuance of the final

555 recommendations in these areas;

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

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

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

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

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

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

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

580 (a) the donor requests anonymity in writing;

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

583 (c) except for an institution within the state system of higher education defined in
584 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
585 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority

586 over the donor, a member of the donor's immediate family, or any entity owned or controlled
587 by the donor or the donor's immediate family;

588 (38) accident reports, except as provided in Sections [41-6a-404](#), [41-12a-202](#), and
589 [73-18-13](#);

590 (39) a notification of workers' compensation insurance coverage described in Section
591 [34A-2-205](#);

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

595 (i) unpublished lecture notes;

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

597 (A) relating to research; and

598 (B) of:

599 (I) the institution within the state system of higher education defined in Section
600 [53B-1-102](#); or

601 (II) a sponsor of sponsored research;

602 (iii) unpublished manuscripts;

603 (iv) creative works in process;

604 (v) scholarly correspondence; and

605 (vi) confidential information contained in research proposals;

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

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

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

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

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

- 619 (a) a production facility; or
- 620 (b) a magazine;

621 (43) information:

- 622 (a) contained in the statewide database of the Division of Aging and Adult Services
623 created by Section [62A-3-311.1](#); or
- 624 (b) received or maintained in relation to the Identity Theft Reporting Information
625 System (IRIS) established under Section [67-5-22](#);

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

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

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

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

635 (48) except to the extent that the record is exempt from this chapter pursuant to Section
636 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
637 prepared or maintained by the Division of Emergency Management, and the disclosure of
638 which would jeopardize:

- 639 (a) the safety of the general public; or
- 640 (b) the security of:
 - 641 (i) governmental property;
 - 642 (ii) governmental programs; or
 - 643 (iii) the property of a private person who provides the Division of Emergency
644 Management information;

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

648 of Animal Disease;

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

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

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

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

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

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

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

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

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

666 (a) conducted within the state system of higher education, as defined in Section
667 53B-1-102; and

668 (b) conducted using animals;

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

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

674 (55) information collected and a report prepared by the Judicial Performance
675 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
676 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
677 the information or report;

678 (56) records contained in the Management Information System created in Section

679 [62A-4a-1003](#);

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

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

684 (59) in accordance with Section [73-10-33](#):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

721 **Part 1. General Provisions**

722 ~~[63H-7-101]~~. **63H-7a-101. Title.**

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

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

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

727 ~~[63H-7-102]~~. **63H-7a-102. Purpose.**

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

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

735 ~~[63H-7-103]~~. **63H-7a-103. Definitions.**

736 As used in this chapter:

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

739 (2) "Board" means the Utah Communications Authority Board created in Section
 740 ~~[67H-7-203]~~ [67H-7a-203](#).

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

744 ~~[(5)]~~ (4) "FirstNet" means the First Responder Network Authority created by Congress
745 in the Middle Class Tax Relief and Job Creation Act of 2012.

746 ~~[(6)]~~ (5) "Lease" means any lease, lease purchase, sublease, operating, management, or
747 similar agreement.

748 ~~[(7)]~~ (6) "Local entity" means a county, city, town, local district, special service
749 district, or interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act.

750 ~~[(8)]~~ (7) "Member" means a public agency which:

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

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

754 ~~[(9)]~~ (8) "Member representative" means a person or that person's designee appointed
755 by the governing body of each member.

756 ~~[(10)]~~ (9) "Public agency" means any political subdivision of the state, including cities,
757 towns, counties, school districts, local districts, and special service districts, dispatched by a
758 public safety answering point.

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

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

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

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

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

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

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

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

777 ~~[63H-7-201]~~. **63H-7a-201. Establishment of Utah Communications**

778 **Authority.**

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

780 ~~[(1)]~~ (2) There is established the Utah Communications Authority, formerly known as
781 the Utah Communications Agency Network, which shall assume the operations of the Utah
782 Communications Agency Network and shall perform the functions as provided in this chapter.

783 ~~[(2)]~~ (3) The Utah Communications Authority is an independent state agency and not a
784 division within any other department of the state.

785 ~~[(3)]~~ (4) The initial offices of the authority shall be in Salt Lake County, but branches
786 of the office may be established in other areas of the state upon approval of the board.

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

789 ~~[63H-7-202]~~. **63H-7a-202. Powers of the Authority.**

790 The authority shall have the power to:

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

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

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

797 (4) own, acquire, construct, operate, maintain, and repair a public safety
798 communications network, and dispose of any portion of it;

799 (5) borrow money and incur indebtedness;

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

801 (7) enter into agreements with public agencies, the state, and federal government to
802 provide public safety communications network services on terms and conditions it considers to

803 be in the best interest of its members;

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

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

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

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

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

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

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

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

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

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

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

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

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

831 (a) the 911 Division;

832 (b) the Radio Network Division; and

833 (c) the Interoperability Division; and

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

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

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

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

839 (2) The board shall consist of the following individuals:

840 (a) the member representatives elected as follows:

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

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

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

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

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

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

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

848 tribal governments listed in Subsection [9-9-104.5\(2\)](#);

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

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

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

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

853 [~~viii) one member elected by the Utah 911 Committee created in Section [63H-7-302](#);~~

854 **and]**

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

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

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

858 and one having an initial term of four years.

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

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

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

862 designee;

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

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

865 designee;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

896 behalf of the board.

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

899 ~~[63H-7-204]~~. **63H-7a-204. Board -- Powers and duties.**

900 The board shall:

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

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

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

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

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

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

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

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

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

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

918 (11) adopt rules consistent with this chapter and in accordance with Title 63G, Chapter
919 3, Utah Administrative Rulemaking Act, for the management of the public safety

920 communications network in order to carry out the purposes of this chapter, and perform all
921 other acts necessary for the administration of the public safety communications network;

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

923 (13) provide for audits of the authority;

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

926 (a) 911 Division;

- 927 (b) Radio Network Division;
 928 (c) Interoperability Division; and
 929 (d) Administrative Services Division;
 930 ~~[(15) establish an office within the authority for a statewide interoperability~~
 931 ~~coordinator; and]~~
 932 ~~[(16) establish an office within the authority for a 911 program manager.]~~
 933 (15) establish a 911 advisory committee to the 911 Division in accordance with Section
 934 63H-7a-307;
 935 (16) establish one or more temporary advisory committees to the Radio Network
 936 Division in accordance with Section 63H-7a-404; and
 937 (17) establish one or more temporary advisory committees to the Interoperability
 938 Division in accordance with Section 63H-7a-504.
- 939 Section 13. Section **63H-7a-205**, which is renumbered from Section 63H-7-205 is
 940 renumbered and amended to read:
- 941 ~~**[63H-7-205].**~~ **63H-7a-205. Executive director -- Powers and duties.**
- 942 The executive director shall:
- 943 (1) act as the executive officer of the authority;
- 944 (2) administer the various acts, systems, plans, programs, and functions assigned to the
 945 office;
- 946 (3) ~~[with the approval of the board, develop and make]~~ recommend administrative
 947 rules to the board, which are within the authority granted by this title for the administration of
 948 the authority;
- 949 (4) recommend to the board any changes in the statutes affecting the authority;
- 950 (5) recommend to the board an annual administrative budget covering administration,
 951 management, and operations of the public safety communications network and, upon approval
 952 of the board, direct and control the subsequent expenditures of the budget; ~~[and]~~
- 953 (6) within the limitations of the budget, employ staff personnel, consultants, a chief
 954 financial officer, and legal counsel to provide professional services and advice regarding the
 955 administration of the authority~~[.]; and~~
- 956 (7) submit an annual report to the Executive Offices and Criminal Justice
 957 Appropriations Subcommittee, which shall include:

- 958 (a) the total aggregate surcharge collected by local entities in the state in the last fiscal
 959 year under Sections 69-2-5, 69-2-5.6, and 69-2-5.9;
 960 (b) the amount of each disbursement from the restricted accounts;
 961 (c) the recipient of each disbursement, or goods and services received, describing the
 962 project for which money was disbursed, or goods and services provided;
 963 (d) the conditions, if any, placed by a division, the authority, the executive director, or
 964 the board on the disbursements from a restricted account;
 965 (e) the anticipated expenditures from the restricted accounts for the next fiscal year;
 966 (f) the amount of any unexpended funds carried forward;
 967 (g) a progress report of implementation of statewide 911 emergency services,
 968 including:
 969 (i) fund balance or balance sheet from the emergency telephone service fund of each
 970 agency that has imposed a levy under Section 69-2-5;
 971 (ii) a report from each public safety answering point of annual call activity separating
 972 wireless and land-based 911 call volumes; and
 973 (iii) other relevant justification for ongoing support from the restricted accounts created
 974 by Sections 63H-7a-303, 63H-7a-304, and 63H-7a-403; and
 975 (h) the anticipated expenditures from the restricted accounts.

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

978 **Part 3. 911 Division**

979 ~~[63H-7-301].~~ **63H-7a-301. 911 Division.**

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

981 ~~[(1)]~~ (2) There is created within the authority the 911 [program manager] Division.

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

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

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

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

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

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

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

989 renumbered and amended to read:

990 ~~[63H-7-303].~~ 63H-7a-302. 911 Division duties and powers.

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

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

994 (i) regarding:

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

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

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

1000 ~~[(iv)]~~ (C) expenditures ~~[by]~~ from the restricted accounts created in Sections 69-2-5.5
1001 and 69-2-5.6 by the 911 Division on behalf of local public safety answering points in the state,
1002 with an emphasis on efficiencies and coordination in a regional manner;

1003 (ii) to assure implementation of a unified statewide 911 emergency services ~~[and]~~
1004 network;

1005 (iii) to establish standards of operation throughout the state; and

1006 ~~[(v)]~~ (iv) regarding mapping systems and technology necessary to implement the
1007 unified statewide 911 emergency services;

1008 (b) ~~[administer the program]~~ prepare and submit to the executive director:

1009 (i) an annual budget for the 911 Division; and

1010 (ii) an annual plan for the programs funded by the Computer Aided Dispatch Restricted
1011 Account created in Section 63H-7a-303 and the Unified Statewide 911 Emergency Service
1012 Account ~~[as provided in this part]~~ created in Section 63H-7a-304;

1013 ~~[(c) administer the program funded by the Computer Aided Dispatch Restricted~~
1014 ~~Account created in Section 63H-7-310;]~~

1015 ~~[(d) assist as many local entities as possible, at their request, to implement the~~
1016 ~~recommendations of the committee; and]~~

1017 (c) assist local Utah public safety answering points with the implementation and
1018 coordination of the 911 Division responsibilities as approved by the executive director and the
1019 board;

1020 (d) contract with the state's Automated Geographic Reference Center, as necessary, to
1021 enhance and upgrade digital mapping standards for unified statewide 911 emergency services,
1022 as the projects and associated expenditures are authorized by the board; and

1023 (e) fulfill all other duties imposed on the [committee] 911 Division by [the Legislature
1024 ~~by this part~~] this chapter.

1025 (2) The [committee] 911 Division may recommend to the [board] executive director to
1026 sell, lease, or otherwise dispose of equipment or personal property purchased, leased, or
1027 belonging to the [board] authority that is related to ~~[(a) unified statewide 911 emergency~~
1028 ~~service; (b) the computer aided dispatch system; or (c)]~~ funds expended from the restricted
1029 account created in Sections [69-2-5.5](#) and [69-2-5.6](#), the proceeds from which shall return to the
1030 respective restricted accounts.

1031 (3) The [committee] 911 Division may make recommendations to the [board]
1032 executive director to own, operate, or enter into contracts for ~~[unified statewide 911 emergency~~
1033 ~~services and a computer aided dispatch system]~~ the use of the funds expended from the
1034 restricted accounts created in Sections [69-2-5.5](#) and [69-2-5.6](#).

1035 (4) (a) The [committee] 911 Division shall review information regarding:

1036 (i) in aggregate, the number of service subscribers by service type in a political
1037 subdivision;

1038 (ii) ~~911 delivery~~ network costs;

1039 (iii) public safety answering point costs;

1040 (iv) system engineering information; and

1041 (v) a computer aided dispatch system.

1042 (b) In accordance with Subsection (4)(a) the [committee] 911 Division may request:

1043 (i) information as described in Subsection (4)(a)(i) from the Utah State Tax
1044 Commission; and

1045 (ii) information from public safety answering points ~~connected~~ related to the
1046 computer aided dispatch system.

1047 (c) The information requested by and provided to the [committee] 911 Division under
1048 Subsection (4) is a protected record in accordance with Section [63G-2-305](#).

1049 (5) The [committee] 911 Division shall ~~make~~ recommend to the executive director,
1050 for approval by the board, rules in accordance with Title 63G, Chapter 3, Utah Administrative

1051 Rulemaking Act, to:

1052 (a) administer the program funded by the Unified Statewide 911 Emergency Service
 1053 restricted account created in Section [63H-7-304] 63H-7a-304, including rules that establish
 1054 the criteria, standards, technology, and equipment that a [~~local entity or state agency~~] public
 1055 safety answering point in Utah must adopt in order to qualify for [~~funds~~] goods or services that
 1056 are funded from the restricted account[:]; and

1057 [~~(6) The committee shall make rules in accordance with Title 63G, Chapter 3, Utah~~
 1058 ~~Administrative Rulemaking Act, to]~~

1059 (b) administer the Computer Aided Dispatch Restricted Account created in Section
 1060 [~~63H-7-310~~] 63H-7a-303, including rules that establish the criteria, standards, technology, and
 1061 equipment that [~~a local entity or state agency~~] a public safety answering point must adopt in
 1062 order to qualify as a recipient [~~of a computer aided dispatch system~~] of goods or services that
 1063 are funded from the restricted account.

1064 [~~(7)] (6) The [committee may] board may authorize the 911 Division to employ an~~
 1065 ~~outside consultant to[:-(a)] study and advise [on the issue of public safety answering points;~~
 1066 ~~and] the division on matters related to the 911 Division duties regarding the public safety~~
 1067 communications network.

1068 [~~(b) advise the committee regarding:]~~

1069 [~~(i) public safety communications and other issues regarding unified state 911~~
 1070 ~~emergency services;]~~

1071 [~~(ii) computer aided dispatch system consolidation; and]~~

1072 [~~(iii) consolidation of public safety answering points by county or region.]~~

1073 [~~(8)] (7) This section does not expand the authority of the Utah State Tax Commission~~
 1074 ~~to request additional information from a telecommunication service provider.~~

1075 Section 16. Section **63H-7a-303**, which is renumbered from Section 63H-7-310 is
 1076 renumbered and amended to read:

1077 [~~63H-7-310)]. **63H-7a-303. Creation of Computer Aided Dispatch**
 1078 **Restricted Account -- Administration -- Use of money.**~~

1079 (1) There is created a restricted account within the General Fund known as the
 1080 "Computer Aided Dispatch Restricted Account," consisting of:

1081 (a) proceeds from the fee imposed in Section 69-2-5.5;

- 1082 (b) money appropriated or otherwise made available by the Legislature; and
1083 (c) contributions of money from federal agencies, political subdivisions of the state,
1084 persons, or corporations.
- 1085 (2) The money in this restricted account shall be used exclusively for the following
1086 statewide public purposes:
- 1087 (a) enhancing public safety as provided in this chapter; and
1088 (b) creating and maintaining a shared computer aided dispatch system including:
1089 (i) a single computer aided dispatch platform that will be selected, maintained, shared,
1090 or hosted on a statewide [~~or regional~~] basis;
1091 (ii) a single computer aided dispatch platform selected by a county of the first class,
1092 when:
- 1093 (A) authorized through an interlocal agreement between the county's two primary
1094 public safety answering points; and
1095 (B) the county's computer aided dispatch platform is capable of interfacing with the
1096 platform described in Subsection (2)(b)(i); and
1097 (iii) a statewide computer aided dispatch system data sharing platform to provide
1098 interoperability of systems.
- 1099 [~~(3) Subject to appropriation, the Division of Finance may charge the administrative
1100 costs incurred in discharging the responsibilities imposed by this section.~~]
- 1101 [~~(4) (a) Subject to an annual legislative appropriation from the restricted account to the
1102 Division of Finance, the Division of Finance shall disburse the money in the fund, based on the
1103 authorization of the committee under Subsections (4)(b) and (c).~~]
- 1104 [~~(b)~~] (3) (a) The [~~Utah 911 Committee~~] 911 Division shall administer the development
1105 and maintenance of the shared computer aided dispatch system:
- 1106 (i) for [~~state agencies and local entities~~] public safety answering points; and
1107 (ii) where needed, to assist public [~~agencies~~] safety answering points with the creation
1108 or integration and maintenance of the shared computer aided dispatch system.
- 1109 [~~(c)~~] (b) The [~~Utah 911 Committee~~] Administrative Services Division shall, in
1110 accordance with Section [63H-7a-602](#):
- 1111 (i) annually report to the [~~Division of Finance the committee's~~] executive director the
1112 911 Division's authorized disbursements from the restricted account;

1113 (ii) be responsible for the care, custody, safekeeping, collection, and accounting for
1114 disbursements; and

1115 (iii) submit an annual report to the [~~Executive Offices and Criminal Justice~~
1116 ~~Appropriations Subcommittee~~] executive director, which shall include:

1117 (A) the amount of each disbursement from the restricted account;

1118 (B) the recipient of each disbursement and a description of the project for which money
1119 was disbursed;

1120 (C) the conditions, if any, placed by the [~~committee~~] 911 Division, the board, or the
1121 [~~Division of Finance~~] Administrative Services Division on disbursements from the amount
1122 appropriated from the restricted account;

1123 (D) the planned expenditures from the restricted account for the next fiscal year; and

1124 (E) the amount of any unexpended funds carried forward[~~;-and~~].

1125 [~~(F) a progress report of implementation of a statewide computer aided dispatch~~
1126 ~~system.~~]

1127 [~~(5)~~] (4) (a) The [~~committee~~] Administrative Services Division may request
1128 information from a public safety answering point as necessary to prepare the report required by
1129 this section.

1130 (b) A recipient of goods or services under this section shall provide the information
1131 requested pursuant to Subsection [~~(5)~~] (4)(a).

1132 (5) Subject to appropriation, the Administrative Services Division, created in Section
1133 63H-7a-601, may charge the administrative costs incurred in discharging the responsibilities
1134 imposed by this section.

1135 (6) Subject to an annual legislative appropriation from the restricted account to the
1136 Administrative Services Division, the Administrative Services Division shall disburse the
1137 money in the fund, based on the authorization of the board and the 911 Division under
1138 Subsection 63H-7a-302(5).

1139 Section 17. Section **63H-7a-304**, which is renumbered from Section 63H-7-304 is
1140 renumbered and amended to read:

1141 [~~63H-7-304~~]. **63H-7a-304. Creation of Unified Statewide 911 Emergency**
1142 **Service Account.**

1143 (1) There is created a restricted account within the General Fund known as the "Unified

1144 Statewide 911 Emergency Service Account," consisting of:

1145 (a) proceeds from the fee imposed in Section [69-2-5.6](#);

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

1147 (c) contributions of money, property, or equipment from federal agencies, political

1148 subdivisions of the state, persons, or corporations.

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

1150 statewide public ~~[purposes: (a)]~~ purpose of enhancing the public safety [as provided in this

1151 ~~chapter; and]~~ communications network related to the rapid and efficient delivery of 911

1152 services in the state.

1153 ~~[(b) providing unified statewide 911 emergency service available to public safety~~

1154 ~~answering points.]~~

1155 (3) Subject to an annual legislative appropriation from the restricted account to the

1156 Administrative Services Division, the Administrative Services Division shall disburse the

1157 money in the fund, based on the authorization of the board and the 911 Division under

1158 Subsection [63H-7a-302\(5\)](#).

1159 Section 18. Section **63H-7a-305**, which is renumbered from Section 63H-7-305 is

1160 renumbered and amended to read:

1161 ~~[**63H-7-305**].~~ **63H-7a-305. 911 Division expenses -- Responsibilities.**

1162 (1) Subject to appropriation, expenses and the costs of administering disbursements

1163 from the restricted account, as provided in Subsection (2), shall be paid from the restricted

1164 account.

1165 (2) (a) The ~~[committee]~~ Administrative Services Division, created in Section

1166 [63H-7a-601](#), shall be responsible for the care, custody, safekeeping, collection, and accounting

1167 for disbursements made by the ~~[committee]~~ 911 Division at the approval of the board under the

1168 provisions of Section ~~[[63H-7-306](#)] [63H-7a-603](#).~~

1169 (b) Subject to appropriation, the ~~[Division of Finance]~~ Administrative Services

1170 Division may charge the restricted account the administrative costs incurred by the

1171 Administrative Services Division in discharging the responsibilities imposed by this part and

1172 Section ~~[[63H-7-306](#)] [63H-7a-603](#).~~

1173 Section 19. Section **63H-7a-306**, which is renumbered from Section 63H-7-307 is

1174 renumbered and amended to read:

1175 ~~[63H-7-307].~~ 63H-7a-306. **911 Division to report annually.**

1176 (1) The ~~[committee]~~ 911 Division shall submit an annual report to the ~~[Executive~~
1177 ~~Offices and Criminal Justice Appropriations Subcommittee]~~ executive director, which shall
1178 include:

1179 (a) the total aggregate surcharge collected by local entities and the state in the last
1180 fiscal year under Sections 69-2-5 and 69-2-5.6;

1181 (b) the amount of each disbursement from the restricted ~~[account]~~ accounts created in
1182 Sections 63H-7a-303 and 63H-7a-304;

1183 (c) the recipient of each disbursement and describing the project for which money was
1184 disbursed;

1185 (d) the conditions, if any, placed ~~[by the committee or the Division of Finance]~~ by the
1186 911 Division, the board, or the Administrative Services Division on disbursements from the
1187 restricted ~~[account]~~ accounts;

1188 (e) the ~~[planned]~~ anticipated expenditures from the restricted ~~[account]~~ accounts for the
1189 next fiscal year;

1190 (f) the amount of any unexpended funds carried forward; and

1191 ~~[(g) a cost study to guide the Legislature towards necessary adjustments of both the~~
1192 ~~Unified Statewide 911 Emergency Service Account and the monthly emergency services~~
1193 ~~telephone charge imposed under Section 69-2-5; and]~~

1194 ~~[(h)]~~ (g) a progress report of ~~[local government]~~ implementation of statewide 911
1195 emergency services, including:

1196 (i) a fund balance or balance sheet from the emergency telephone service fund of each
1197 agency [maintaining its own emergency telephone service fund] that has imposed a levy under
1198 Section 69-2-5;

1199 (ii) a report from each public safety answering point of annual call activity separating
1200 wireless and land-based 911 call volumes; and

1201 (iii) other relevant justification for ongoing support from the ~~[Unified Statewide 911~~
1202 ~~Emergency Service Account]~~ restricted accounts created by ~~[Section 63H-7-304]~~ Sections
1203 63H-7a-303 and 63H-7a-304.

1204 (2) (a) The ~~[committee]~~ 911 Division may request information from a local entity as
1205 necessary to prepare the report required by this section.

1206 (b) A local entity imposing a levy under Section 69-2-5 or receiving [~~a disbursement~~
 1207 ~~under Section 63H-7-306]~~ services or goods funded from accounts created in Section
 1208 63H-7a-603 shall provide the information requested pursuant to Subsection (2)(a).

1209 Section 20. Section **63H-7a-307**, which is renumbered from Section 63H-7-302 is
 1210 renumbered and amended to read:

1211 [~~63H-7-302~~]. **63H-7a-307. 911 Advisory Committee -- Membership --**
 1212 **Duties.**

1213 (1) There is created within the [~~authority~~] 911 Division the [~~Utah~~] 911 Advisory
 1214 Committee consisting of the following members:

1215 (a) one representative from a primary public safety answering point from each county of
 1216 the first and second class;

1217 (b) one representative from a primary public safety answering point representing each
 1218 of the following:

1219 (i) Bear River Association;

1220 (ii) Uintah Basin Association;

1221 (iii) South East Association;

1222 (iv) Six County Association;

1223 (v) Five County Association;

1224 (vi) Mountainlands Association; and

1225 (vii) Wasatch Front Regional Council; and

1226 (c) [~~two representatives~~] one representative from the Department of Public Safety[:]
 1227 who represents a Utah public safety answering point.

1228 [~~(i) one of whom represents an urban Utah public service answering point; and]~~

1229 [~~(ii) one of whom represents a rural Utah public safety answering point; and]~~

1230 [~~(d) the statewide interoperability coordinator, created in Section 63H-7-309.]~~

1231 (2) (a) Each advisory committee member shall be appointed as follows:

1232 (i) a member described in Subsection (1)(a) shall be appointed by the [~~governor~~] board
 1233 from a nominee or nominees submitted to the [~~governor~~] board by the council of government
 1234 for that member's county;

1235 (ii) the seven members described in Subsection (1)(b) shall be appointed by the
 1236 [~~governor~~] board from a nominee or nominees submitted to the [~~governor~~] board by the

1237 associations described in Subsection (1)(b) [~~as follows~~]; and

1238 ~~[(A) the seven associations shall select by lot the first five associations to begin the~~

1239 ~~rotation of membership as required by Subsection (2)(b)(i); and]~~

1240 ~~[(B) as each association is represented on the committee in accordance with Subsection~~

1241 ~~(2)(b)(i), that association shall select the person to represent it on the commission; and]~~

1242 (iii) the ~~[members]~~ member described in [~~Subsections]~~ Subsection (1)(c) [~~and (d)~~] shall

1243 be appointed by the ~~[governor]~~ board based on the nomination from the public safety

1244 commissioner.

1245 (b) The term of office of each member is four years.

1246 (c) No member of the advisory committee may serve more that two consecutive

1247 four-year terms.

1248 (d) Each mid-term vacancy shall be filled for the unexpired term in the same manner as

1249 an appointment under Subsection (2)(a).

1250 (3) (a) [~~Committee members shall elect a chair from their number and establish rules~~

1251 ~~for the organization and operation of the committee, with the chair selected by representatives~~

1252 ~~from Subsections (1)(a), (b), and (c) every year]~~ The 911 Division shall appoint a meeting

1253 facilitator for the advisory committee.

1254 (b) Staff and contracting services to the advisory committee shall be provided by the

1255 [~~authority]~~ 911 Division.

1256 (c) Funding for staff and contracting services shall be provided with funds approved by

1257 the board from those identified under Section [~~63H-7-306~~] 63H-7a-304.

1258 (4) (a) No advisory committee member may receive compensation or benefits for the

1259 member's service on the advisory committee.

1260 (b) A member is not required to give bond for the performance of official duties.

1261 (5) A majority of the advisory committee constitutes a quorum for voting purposes.

1262 (6) An advisory committee member can be removed from the advisory committee by

1263 the board based on rules adopted by the board.

1264 (7) The advisory committee shall:

1265 (a) provide input and guidance to the 911 Division concerning the public safety

1266 communications network;

1267 (b) advise the 911 Division regarding standards related to the public safety

1268 communications network;

1269 (c) review and make recommendations for the 911 Division's strategic plan;

1270 (d) provide information and evaluate industry trends related to the 911 Division's

1271 responsibilities;

1272 (e) advise the 911 Division regarding professional development; and

1273 (f) make recommendations to the 911 Division regarding the development of

1274 cooperative partnerships.

1275 Section 21. Section **63H-7a-401**, which is renumbered from Section 63H-7-308 is

1276 renumbered and amended to read:

1277 **Part 4. Radio Network Division**

1278 ~~[63H-7-308].~~ **63H-7a-401. Radio Network Division.**

1279 (1) This part is known as the "Radio Network Division."

1280 ~~[(1)]~~ (2) There is created within the authority the Radio Network Division.

1281 ~~[(2) The technical operations manager of the Radio Network Division shall be~~

1282 ~~appointed by the executive director with the approval of the board.]~~

1283 ~~[(3) The Radio Network Division shall provide technical staff and support to the~~

1284 ~~authority.]~~

1285 Section 22. Section **63H-7a-402** is enacted to read:

1286 **63H-7a-402. Radio Network Division duties.**

1287 (1) The Radio Network Division shall:

1288 (a) provide and maintain the public safety communications network for state and local

1289 government agencies within the authority network, including the existing VHF and 800 MHz

1290 networks, in a manner that:

1291 (i) promotes high quality, cost effective service; and

1292 (ii) evaluates the benefits, cost, existing facilities, equipment, and services of public

1293 and private providers;

1294 (b) prepare and submit to the executive director:

1295 (i) an annual budget for the Radio Network Division; and

1296 (ii) an annual plan for the program funded by the Utah Statewide Radio System

1297 Restricted Account created in Section [63H-7a-403](#);

1298 (c) recommend to the executive director administrative rules for approval by the board

1299 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer
1300 the program funded by the restricted accounts created in Sections 69-2-5.9 and 63H-7a-403,
1301 including rules that establish the criteria, standards, technology, equipment, and services that
1302 will qualify for goods or services that are funded from the restricted accounts; and

1303 (d) fulfill other duties assigned to the Radio Network Division under this chapter.

1304 (2) The Radio Network Division may:

1305 (a) recommend to the executive director to sell, lease, or otherwise dispose of
1306 equipment or personal property purchased, leased, or belonging to the authority that is related
1307 to the public safety communications network, the proceeds from which shall be deposited into
1308 the restricted account created in Section 69-2-5.9;

1309 (b) recommend to the executive director to own, operate, or enter into contracts for the
1310 public safety communications network;

1311 (c) review information regarding:

1312 (i) in aggregate, the number of radio service subscribers by service type in a political
1313 subdivision; and

1314 (ii) matters related to the public safety communications network;

1315 (d) in accordance with Subsection (2)(c), request information from:

1316 (i) local and state entities; and

1317 (ii) public safety agencies; and

1318 (e) employ outside consultants to study and advise the division on issues related to:

1319 (i) the public safety communications network;

1320 (ii) radio technologies and services;

1321 (iii) microwave connectivity; and

1322 (iv) public safety communication network connectivity and usage.

1323 (3) The information requested by and provided to the Radio Network Division under
1324 Subsections (2)(c) and (d) is a protected record in accordance with Section 63G-2-305.

1325 (4) This section does not expand the authority of the State Tax Commission to request
1326 additional information from a telecommunication service provider.

1327 Section 23. Section **63H-7a-403** is enacted to read:

1328 **63H-7a-403. Creation of Utah Statewide Radio System Restricted Account --**
1329 **Administration -- Use of money.**

1330 (1) There is created a restricted account within the General Fund known as the "Utah
1331 Statewide Radio System Restricted Account," consisting of:

1332 (a) proceeds from the fee imposed in Section 69-2-5.9;

1333 (b) money appropriated or otherwise made available by the Legislature; and

1334 (c) contributions of money from federal agencies, political subdivisions of the state,
1335 persons, or corporations.

1336 (2) The money in this restricted account shall be used exclusively for the statewide
1337 purpose of acquiring, constructing, operating, maintaining, and repairing a statewide radio
1338 system public safety communications network as authorized in Section 63H-7a-202, including:

1339 (a) a public safety communications network and related facilities, real property,
1340 improvements, and equipment necessary for the acquisition, construction, and operation of
1341 services and facilities;

1342 (b) installation, implementation, and maintenance of radio communications and
1343 microwave connectivity;

1344 (c) maintaining the VHF and 800 MHz radio networks; and

1345 (d) an operating budget to include personnel costs not otherwise covered by funds from
1346 another account.

1347 (3) (a) Subject to appropriation, the Administrative Services Division, created in
1348 Section 63H-7a-601 may charge the administrative costs incurred in discharging the
1349 responsibilities imposed by this section.

1350 (b) Subject to an annual legislative appropriation from the restricted account to the
1351 Administrative Services Division, the Administrative Services Division shall disburse the
1352 money in the fund, based on the authorization of the board and the Radio Network Division
1353 under Subsection 63H-7a-402(1)(c).

1354 (4) The Radio Network Division shall:

1355 (a) administer the development, installation, implementation, and maintenance of the
1356 Utah statewide radio system for the authority; and

1357 (b) annually report to the executive director the Radio Network Division's authorized
1358 disbursements from the restricted account.

1359 (5) In accordance with Section 63H-7a-603, the Administrative Services Division is
1360 responsible for the care, custody, safekeeping, collection, and accounting for disbursements

1361 from the Utah Statewide Radio System Restricted Account and shall submit an annual report to
1362 the executive director, which shall include:

1363 (a) the amount of each disbursement from the restricted account;

1364 (b) the recipient of each disbursement and a description of the project for which money
1365 was disbursed;

1366 (c) the conditions, if any, placed by the Radio Network Division, the Administrative
1367 Services Division, or the board on disbursements from the amount appropriated from the
1368 restricted account;

1369 (d) the planned expenditures from the restricted account for the next fiscal year; and

1370 (e) the amount of any unexpended funds carried forward.

1371 (6) (a) The Administrative Services Division may request information from a public
1372 safety agency as necessary to prepare the report required by this section.

1373 (b) A recipient under this section shall provide the information requested pursuant to
1374 Subsection (6)(a).

1375 Section 24. Section **63H-7a-404** is enacted to read:

1376 **63H-7a-404. Radio network advisory committees.**

1377 (1) (a) The Radio Network Division may request the executive director to ask the board
1378 to establish one or more technical advisory committees in accordance with this section.

1379 (b) If approved by the board under Subsection (1), the board may appoint any
1380 combination of the following as members of the advisory committee:

1381 (i) local government officials;

1382 (ii) consumers;

1383 (iii) 911 service users;

1384 (iv) law enforcement personnel;

1385 (v) firefighting personnel;

1386 (vi) emergency medical services personnel;

1387 (vii) emergency management personnel;

1388 (viii) information technology personnel and radio technicians; and

1389 (ix) other representatives selected by the board.

1390 (2) (a) The Radio Network Division shall appoint a meeting facilitator for the advisory
1391 committee.

1392 (b) Staff and contracting services to the advisory committee shall be provided by the
 1393 Radio Network Division.

1394 (c) Funding for staff and contracting services shall be provided with funds approved by
 1395 the board from those identified under Section [63H-7a-403](#).

1396 (3) An advisory committee member:

1397 (a) shall not receive compensation or benefits for the member's service on the advisory
 1398 committee;

1399 (b) is not be required to give bond for the performance of official duties; and

1400 (c) can be removed from the advisory committee by the board based on rules adopted
 1401 by the board.

1402 (4) A majority of the advisory committee constitutes a quorum for voting purposes.

1403 (5) The advisory committee shall:

1404 (a) provide input and guidance to the Radio Network Division concerning the public
 1405 safety communications network;

1406 (b) advise the Radio Network Division regarding standards related to the public safety
 1407 communications network;

1408 (c) review and make recommendations for the Radio Network Division's strategic plan;

1409 (d) provide information and evaluate industry trends related to the Radio Network
 1410 Division's responsibilities;

1411 (e) advise the Radio Network Division regarding professional development; and

1412 (f) make recommendations regarding the development of cooperative partnerships.

1413 Section 25. Section **63H-7a-501**, which is renumbered from Section 63H-7-309 is
 1414 renumbered and amended to read:

1415 **Part 5. Interoperability Division**

1416 ~~**[63H-7-309].**~~ **63H-7a-501. Interoperability Division.**

1417 (1) This part is known as the "Interoperability Division."

1418 ~~[(1)]~~ (2) There is created within the authority the [Office of the Statewide
 1419 ~~Interoperability Coordinator]~~ Interoperability Division, which shall be responsible for the
 1420 duties of the authority as specified in this chapter.

1421 ~~[(2)]~~ (3) The executive director shall appoint [the] a statewide interoperability
 1422 coordinator with the approval of the board.

- 1423 ~~[(3) The Office of the Statewide Interoperability Coordinator shall:]~~
1424 ~~[(a) promote wireless technology information and interoperability among local, state,~~
1425 ~~federal, and other agencies;]~~
1426 ~~[(b) provide a mechanism for coordinating and resolving wireless communication~~
1427 ~~issues among local, state, federal, and other agencies;]~~
1428 ~~[(c) improve data and information sharing and coordination of multijurisdictional~~
1429 ~~responses;]~~
1430 ~~[(d) identify opportunities to consolidate infrastructures and technologies;]~~
1431 ~~[(e) evaluate current technologies and determine if they are meeting the needs of~~
1432 ~~agency personnel in respective service areas; and]~~
1433 ~~[(f) create and maintain procedures for requesting interoperability channels.]~~

1434 Section 26. Section **63H-7a-502** is enacted to read:

1435 **63H-7a-502. Interoperability Division duties.**

1436 (1) The Interoperability Division shall:

1437 (a) review and make recommendations to the executive director, for approval by the
1438 board, regarding:

1439 (i) statewide interoperability coordination and FirstNet standards;

1440 (ii) technical, administrative, fiscal, technological, network, and operational issues for
1441 the implementation of statewide interoperability, coordination, and FirstNet;

1442 (iii) assisting local agencies with the implementation and coordination of the

1443 Interoperability Division responsibilities; and

1444 (iv) training for the public safety communications network and unified statewide 911
1445 emergency services;

1446 (b) review information and records regarding:

1447 (i) aggregate information of the number of service subscribers by service type in a
1448 political subdivision;

1449 (ii) matters related to statewide interoperability coordination;

1450 (iii) matters related to FirstNet; and

1451 (iv) training needs;

1452 (c) prepare and submit to the executive director:

1453 (i) an annual budget for the Interoperability Division; and

- 1454 (ii) an annual plan for the Interoperability Division;
1455 (d) advise the governor on matters related to FirstNet; and
1456 (e) fulfill all other duties imposed on the Interoperability Division by this chapter.
1457 (2) The Interoperability Division may:
1458 (a) recommend to the executive director to own, operate, or enter into contracts related
1459 to statewide interoperability, FirstNet, and training;
1460 (b) request information needed under Subsection (1)(b)(i) from:
1461 (i) the State Tax Commission; and
1462 (ii) public safety agencies;
1463 (c) employ an outside consultant to study and advise the Interoperability Division on:
1464 (i) issues of statewide interoperability;
1465 (ii) FirstNet; and
1466 (iii) training; and
1467 (d) request the board to appoint an advisory committee in accordance with Section
1468 [63H-7a-504](#).
1469 (3) The information requested by and provided to the Interoperability Division under
1470 Subsection (1)(b)(i) is a protected record in accordance with Section [63G-2-305](#).
1471 (4) This section does not expand the authority of the State Tax Commission to request
1472 additional information from a telecommunication service provider.
1473 Section 27. Section **63H-7a-503** is enacted to read:
1474 **63H-7a-503. Statewide interoperability coordinator.**
1475 The statewide interoperability coordinator shall:
1476 (1) promote wireless technology information and interoperability among local, state,
1477 federal, and other agencies;
1478 (2) provide a mechanism for coordinating and resolving wireless communication issues
1479 among local, state, federal, and other agencies;
1480 (3) improve data and information sharing and coordination of multijurisdictional
1481 responses;
1482 (4) identify opportunities to consolidate infrastructures and technologies;
1483 (5) evaluate current technologies and determine if they are meeting the needs of agency
1484 personnel in respective service areas;

1485 (6) create and maintain procedures for requesting interoperability channels; and
1486 (7) act as the FirstNet single point of contact for the authority.

1487 Section 28. Section **63H-7a-504** is enacted to read:

1488 **63H-7a-504. Interoperability advisory committees.**

1489 (1) (a) The Interoperability Division may request the board to establish one or more
1490 temporary advisory committees in accordance with this section.

1491 (b) If approved by the board under Subsection (1)(a), the board may appoint any
1492 combination of the following as members of the advisory committee:

1493 (i) local government officials;

1494 (ii) consumers;

1495 (iii) 911 service users;

1496 (iv) law enforcement personnel;

1497 (v) firefighting personnel;

1498 (vi) emergency medical services personnel;

1499 (vii) emergency management personnel;

1500 (viii) information technology personnel and radio technicians; and

1501 (ix) other representatives selected by the board.

1502 (c) A member appointed to an advisory committee:

1503 (i) shall not receive compensation or benefits for the member's service on the advisory
1504 committee;

1505 (ii) is not required to give bond for the performance of official duties; and

1506 (iii) can be removed from the advisory committee by the board based on rules adopted
1507 by the board.

1508 (2) (a) The Interoperability Division shall appoint a meeting facilitator for the advisory
1509 committee.

1510 (b) Staff and contracting services to the advisory committee shall be provided by the
1511 Interoperability Division.

1512 (c) Funding for staff and contracting services shall be provided with funds approved by
1513 the board from those identified under Section [63H-7a-602](#).

1514 (3) A majority of the advisory committee constitutes a quorum for voting purposes.

1515 (4) The advisory committee shall:

- 1516 (a) provide input and guidance to the Interoperability Division concerning the public
 1517 safety communications network;
- 1518 (b) advise the Interoperability Division regarding standards related to the public safety
 1519 communications network;
- 1520 (c) review and make recommendations for the Interoperability Division's strategic plan;
- 1521 (d) provide information and evaluate industry trends related to the Interoperability
 1522 Division's responsibilities;
- 1523 (e) advise the Interoperability Division regarding professional development; and
- 1524 (f) make recommendations regarding the development of cooperative partnerships.
- 1525 Section 29. Section **63H-7a-601** is enacted to read:

1526 **Part 6. Administrative Services Division**

1527 **63H-7a-601. Administrative Services Division -- Duties.**

- 1528 (1) This part is known as the "Administrative Services Division."
- 1529 (2) There is created within the authority the Administrative Services Division.
- 1530 (3) The Administrative Services Division shall provide financial and human resources
 1531 assistance to the authority under the direction of the board and the executive director. At the
 1532 board's request and with the board's approval, the Administrative Services Division shall
 1533 establish or contract for legal services for the authority.

1534 Section 30. Section **63H-7a-602**, which is renumbered from Section 63H-7-306 is
 1535 renumbered and amended to read:

1536 ~~[63H-7-306].~~ **63H-7a-602. Use of money in restricted account -- Criteria --**
 1537 **Administrative Services Division responsibilities.**

1538 (1) (a) Subject to an annual legislative appropriation from the Unified Statewide 911
 1539 Emergency Service restricted account, created in Section 63H-7a-304, and the Computer Aided
 1540 Dispatch Restricted Account, created in Section 63H-7a-303, to the [Division of Finance, the
 1541 Division of Finance] Administrative Services Division, the Administrative Services Division
 1542 shall disburse the money in the fund [for the benefit of a public agency in accordance with this
 1543 Subsection (1) and Subsection (2)] as authorized in this chapter.

1544 (b) The ~~[committee]~~ 911 Division shall administer the program funded by the restricted
 1545 accounts created in Sections 63H-7a-303 and 63H-7a-304, and forward to the [Division of
 1546 Finance the committee's authorization] Administrative Services Division the 911 Division's

1547 documentation for disbursement as approved by the board from the restricted [account]
1548 accounts in accordance with this section and Part 3, 911 Division.

1549 (c) The ~~[committee]~~ Administrative Services Division shall~~[:]~~ disburse funds on behalf
1550 of the 911 Division for board authorized expenditures related to the 911 Division's duties under
1551 Part 3, 911 Division.

1552 ~~[(i) disburse on behalf of public agencies an amount not to exceed the per month fee~~
1553 ~~levied on telecommunications service under Section 69-2-5.6 for installation, implementation,~~
1554 ~~and maintenance of unified statewide 911 emergency services and technology; and]~~

1555 ~~[(ii) in addition to any money under Subsection (1)(c)(i), disburse on behalf of counties~~
1556 ~~of the third through sixth class the amount dedicated for rural assistance, which is at least 3~~
1557 ~~cents per month levied on 911 emergency service under Section 69-2-5.6 to:]~~

1558 ~~[(A) enhance the 911 emergency services with a focus on areas or counties that do not~~
1559 ~~have 911 emergency services; and]~~

1560 ~~[(B) where needed, assist the counties, in cooperation with private industry, with the~~
1561 ~~creation or integration of wireless systems and location technology in rural areas of the state.]~~

1562 ~~[(d) The committee shall reimburse the state's Automated Geographic Reference~~
1563 ~~Center in the Division of Integrated Technology of the Department of Technology Services, an~~
1564 ~~amount equal to 1 cent per month levied on telecommunications service under Section 69-2-5.6~~
1565 ~~to enhance and upgrade digital mapping standards for unified statewide 911 emergency service~~
1566 ~~as required by the committee.]~~

1567 ~~[(2) Beginning July 1, 2014, the committee may not authorize disbursements and the~~
1568 ~~Division of Finance may not disburse the money in the restricted account on behalf of an entity~~
1569 ~~unless the entity has the capability to receive Internet protocol based 911 emergency service.]~~

1570 (2) (a) Subject to an annual legislative appropriation from the Utah Statewide Radio
1571 System Restricted Account, created in Section 63H-7a-403, to the Administrative Services
1572 Division, the Administrative Services Division shall disburse the money in the fund as
1573 authorized by this chapter.

1574 (b) The Radio Network Division shall administer the program funded by the restricted
1575 account created in Section 63H-7a-403 and forward to the Administrative Services Division the
1576 Radio Network Division's documentation for disbursement, as approved by the board, from the
1577 restricted account in accordance with this section and Part 4, Radio Network Division.

1578 (c) The Administrative Services Division shall disburse funds on behalf of the Radio
1579 Network Division for board authorized expenditures related to the Radio Network Division's
1580 duties under Part 4, Radio Network Division.

1581 (3) Subject to an annual legislative appropriation from the restricted accounts in
1582 Sections [69-2-5.9](#) and [63H-7a-303](#) to the Administrative Services Division, the Administrative
1583 Services Division shall disburse the money in the fund as authorized by this chapter.

1584 Section 31. Section **63H-7a-603** is enacted to read:

1585 **63H-7a-603. Financial officer -- Duties.**

1586 (1) The executive director shall appoint a financial officer for the Administrative
1587 Services Division with the approval of the board. The financial officer shall be responsible for
1588 accounting for the authority, including:

1589 (a) safekeeping and investment of public funds of the authority, including the funds
1590 expended from the restricted accounts created in Sections [69-2-5.5](#), [69-2-5.6](#), [69-2-5.7](#),
1591 [69-2-5.8](#), and [69-2-5.9](#);

1592 (b) the proper collection, deposit, disbursement, and management of the public funds
1593 of the authority in accordance with Title 51, Chapter 7, State Money Management Act;

1594 (c) have authority to sign all bills payable, notes, checks, drafts, warrants, or other
1595 negotiable instruments in the absence of the executive director and the executive director's
1596 designated employee;

1597 (d) provide to the board and the executive director a statement of the condition of the
1598 finances of the authority, at least annually and at such other times as shall be requested by the
1599 board; and

1600 (e) perform all other duties incident to the financial officer.

1601 (2) The financial officer shall:

1602 (a) be bonded in an amount established by the State Money Management Council; and

1603 (b) file written reports with the State Money Management Council pursuant to Section
1604 [51-7-15](#).

1605 Section 32. Section **63H-7a-700** is enacted to read:

1606 **Part 7. Bonding Authority**

1607 **63H-7a-700. Title.**

1608 This part is known as "Bonding Authority."

1609 Section 33. Section **63H-7a-701**, which is renumbered from Section 63H-7-401 is
1610 renumbered and amended to read:

1611 ~~[63H-7-401]~~. **63H-7a-701**. **Bond authorized -- Payment -- Security --**
1612 **Liability -- Purpose -- Exemption from certain taxes.**

1613 (1) The authority may:

1614 (a) issue bonds from time to time for any of its corporate purposes provided in Section
1615 ~~[63H-7-102]~~ 63H-7a-102;

1616 (b) issue refunding bonds for the purpose of paying or retiring bonds previously issued
1617 by it;

1618 (c) issue bonds on which the principal and interest are payable:

1619 (i) exclusively from the income, purchase or lease payments, and revenues of all or a
1620 portion of the public safety communications network; or

1621 (ii) from its revenues generally.

1622 (2) Any bonds issued by the authority may be additionally secured by a pledge of any
1623 loan, lease, grant, agreement, or contribution, in whole or in part, from the federal government
1624 or other source, or a pledge of any income or revenue of the authority.

1625 (3) The officers of the authority and any person executing the bonds are not liable
1626 personally on the bonds.

1627 (4) (a) The bonds and other obligations of the authority are not a debt of any member
1628 or state representative of the authority, and do not constitute indebtedness for purposes of any
1629 constitutional or statutory debt limitation or restrictions.

1630 (b) The face of the bonds and other obligations shall state the provisions of Subsection
1631 (4)(a).

1632 (5) Any bonds of the authority shall be revenue obligations, payable solely from the
1633 proceeds, revenues, or purchase and lease payments received by the authority for the public
1634 safety communications network.

1635 (6) The full faith and credit of any member or state representative may not be pledged
1636 directly or indirectly for the payment of the bonds.

1637 (7) A member or state representative may not incur any pecuniary liability under this
1638 chapter until it enters into a service contract, lease, or other financing obligation with the
1639 authority. Once a member enters into a service contract, lease, or other financing obligation

1640 with the authority, the member shall be obligated to the authority as provided in that contract,
1641 lease, or financing obligation.

1642 (8) A bond or obligation may not be made payable out of any funds or properties other
1643 than those of the authority.

1644 (9) Bonds of the authority are:

1645 (a) declared to be issued for an essential public and governmental purpose by public
1646 instrumentalities; and

1647 (b) together with interest and income, exempt from all taxes, except the corporate
1648 franchise tax.

1649 (10) The provisions of this chapter exempting the properties of the authority and its
1650 bonds and interest and income on them from taxation shall be considered part of the contract
1651 for the security of bonds and have the force of contract, by virtue of this part and without the
1652 necessity of this being restated in the bonds, between the bondholders, including all transferees
1653 of the bonds, the authority and the state.

1654 Section 34. Section **63H-7a-702**, which is renumbered from Section 63H-7-402 is
1655 renumbered and amended to read:

1656 ~~[63H-7-402]~~. **63H-7a-702. Bonds to be authorized by resolution -- Form --**
1657 **Sale -- Negotiability -- Validity presumed.**

1658 (1) Bonds of the authority shall:

1659 (a) be authorized by resolution of the board and may be issued in one or more series;

1660 (b) bear dates, mature, bear interest rates, be in denominations, be either coupon or
1661 registered, carry conversion or registration privileges, have rank or priority, be executed, and be
1662 payable; and

1663 (c) be subject to terms of redemption, with or without premium, as the resolution or its
1664 trust indenture provides.

1665 (2) The bonds may bear interest at a fixed or variable interest rate as the resolution
1666 provides. The resolution may establish a method, formula, or index pursuant to which the
1667 interest rate on the bonds may be determined from time to time.

1668 (3) In connection with the bonds, and on behalf of the authority, the board may
1669 authorize and enter into agreements or other arrangements with financial, banking, and other
1670 institutions for letters of credit, standby letters of credit, surety bonds, reimbursement

1671 agreements, remarketing agreements, indexing agreements, tender agent agreements, and other
1672 agreements to secure the bonds, to enhance the marketability and creditworthiness of the
1673 bonds, to determine a fixed or variable interest rate on the bonds, and to pay from any legally
1674 available source, including the proceeds of the bonds, of fees, charges, and other amounts
1675 coming due with respect to any such agreements.

1676 (4) The bonds may be sold at public or private sale in a manner and at prices, either at,
1677 in excess of, or below par value as provided by resolution of the board.

1678 (5) If members or officers of the authority whose signatures appear on bonds or
1679 coupons cease to be members or officers before the delivery of the bonds, their signatures are
1680 valid and sufficient for all purposes.

1681 (6) Any bonds issued under this part are fully negotiable.

1682 (7) In any suit, action, or proceeding involving the validity or enforceability of any
1683 bond of the authority or the security for it, any bond reciting in substance that it has been issued
1684 by the authority to aid in financing the public safety communications network shall be
1685 conclusively considered to have been issued for such purposes, and the public safety
1686 communications network shall be conclusively considered to have been planned, located, and
1687 carried out in accordance with this part.

1688 Section 35. Section **63H-7a-703**, which is renumbered from Section 63H-7-403 is
1689 renumbered and amended to read:

1690 ~~[63H-7-403]~~. **63H-7a-703. Bonds and other obligations -- Additional**
1691 **powers of the authority.**

1692 In connection with the issuance of bonds or the incurring of obligations under leases,
1693 and in order to secure the payment of bonds or obligations, the authority, in addition to its other
1694 powers, may:

1695 (1) pledge all or any part of its gross or net rents, fees, or revenues to which its right
1696 then exists or may accrue in the future;

1697 (2) mortgage all or any part of its real or personal property owned or acquired in the
1698 future;

1699 (3) covenant against:

1700 (a) pledging all or any part of its rents, fees, and revenues;

1701 (b) mortgaging all or any part of its real or personal property to which its right or title

1702 then exists or accrues in the future;

1703 (c) permitting any lien on its revenues or property;

1704 (d) extending the time for the payment of its bonds or interest on them;

1705 (e) the use and disposition of the money held in the funds in Subsection (7); and

1706 (f) the use, maintenance, and replacement of any or all of its real or personal property;

1707 (4) covenant as to:

1708 (a) bonds to be issued;

1709 (b) the issuance of bonds in escrow or otherwise;

1710 (c) the use and disposition of the bond proceeds;

1711 (d) the insurance to be carried on the property in Subsection (3)(f) and the use and

1712 disposition of insurance money; and

1713 (e) the rights, liabilities, powers, and duties arising upon its breach of any covenant,

1714 condition, or obligation;

1715 (5) provide for the replacement of lost, destroyed, or mutilated bonds;

1716 (6) covenant for the redemption of the bonds and provide the terms and conditions for

1717 their redemption;

1718 (7) create or authorize the creation of special funds for money held for construction or

1719 operating costs, debt service, reserves, or other purposes;

1720 (8) prescribe the procedure, if any, by which the terms of any contract with

1721 bondholders may be amended or abrogated, the number of bondholders of outstanding bonds

1722 which must consent to the action, and the manner in which consent shall be given;

1723 (9) covenant and prescribe as to events of default and terms and conditions upon which

1724 any or all of its bonds or obligations shall become or may be declared due before maturity, and

1725 as to the terms and conditions upon which such declaration and its consequences may be

1726 waived;

1727 (10) vest in any obligee of the authority or any specified proportion of them the right:

1728 (a) to enforce the payment of bonds or any covenants securing or relating to the bonds;

1729 (b) after default by the authority to:

1730 (i) take possession of and use, operate, and manage any facilities or any part of it or any

1731 funds connected with the facilities and funds, and collect the revenues arising from them; and

1732 (ii) dispose of the facilities and funds in accordance with the agreement with the

1733 authority;

1734 (11) provide the:

1735 (a) powers and duties of an obligee and limit the obligee's liabilities; and

1736 (b) terms and conditions upon which the obligees may enforce any covenant or rights

1737 securing or relating to the bonds;

1738 (12) exercise all or any part or combination of the powers granted in this chapter;

1739 (13) perform any acts necessary, convenient, or desirable to secure its bonds; and

1740 (14) make any covenants or perform any acts calculated to make the bonds more

1741 marketable.

1742 Section 36. Section ~~63H-7a-704~~, which is renumbered from Section 63H-7-404 is

1743 renumbered and amended to read:

1744 ~~[63H-7-404]~~. 63H-7a-704. **Reserve funds for debt service.**

1745 (1) To assure the continued operation and solvency of the authority for the carrying out
1746 of its purpose, the authority may establish reserve funds necessary to secure the payment of
1747 debt service on its bonds.

1748 (2) The resolution authorizing the issuance of the bonds shall specify the minimum
1749 amount that is required to be on deposit in the reserve funds.

1750 (3) The chair shall annually, on or before December 1, certify to the governor, the
1751 director of finance, and to each member the amount, if any, required to restore the funds to
1752 their required funding levels.

1753 (4) (a) The governor may request from the Legislature an appropriation of the amount
1754 certified in Subsection (3) to restore the reserve funds to their required funding levels or to
1755 meet any projected principal or interest payment deficiency. Any amount appropriated shall be
1756 repaid to the General Fund of the state in excess of the amounts which the board determines
1757 will keep it self-supporting.

1758 (b) The board shall adjust the fees of the members so that the state is repaid for the
1759 amount appropriated in Subsection (4)(a) within 18 months after the state has paid the deficit.

1760 (5) The members are jointly responsible for 1/2 the amount certified in Subsection (3)
1761 to restore the reserve funds to their required funding levels. The board may request from each
1762 member money proportionate to their participation in the network to restore the funding level.
1763 Any amount paid by the members shall be proportionally repaid to them from 1/2 of any money

1764 in excess of the amounts which the board determines will keep it self-supporting.

1765 Section 37. Section **63H-7a-705**, which is renumbered from Section 63H-7-405 is
1766 renumbered and amended to read:

1767 ~~[63H-7-405]~~. **63H-7a-705. Investment of the authority funds.**

1768 The state treasurer shall invest all money held on deposit by or on behalf of the
1769 authority. The board may provide advice to the state treasurer concerning investment of the
1770 money of the authority.

1771 Section 38. Section **63H-7a-706**, which is renumbered from Section 63H-7-406 is
1772 renumbered and amended to read:

1773 ~~[63H-7-406]~~. **63H-7a-706. Publication of notice, resolution, or other**
1774 **proceeding -- Period for contesting.**

1775 (1) The board may provide for the publication of any resolution or other proceedings
1776 adopted under this chapter:

1777 (a) in a newspaper of general circulation within the state; and

1778 (b) as required in Section [45-1-101](#).

1779 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the
1780 board may, in lieu of publishing the entire resolution or other proceeding, publish a notice of
1781 bonds to be issued containing:

1782 (a) the name of the issuer;

1783 (b) the purpose of the issue;

1784 (c) the type of bonds and the maximum principal amount which may be issued;

1785 (d) the maximum number of years over which the bonds may mature;

1786 (e) the maximum interest rate which the bonds may bear, if any;

1787 (f) the maximum discount from par, expressed as a percentage of principal amount, at
1788 which the bonds may be sold; and

1789 (g) the times and place where a copy of the resolution or other proceeding may be
1790 examined, which shall be at the principal office of the authority during regular business hours
1791 and for a period of at least 30 days after the publication of the notice.

1792 (3) For a period of 30 days after the publication, any person in interest may contest the
1793 legality of the resolution or proceeding, any bonds which may be authorized by the resolution
1794 or proceeding, or any provision made for the security and payment of the bonds by filing a

1795 pleading with the district court for the city in which the authority maintains its principal office.

1796 Section 39. Section **63H-7a-800** is enacted to read:

1797 **Part 8. Miscellaneous Provisions**

1798 **63H-7a-800. Title.**

1799 This part is known as "Miscellaneous Provisions."

1800 Section 40. Section **63H-7a-801**, which is renumbered from Section 63H-7-501 is
1801 renumbered and amended to read:

1802 ~~[63H-7-501].~~ **63H-7a-801. Property and funds of the authority declared**
1803 **public property -- Exemption from taxes.**

1804 (1) The property and funds of the authority are declared to be public property used for
1805 essential public and governmental purposes.

1806 (2) The property and the authority are exempt from all taxes and special assessments of
1807 any public body. This tax exemption does not apply to any portion of a project used for a
1808 profit-making enterprise.

1809 Section 41. Section **63H-7a-802**, which is renumbered from Section 63H-7-502 is
1810 renumbered and amended to read:

1811 ~~[63H-7-502].~~ **63H-7a-802. Term of the authority -- Dissolution --**
1812 **Withdrawal.**

1813 (1) (a) The authority may be dissolved by an act of the Legislature.

1814 (b) Title to all assets of the authority upon its dissolution shall revert to the members
1815 and the state pro rata, based upon the total amount of money paid to the authority by each
1816 member or the state for services provided to each by the public safety communications
1817 network.

1818 (c) The board is authorized to:

1819 (i) take any necessary action to dissolve the authority; and

1820 (ii) dispose of the property of the authority upon its dissolution as provided in
1821 Subsection (1)(b).

1822 (2) (a) Each member may, at any time, withdraw as a member of the authority by
1823 delivering to the board a written notice of withdrawal which has been approved by the
1824 governing body of the member, except that a member may not withdraw from the authority at
1825 any time during which it has an outstanding payment obligation to the authority as a result of

1826 having entered into a service contract, lease, or other financial obligation.

1827 (b) Except as provided in Subsection (2)(a), the board shall delete the petitioning
1828 member from the membership of the authority as of the date of the board's receipt of the
1829 member's notice of withdrawal. The board may not include a member who has given notice of
1830 withdrawal in any future obligation of the authority.

1831 Section 42. Section **63H-7a-803**, which is renumbered from Section 63H-7-503 is
1832 renumbered and amended to read:

1833 ~~[63H-7-503]~~. **63H-7a-803. Relation to certain acts -- Participation in Risk**

1834 **Management Fund.**

1835 (1) The Utah Communications Authority is exempt from:

1836 (a) Title 63J, Chapter 1, Budgetary Procedures Act;

1837 (b) Title 63A, Utah Administrative Services Code, except as provided in Section

1838 [63A-4-205.5](#);

1839 (c) Title 63G, Chapter 6a, Utah Procurement Code;

1840 (d) Title 63G, Chapter 4, Administrative Procedures Act; and

1841 (e) Title 67, Chapter 19, Utah State Personnel Management Act.

1842 (2) The board shall adopt budgetary procedures, accounting, procurement, and
1843 personnel policies substantially similar to those from which they have been exempted in
1844 Subsection (1).

1845 (3) Subject to the requirements of Subsection [63E-1-304](#)(2), the administration may
1846 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).

1847 Section 43. Section **63H-7a-804**, which is renumbered from Section 63H-7-504 is
1848 renumbered and amended to read:

1849 ~~[63H-7-504]~~. **63H-7a-804. Annual report to governor and Legislature --**

1850 **Contents -- Audit by state auditor -- Reimbursement for costs.**

1851 (1) The authority shall, following the close of each fiscal year, submit an annual report
1852 of its activities for the preceding year to the governor and the Legislature. Each report shall set
1853 forth a complete operating and financial statement of the agency during the fiscal year it covers.

1854 (2) The state auditor shall at least once in each year audit the books and accounts of the
1855 authority or shall contract with an independent certified public accountant for this audit. The
1856 audit shall include a review of the procedures adopted under the requirements of Subsection

1857 [~~63H-7-503~~] 63H-7a-803(2) and a determination as to whether the board has complied with the
1858 requirements of Subsection [~~63H-7-503~~] 63H-7a-803(2).

1859 (3) The authority shall reimburse the state auditor from available money of the
1860 authority for the actual and necessary costs of that audit.

1861 Section 44. Section **63I-4a-102** is amended to read:

1862 **63I-4a-102. Definitions.**

1863 (1) (a) "Activity" means to provide a good or service.

1864 (b) "Activity" includes to:

1865 (i) manufacture a good or service;

1866 (ii) process a good or service;

1867 (iii) sell a good or service;

1868 (iv) offer for sale a good or service;

1869 (v) rent a good or service;

1870 (vi) lease a good or service;

1871 (vii) deliver a good or service;

1872 (viii) distribute a good or service; or

1873 (ix) advertise a good or service.

1874 (2) (a) Except as provided in Subsection (2)(b), "agency" means:

1875 (i) the state; or

1876 (ii) an entity of the state including a department, office, division, authority,
1877 commission, or board.

1878 (b) "Agency" does not include:

1879 (i) the Legislature;

1880 (ii) an entity or agency of the Legislature;

1881 (iii) the state auditor;

1882 (iv) the state treasurer;

1883 (v) the Office of the Attorney General;

1884 (vi) the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;

1885 (vii) the Utah Science Center Authority created in Title 63H, Chapter 3, Utah Science
1886 Center Authority;

1887 (viii) the Heber Valley Railroad Authority created in Title 63H, Chapter 4, Heber

- 1888 Valley Historic Railroad Authority;
- 1889 (ix) the Utah State Railroad Museum Authority created in Title 63H, Chapter 5, Utah
- 1890 State Railroad Museum Authority;
- 1891 (x) the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7, Utah
- 1892 Housing Corporation Act;
- 1893 (xi) the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah State Fair
- 1894 Corporation Act;
- 1895 (xii) the Workers' Compensation Fund created in Title 31A, Chapter 33, Workers'
- 1896 Compensation Fund;
- 1897 (xiii) the Utah State Retirement Office created in Title 49, Chapter 11, Utah State
- 1898 Retirement Systems Administration;
- 1899 (xiv) a charter school chartered by the State Charter School Board or a board of
- 1900 trustees of a higher education institution under Title 53A, Chapter 1a, Part 5, The Utah Charter
- 1901 Schools Act;
- 1902 (xv) the Utah Schools for the Deaf and the Blind created in Title 53A, Chapter 25b,
- 1903 Utah Schools for the Deaf and the Blind;
- 1904 (xvi) an institution of higher education as defined in Section [53B-3-102](#);
- 1905 (xvii) the School and Institutional Trust Lands Administration created in Title 53C,
- 1906 Chapter 1, Part 2, School and Institutional Trust Lands Administration;
- 1907 (xviii) the Utah Communications Authority created in Title 63H, Chapter ~~[7]~~ [7a](#), Utah
- 1908 Communications Authority Act; or
- 1909 (xix) the Utah Capital Investment Corporation created in Title 63M, Chapter 1, Part 12,
- 1910 Utah Venture Capital Enhancement Act.
- 1911 (3) "Agency head" means the chief administrative officer of an agency.
- 1912 (4) "Board" means the Free Market Protection and Privatization Board created in
- 1913 Section [63I-4a-202](#).
- 1914 (5) "Commercial activity" means to engage in an activity that can be obtained in whole
- 1915 or in part from a private enterprise.
- 1916 (6) "Local entity" means:
- 1917 (a) a political subdivision of the state, including a:
- 1918 (i) county;

- 1919 (ii) city;
- 1920 (iii) town;
- 1921 (iv) local school district;
- 1922 (v) local district; or
- 1923 (vi) special service district;
- 1924 (b) an agency of an entity described in this Subsection (6), including a department,
- 1925 office, division, authority, commission, or board; or
- 1926 (c) an entity created by an interlocal cooperative agreement under Title 11, Chapter 13,
- 1927 Interlocal Cooperation Act, between two or more entities described in this Subsection (6).
- 1928 (7) "Private enterprise" means a person that engages in an activity for profit.
- 1929 (8) "Privatize" means that an activity engaged in by an agency is transferred so that a
- 1930 private enterprise engages in the activity, including a transfer by:
- 1931 (a) contract;
- 1932 (b) transfer of property; or
- 1933 (c) another arrangement.
- 1934 (9) "Special district" means:
- 1935 (a) a local district, as defined in Section [17B-1-102](#);
- 1936 (b) a special service district, as defined in Section [17D-1-102](#); or
- 1937 (c) a conservation district, as defined in Section [17D-3-102](#).
- 1938 Section 45. Section **63J-7-102** is amended to read:
- 1939 **63J-7-102. Scope and applicability of chapter.**
- 1940 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute
- 1941 superseding provisions of this chapter by explicit reference to this chapter, the provisions of
- 1942 this chapter apply to each agency and govern each grant received on or after May 5, 2008.
- 1943 (2) This chapter does not govern:
- 1944 (a) a grant deposited into a General Fund restricted account;
- 1945 (b) a grant deposited into a Trust and Agency Fund as defined in Section [51-5-4](#);
- 1946 (c) a grant deposited into an Enterprise Fund as defined in Section [51-5-4](#);
- 1947 (d) a grant made to the state without a restriction or other designated purpose that is
- 1948 deposited into the General Fund as free revenue;
- 1949 (e) a grant made to the state that is restricted only to "education" and that is deposited

1950 into the Education Fund or Uniform School Fund as free revenue;

1951 (f) in-kind donations;

1952 (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state

1953 when required by state law or application of state law;

1954 (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax

1955 Contribution Act;

1956 (i) a grant received by an agency from another agency or political subdivision;

1957 (j) a grant to the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion

1958 Act;

1959 (k) a grant to the Utah Science Center Authority created in Title 63H, Chapter 3, Utah

1960 Science Center Authority;

1961 (l) a grant to the Heber Valley Railroad Authority created in Title 63H, Chapter 4,

1962 Heber Valley Historic Railroad Authority;

1963 (m) a grant to the Utah State Railroad Museum Authority created in Title 63H, Chapter

1964 5, Utah State Railroad Museum Authority;

1965 (n) a grant to the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7,

1966 Utah Housing Corporation Act;

1967 (o) a grant to the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah

1968 State Fair Corporation Act;

1969 (p) a grant to the Workers' Compensation Fund created in Title 31A, Chapter 33,

1970 Workers' Compensation Fund;

1971 (q) a grant to the Utah State Retirement Office created in Title 49, Chapter 11, Utah

1972 State Retirement Systems Administration;

1973 (r) a grant to the School and Institutional Trust Lands Administration created in Title

1974 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration;

1975 (s) a grant to the Utah Communications Authority created in Title 63H, Chapter [7] 7a,

1976 Utah Communications Authority Act;

1977 (t) a grant to the Medical Education Program created in Section [53B-24-202](#);

1978 (u) a grant to the Utah Capital Investment Corporation created in Title 63M, Chapter 1,

1979 Part 12, Utah Venture Capital Enhancement Act;

1980 (v) a grant to the Utah Charter School Finance Authority created in Section

- 1981 53A-20b-103;
- 1982 (w) a grant to the State Building Ownership Authority created in Section 63B-1-304;
- 1983 (x) a grant to the Utah Comprehensive Health Insurance Pool created in Section
- 1984 31A-29-104; or
- 1985 (y) a grant to the Military Installation Development Authority created in Section
- 1986 63H-1-201.
- 1987 (3) An agency need not seek legislative review or approval of grants under Part 2,
- 1988 Grant Approval Requirements, if:
- 1989 (a) the governor has declared a state of emergency; and
- 1990 (b) the grant is donated to the agency to assist victims of the state of emergency under
- 1991 Subsection 53-2a-204(1).
- 1992 Section 46. Section 69-2-5 is amended to read:
- 1993 **69-2-5. Funding for 911 emergency service -- Administrative charge.**
- 1994 (1) In providing funding of 911 emergency service, any public agency establishing a
- 1995 911 emergency service may:
- 1996 (a) seek assistance from the federal or state government, to the extent constitutionally
- 1997 permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or
- 1998 indirectly;
- 1999 (b) seek funds appropriated by local governmental taxing authorities for the funding of
- 2000 public safety agencies; and
- 2001 (c) seek gifts, donations, or grants from individuals, corporations, or other private
- 2002 entities.
- 2003 (2) For purposes of providing funding of 911 emergency service, special service
- 2004 districts may raise funds as provided in Section 17D-1-105 and may borrow money and incur
- 2005 indebtedness as provided in Section 17D-1-103.
- 2006 (3) (a) Except as provided in Subsection (3)(b) and subject to the other provisions of
- 2007 this Subsection (3) a county, city, or town within which 911 emergency service is provided
- 2008 may levy a monthly 911 emergency services charge on:
- 2009 (i) each local exchange service switched access line within the boundaries of the
- 2010 county, city, or town;
- 2011 (ii) each revenue producing radio communications access line with a billing address

2012 within the boundaries of the county, city, or town; and

2013 (iii) any other service, including voice over Internet protocol, provided to a user within
2014 the boundaries of the county, city, or town that allows the user to make calls to and receive
2015 calls from the public switched telecommunications network, including commercial mobile
2016 radio service networks.

2017 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin
2018 telecommunications service is exempt from 911 emergency service charges.

2019 (c) The amount of the charge levied under this section may not exceed:

2020 (i) 61 cents per month for each local exchange service switched access line;

2021 (ii) 61 cents per month for each radio communications access line; and

2022 (iii) 61 cents per month for each service under Subsection (3)(a)(iii).

2023 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as
2024 provided in Section [59-12-102](#) or [59-12-215](#):

2025 (A) "mobile telecommunications service";

2026 (B) "place of primary use";

2027 (C) "service address"; and

2028 (D) "telecommunications service."

2029 (ii) An access line described in Subsection (3)(a) is considered to be within the
2030 boundaries of a county, city, or town if the telecommunications services provided over the
2031 access line are located within the county, city, or town:

2032 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax
2033 Act; and

2034 (B) determined in accordance with Section [59-12-215](#).

2035 (iii) The rate imposed on an access line under this section shall be determined in
2036 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection
2037 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,
2038 city, or town in which is located:

2039 (A) for a telecommunications service, the purchaser's service address; or

2040 (B) for mobile telecommunications service, the purchaser's place of primary use.

2041 (iv) The rate imposed on an access line under this section shall be the lower of:

2042 (A) the rate imposed by the county, city, or town in which the access line is located

2043 under Subsection (3)(d)(ii); or
2044 (B) the rate imposed by the county, city, or town in which it is located:
2045 (I) for telecommunications service, the purchaser's service address; or
2046 (II) for mobile telecommunications service, the purchaser's place of primary use.
2047 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent
2048 to levy the charge under this Subsection (3) at least 30 days before the effective date of the
2049 charge being levied.
2050 (ii) For purposes of this Subsection (3)(e):
2051 (A) "Annexation" means an annexation to:
2052 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or
2053 (II) a county under Title 17, Chapter 2, County Consolidations and Annexations.
2054 (B) "Annexing area" means an area that is annexed into a county, city, or town.
2055 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if a county, city, or
2056 town enacts or repeals a charge or changes the amount of the charge under this section, the
2057 enactment, repeal, or change shall take effect:
2058 (I) on the first day of a calendar quarter; and
2059 (II) after a 90-day period beginning on the date the State Tax Commission receives
2060 notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.
2061 (B) The notice described in Subsection (3)(e)(iii)(A) shall state:
2062 (I) that the county, city, or town will enact or repeal a charge or change the amount of
2063 the charge under this section;
2064 (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);
2065 (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and
2066 (IV) if the county, city, or town enacts the charge or changes the amount of the charge
2067 described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.
2068 (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge
2069 increase under this section shall take effect on the first day of the first billing period:
2070 (I) that begins after the effective date of the enactment of the charge or the charge
2071 increase; and
2072 (II) if the billing period for the charge begins before the effective date of the enactment
2073 of the charge or the charge increase imposed under this section.

2074 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge
2075 decrease under this section shall take effect on the first day of the last billing period:

2076 (I) that began before the effective date of the repeal of the charge or the charge
2077 decrease; and

2078 (II) if the billing period for the charge begins before the effective date of the repeal of
2079 the charge or the charge decrease imposed under this section.

2080 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if the annexation will
2081 result in the enactment, repeal, or a change in the amount of a charge imposed under this
2082 section for an annexing area, the enactment, repeal, or change shall take effect:

2083 (I) on the first day of a calendar quarter; and

2084 (II) after a 90-day period beginning on the date the State Tax Commission receives
2085 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that
2086 annexes the annexing area.

2087 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

2088 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an
2089 enactment, repeal, or a change in the charge being imposed under this section for the annexing
2090 area;

2091 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

2092 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

2093 (IV) if the county, city, or town enacts the charge or changes the amount of the charge
2094 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

2095 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge
2096 increase under this section shall take effect on the first day of the first billing period:

2097 (I) that begins after the effective date of the enactment of the charge or the charge
2098 increase; and

2099 (II) if the billing period for the charge begins before the effective date of the enactment
2100 of the charge or the charge increase imposed under this section.

2101 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge
2102 decrease under this section shall take effect on the first day of the last billing period:

2103 (I) that began before the effective date of the repeal of the charge or the charge
2104 decrease; and

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

2107 (f) Subject to Subsection (3)(g), a 911 emergency services charge levied under this
2108 section shall:

2109 (i) be billed and collected by the person that provides the:

2110 (A) local exchange service switched access line services; or

2111 (B) radio communications access line services; and

2112 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax
2113 Commission.

2114 (g) A 911 emergency services charge on a mobile telecommunications service may be
2115 levied, billed, and collected only to the extent permitted by the Mobile Telecommunications
2116 Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2117 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:

2118 (i) bill the charge imposed by this section in combination with the charge levied under
2119 Section 69-2-5.6 as one line item charge; and

2120 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as
2121 reimbursement for the cost of billing, collecting, and remitting the levy.

2122 (i) The State Tax Commission shall collect, enforce, and administer the charge
2123 imposed under this Subsection (3) using the same procedures used in the administration,
2124 collection, and enforcement of the state sales and use taxes under:

2125 (i) Title 59, Chapter 1, General Taxation Policies; and

2126 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2127 (A) Section 59-12-104;

2128 (B) Section 59-12-104.1;

2129 (C) Section 59-12-104.2;

2130 (D) Section 59-12-104.6;

2131 (E) Section 59-12-107.1; and

2132 (F) Section 59-12-123.

2133 (j) The State Tax Commission shall transmit money collected under this Subsection (3)
2134 monthly by electronic funds transfer to the county, city, or town that imposes the charge.

2135 (k) A person that pays a charge under this section shall pay the charge to the

2136 commission:

2137 (i) monthly on or before the last day of the month immediately following the last day of
2138 the previous month if:

2139 (A) the person is required to file a sales and use tax return with the commission
2140 monthly under Section 59-12-108; or

2141 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
2142 12, Sales and Use Tax Act; or

2143 (ii) quarterly on or before the last day of the month immediately following the last day
2144 of the previous quarter if the person is required to file a sales and use tax return with the
2145 commission quarterly under Section 59-12-107.

2146 (l) A charge a person pays under this section shall be paid using a form prescribed by
2147 the State Tax Commission.

2148 (m) The State Tax Commission shall retain and deposit an administrative charge in
2149 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from a
2150 charge under this section.

2151 (n) A charge under this section is subject to Section 69-2-5.8.

2152 (4) (a) Any money received by a public agency for the provision of 911 emergency
2153 service shall be deposited in a special emergency telecommunications service fund.

2154 (b) (i) Except as provided in Subsection (5)(b), the money in the 911 emergency
2155 service fund shall be expended by the public agency to pay the costs of:

2156 (A) establishing, installing, maintaining, and operating a 911 emergency service
2157 system;

2158 (B) receiving and processing emergency communications from the 911 system or other
2159 communications or requests for emergency services;

2160 (C) integrating a 911 emergency service system into an established public safety
2161 dispatch center, including contracting with the providers of local exchange service, radio
2162 communications service, and vendors of appropriate terminal equipment as necessary to
2163 implement the 911 emergency services; or

2164 (D) indirect costs associated with the maintaining and operating of a 911 emergency
2165 services system.

2166 (ii) Revenues derived for the funding of 911 emergency service may be used by the

2167 public agency for personnel costs associated with receiving and processing communications
2168 and deploying emergency response resources when the system is integrated with any public
2169 safety dispatch system.

2170 (c) Any unexpended money in the 911 emergency service fund at the end of a fiscal
2171 year does not lapse, and must be carried forward to be used for the purposes described in this
2172 section.

2173 (5) (a) Revenue received by a local entity from an increase in the levy imposed under
2174 Subsection (3) after the 2004 Annual General Session:

2175 (i) may be used by the public safety answering point for the purposes under Subsection
2176 (4)(b); and

2177 (ii) shall be deposited into the special 911 emergency service fund described in
2178 Subsection (4)(a).

2179 (b) Revenue received by a local entity from disbursements from the ~~[Utah 911~~
2180 ~~Committee under Section 63H-7-306]~~ 911 Division under Section 63H-7a-602:

2181 (i) shall be deposited into the special 911 emergency service fund under Subsection
2182 (4)(a); and

2183 (ii) shall only be used for that portion of the costs related to the development and
2184 operation of wireless and land-based enhanced 911 emergency telecommunications service and
2185 the implementation of 911 services as provided in Subsection (5)(c).

2186 (c) The costs allowed under Subsection (5)(b)(ii) include the public safety answering
2187 point's costs for:

2188 (i) acquisition, upgrade, modification, maintenance, and operation of public service
2189 answering point equipment capable of receiving 911 information;

2190 (ii) database development, operation, and maintenance; and

2191 (iii) personnel costs associated with establishing, installing, maintaining, and operating
2192 wireless 911 services, including training emergency service personnel regarding receipt and use
2193 of 911 wireless service information and educating consumers regarding the appropriate and
2194 responsible use of 911 wireless service.

2195 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the
2196 2004 Annual General Session shall increase the levy to the maximum amount permitted by
2197 Subsection (3)(c).

2198 Section 47. Section **69-2-5.5** is amended to read:

2199 **69-2-5.5. Emergency services telecommunications charge to fund the Computer**
2200 **Aided Dispatch Restricted Account -- Administrative charge.**

2201 (1) Subject to Subsection (7), there is imposed an emergency services
2202 telecommunications charge of 6 cents per month on each local exchange service switched
2203 access line and each revenue producing radio communications access line that is subject to an
2204 emergency services telecommunications charge levied by a county, city, or town under Section
2205 [69-2-5](#).

2206 (2) (a) Subject to Subsection (7), an emergency services telecommunications charge
2207 imposed under this section shall be billed and collected by the person that provides:

- 2208 (i) local exchange service switched access line services; or
- 2209 (ii) radio communications access line services.

2210 (b) A person that pays an emergency services telecommunications charge under this
2211 section shall pay the emergency services telecommunications charge to the commission:

2212 (i) monthly on or before the last day of the month immediately following the last day of
2213 the previous month if:

2214 (A) the person is required to file a sales and use tax return with the commission
2215 monthly under Section [59-12-108](#); or

2216 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
2217 12, Sales and Use Tax Act; or

2218 (ii) quarterly on or before the last day of the month immediately following the last day
2219 of the previous quarter if the person is required to file a sales and use tax return with the
2220 commission quarterly under Section [59-12-107](#).

2221 (c) An emergency services telecommunications charge imposed under this section shall
2222 be deposited into the Computer Aided Dispatch Restricted Account created in Section
2223 [~~63H-7-310~~] [63H-7a-303](#).

2224 (3) Emergency services telecommunications charges remitted to the State Tax
2225 Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the
2226 State Tax Commission.

2227 (4) (a) The State Tax Commission shall administer, collect, and enforce the charge
2228 imposed under Subsection (1) according to the same procedures used in the administration,

2229 collection, and enforcement of the state sales and use tax under:

2230 (i) Title 59, Chapter 1, General Taxation Policies; and

2231 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2232 (A) Section 59-12-104;

2233 (B) Section 59-12-104.1;

2234 (C) Section 59-12-104.2;

2235 (D) Section 59-12-104.6;

2236 (E) Section 59-12-107.1; and

2237 (F) Section 59-12-123.

2238 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2239 State Tax Commission may make rules to administer, collect, and enforce the emergency
2240 services telecommunications charges imposed under this section.

2241 (c) The State Tax Commission shall retain and deposit an administrative charge in
2242 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from
2243 an emergency services telecommunications charge under this section.

2244 (d) A charge under this section is subject to Section 69-2-5.8.

2245 (5) A provider of local exchange service switched access line services or radio
2246 communications access line services who fails to comply with this section is subject to
2247 penalties and interest as provided in Sections 59-1-401 and 59-1-402.

2248 (6) An emergency services telecommunications charge under this section on a mobile
2249 telecommunications service may be imposed, billed, and collected only to the extent permitted
2250 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2251 Section 48. Section 69-2-5.6 is amended to read:

2252 **69-2-5.6. 911 services charge to fund unified statewide 911 emergency service --**
2253 **Administrative charge.**

2254 (1) Subject to Subsection 69-2-5(3)(g), there is imposed a unified statewide 911
2255 emergency service charge of 9 cents per month on each local exchange service switched access
2256 line and each revenue producing radio communications access line that is subject to a 911
2257 emergency services charge levied by a county, city, or town under Section 69-2-5.

2258 (2) (a) A 911 emergency services charge imposed under this section shall be:

2259 (i) subject to Subsection 69-2-5(3)(g); and

- 2260 (ii) billed and collected by the person that provides:
- 2261 (A) local exchange service switched access line services;
- 2262 (B) radio communications access line services; or
- 2263 (C) service described in Subsection [69-2-5\(3\)\(a\)\(iii\)](#).
- 2264 (b) A person that pays a charge under this section shall pay the charge to the
- 2265 commission:
- 2266 (i) monthly on or before the last day of the month immediately following the last day of
- 2267 the previous month if:
- 2268 (A) the person is required to file a sales and use tax return with the commission
- 2269 monthly under Section [59-12-108](#); or
- 2270 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
- 2271 12, Sales and Use Tax Act; or
- 2272 (ii) quarterly on or before the last day of the month immediately following the last day
- 2273 of the previous quarter if the person is required to file a sales and use tax return with the
- 2274 commission quarterly under Section [59-12-107](#).
- 2275 (c) A charge imposed under this section shall be deposited into the Unified Statewide
- 2276 911 Emergency Service Account created by Section [63H-7-304](#).
- 2277 (3) The person that bills and collects the charges levied by this section pursuant to
- 2278 Subsections (2)(b) and (c) may:
- 2279 (a) bill the charge imposed by this section in combination with the charge levied under
- 2280 Section [69-2-5](#) as one line item charge; and
- 2281 (b) retain an amount not to exceed 1.5% of the charges collected under this section as
- 2282 reimbursement for the cost of billing, collecting, and remitting the levy.
- 2283 (4) The State Tax Commission shall collect, enforce, and administer the charges
- 2284 imposed under Subsection (1) using the same procedures used in the administration, collection,
- 2285 and enforcement of the emergency services telecommunications charge to fund the Computer
- 2286 Aided Dispatch Restricted Account under Section [~~[63H-7-310](#)~~ [63H-7a-303](#)].
- 2287 (5) Notwithstanding Section [~~[63H-7-304](#)~~ [63H-7a-304](#)], the State Tax Commission shall
- 2288 retain and deposit an administrative charge in accordance with Section [59-1-306](#) from the
- 2289 revenues the State Tax Commission collects from a charge under this section.
- 2290 (6) A charge under this section is subject to Section [69-2-5.8](#).

- 2291 (7) This section sunsets in accordance with Section [63I-1-269](#).
2292 Section 49. Section [69-2-5.7](#) is amended to read:
2293 **69-2-5.7. Prepaid wireless telecommunications charge to fund 911 service --**
2294 **Administrative charge.**
- 2295 (1) As used in this section:
2296 (a) "Consumer" means a person who purchases prepaid wireless telecommunications
2297 service in a transaction.
2298 (b) "Prepaid wireless 911 service charge" means the charge that is required to be
2299 collected by a seller from a consumer in the amount established under Subsection (2).
2300 (c) (i) "Prepaid wireless telecommunications service" means a wireless
2301 telecommunications service that:
2302 (A) is paid for in advance;
2303 (B) is sold in predetermined units of time or dollars that decline with use in a known
2304 amount or provides unlimited use of the service for a fixed amount or time; and
2305 (C) allows a caller to access 911 emergency service.
2306 (ii) "Prepaid wireless telecommunications service" does not include a wireless
2307 telecommunications service that is billed:
2308 (A) to a customer on a recurring basis; and
2309 (B) in a manner that includes the emergency services telecommunications charges,
2310 described in Sections [69-2-5](#), [69-2-5.5](#), and [69-2-5.6](#), for each radio communication access line
2311 assigned to the customer.
2312 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a
2313 consumer.
2314 (e) "Transaction" means each purchase of prepaid wireless telecommunications service
2315 from a seller.
2316 (f) "Wireless telecommunications service" means commercial mobile radio service as
2317 defined by 47 C.F.R. Sec. 20.3, as amended.
- 2318 (2) There is imposed a prepaid wireless 911 service charge of [~~1.9%~~] 3.7% of the sales
2319 price per transaction.
2320 (3) The prepaid wireless 911 service charge shall be collected by the seller from the
2321 consumer for each transaction occurring in this state.

2322 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,
2323 receipt, or similar document that is provided by the seller to the consumer.

2324 (5) For purposes of Subsection (3), the location of a transaction is determined in
2325 accordance with Sections 59-12-211 through 59-12-215.

2326 (6) When prepaid wireless telecommunications service is sold with one or more other
2327 products or services for a single non-itemized price, then the percentage specified in Section
2328 (2) shall apply to the entire non-itemized price.

2329 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by
2330 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the
2331 charge.

2332 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under
2333 Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller
2334 remits to the State Tax Commission money collected by the person under Title 59, Chapter 12,
2335 Sales and Use Tax Act.

2336 (9) The State Tax Commission:

2337 (a) shall collect, enforce, and administer the charge imposed under this section using
2338 the same procedures used in the administration, collection, and enforcement of the state sales
2339 and use taxes under:

2340 (i) Title 59, Chapter 1, General Taxation Policies; and

2341 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2342 (A) Section 59-12-104;

2343 (B) Section 59-12-104.1;

2344 (C) Section 59-12-104.2;

2345 (D) Section 59-12-107.1; and

2346 (E) Section 59-12-123;

2347 (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected
2348 under Subsection (9)(a) as reimbursement for administering this section;

2349 (c) shall distribute the prepaid wireless 911 service charge revenue, except as retained
2350 under Subsection (9)(b), as follows:

2351 (i) [~~80.3%~~] 41.5% of the revenue shall be distributed to each county, city, or town in
2352 the same percentages and in the same manner as the entities receive money to fund 911

- 2353 emergency telecommunications services under Section [69-2-5](#);
- 2354 (ii) ~~[7.9%]~~ 4.1% of the revenue shall be distributed to fund the Computer Aided
- 2355 Dispatch Restricted Account created in Section [~~63H-7-310~~; and] [63H-7a-303](#);
- 2356 (iii) ~~[11.8%]~~ 6.1% of the revenue shall be distributed to fund the unified statewide 911
- 2357 emergency service as in Section [69-2-5.6](#); and
- 2358 (iv) 48.3% of the revenue shall be distributed to fund the statewide radio network as in
- 2359 Section [69-2-5.9](#); and
- 2360 (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 2361 Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.
- 2362 (10) A charge under this section is subject to Section [69-2-5.8](#).
- 2363 Section 50. Section **69-2-5.8** is amended to read:
- 2364 **69-2-5.8. State Tax Commission redistribution of revenues from certain**
- 2365 **telecommunications charges.**
- 2366 (1) As used in this section:
- 2367 (a) "Commission" means the State Tax Commission.
- 2368 (b) "Eligible portion of qualifying telecommunications charge revenues" means the
- 2369 portion of qualifying telecommunications charge revenues that:
- 2370 (i) were part of an original distribution; and
- 2371 (ii) the commission determines should have been transmitted:
- 2372 (A) to a secondary recipient political subdivision; and
- 2373 (B) during the redistribution period.
- 2374 (c) "Original distribution" means that the commission:
- 2375 (i) collects an amount of qualifying telecommunications charge revenues; and
- 2376 (ii) transmits the amount of qualifying telecommunications charge revenues to an
- 2377 original recipient political subdivision.
- 2378 (d) "Original recipient political subdivision" means a county, city, or town to which the
- 2379 commission makes an original distribution.
- 2380 (e) "Qualifying telecommunications charge revenues" means revenues the commission
- 2381 collects from a charge under:
- 2382 (i) Section [69-2-5](#);
- 2383 (ii) Section [69-2-5.5](#);

- 2384 (iii) Section [69-2-5.6](#); [~~or~~]
- 2385 (iv) Section [69-2-5.7](#)~~[-]~~; and
- 2386 (v) Section [69-2-5.9](#).
- 2387 (f) "Redistribution" means that the commission:
- 2388 (i) makes an original distribution of qualifying telecommunications charge revenues to
- 2389 an original recipient political subdivision;
- 2390 (ii) after the commission makes the original distribution of qualifying
- 2391 telecommunications charge revenues to the original recipient political subdivision, determines
- 2392 that an eligible portion of qualifying telecommunications charge revenues should have been
- 2393 transmitted to a secondary recipient political subdivision as a result of:
- 2394 (A) a county, city, or town providing written notice to the commission that qualifying
- 2395 telecommunications charge revenues that the commission distributed to an original recipient
- 2396 political subdivision should have been transmitted to a secondary recipient political
- 2397 subdivision; or
- 2398 (B) the commission finding that an extraordinary circumstance, as defined by rule
- 2399 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, exists
- 2400 that requires the commission to make a redistribution without receiving the notice described in
- 2401 Subsection (1)(f)(ii)(A); and
- 2402 (iii) in accordance with this section, transmits to the secondary recipient political
- 2403 subdivision the eligible portion of qualifying telecommunications charge revenues for the
- 2404 redistribution period.
- 2405 (g) "Redistribution determination date" means the date the commission determines that
- 2406 a secondary recipient political subdivision should have received a redistribution, regardless of
- 2407 the date the commission actually transmits the redistribution to the secondary recipient political
- 2408 subdivision.
- 2409 (h) "Redistribution period" means the time period:
- 2410 (i) if the commission determines that an eligible portion of qualifying
- 2411 telecommunications charge revenues should have been transmitted to a secondary recipient
- 2412 political subdivision beginning on a date that is 90 or more days before the redistribution
- 2413 determination date:
- 2414 (A) beginning 90 days before the redistribution determination date; and

2415 (B) ending on the redistribution determination date; or
2416 (ii) if the commission determines that an eligible portion of qualifying
2417 telecommunications charge revenues should have been transmitted to a secondary recipient
2418 political subdivision beginning on a date that is less than 90 days before the redistribution
2419 determination date:
2420 (A) beginning on the date the eligible portion of qualifying telecommunications charge
2421 revenues should have been transmitted to the secondary recipient political subdivision; and
2422 (B) ending on the redistribution determination date.
2423 (i) "Secondary recipient political subdivision" means a county, city, or town that the
2424 commission determines should receive a redistribution.
2425 (2) Subject to Subsection (3), the commission may make a redistribution to a secondary
2426 recipient political subdivision in an amount equal to the eligible portion of qualifying
2427 telecommunications charge revenues if:
2428 (a) the commission provides written notice to the following within 15 days after the
2429 commission determines to make the redistribution:
2430 (i) the original recipient political subdivision; and
2431 (ii) the secondary recipient political subdivision; and
2432 (b) the commission obtains:
2433 (i) an amended return from each person that reports a transaction that will be subject to
2434 the redistribution; or
2435 (ii) if the commission determines that an amended return described in Subsection
2436 (2)(b)(i) is not required to make the redistribution, information:
2437 (A) supporting the redistribution; and
2438 (B) supplied by a person who collects a qualifying telecommunications charge
2439 revenues, a county, city, or town, or the commission.
2440 (3) The commission shall make a redistribution within 60 days after the requirements
2441 of Subsection (2) are met.
2442 (4) This section does not limit the commission's authority to make a distribution of
2443 revenues under this chapter for a time period other than the redistribution period.
2444 Section 51. Section **69-2-5.9** is enacted to read:
2445 **69-2-5.9. Emergency services telecommunications charge to fund the Utah**

2446 **Statewide Radio System Restricted Account -- Administrative charge.**

2447 (1) Subject to Subsection (6), there is imposed an emergency services
2448 telecommunications charge of 71 cents per month on each local exchange service switched
2449 access line and each revenue producing radio communications access line that is subject to an
2450 emergency services telecommunications charge levied by a county, city, or town under Section
2451 69-2-5.

2452 (2) (a) Subject to Subsection (6), an emergency services telecommunications charge
2453 imposed under this section shall be billed and collected by the person that provides:

2454 (i) local exchange service switched access line services; or

2455 (ii) radio communications access line services.

2456 (b) A person that pays an emergency services telecommunications charge under this
2457 section shall pay the emergency services telecommunications charge to the commission:

2458 (i) monthly on or before the last day of the month immediately following the last day of
2459 the previous month if:

2460 (A) the person is required to file a sales and use tax return with the commission
2461 monthly under Section 59-12-108; or

2462 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
2463 12, Sales and Use Tax Act; or

2464 (ii) quarterly on or before the last day of the month immediately following the last day
2465 of the previous quarter if the person is required to file a sales and use tax return with the
2466 commission quarterly under Section 59-12-107.

2467 (c) An emergency services telecommunications charge imposed under this section shall
2468 be deposited into the Utah Statewide Radio System Restricted Account created in Section
2469 63H-7a-403.

2470 (3) Emergency services telecommunications charges remitted to the State Tax
2471 Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the
2472 State Tax Commission.

2473 (4) (a) The State Tax Commission shall administer, collect, and enforce the charge
2474 imposed under Subsection (1) according to the same procedures used in the administration,
2475 collection, and enforcement of the state sales and use tax under:

2476 (i) Title 59, Chapter 1, General Taxation Policies; and

2477 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2478 (A) Section 59-12-104;

2479 (B) Section 59-12-104.1;

2480 (C) Section 59-12-104.2;

2481 (D) Section 59-12-104.6;

2482 (E) Section 59-12-107.1; and

2483 (F) Section 59-12-123.

2484 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2485 State Tax Commission may make rules to administer, collect, and enforce the emergency
2486 services telecommunications charges imposed under this section.

2487 (c) The State Tax Commission shall retain and deposit an administrative charge in
2488 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from
2489 an emergency services telecommunications charge under this section.

2490 (d) A charge under this section is subject to Section 69-2-5.8.

2491 (5) A provider of local exchange service switched access line services or radio
2492 communications access line services that fails to comply with this section is subject to penalties
2493 and interest as provided in Sections 59-1-401 and 59-1-402.

2494 (6) An emergency services telecommunications charge under this section on a mobile
2495 telecommunications service may be imposed, billed, and collected only to the extent permitted
2496 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2497 Section 52. Section 69-2-7 is amended to read:

2498 **69-2-7. Limitation of duties and liabilities.**

2499 Except as provided in Section 69-2-8, nothing contained in this chapter imposes any
2500 duties or liabilities beyond those otherwise specified by law upon any provider of local
2501 exchange service, radio communications service, voice over Internet protocol service, or
2502 terminal equipment needed to implement 911 emergency telephone service and the Utah
2503 statewide radio system and public safety communication network, created in Title 63H,
2504 Chapter 7a, Utah Communications Authority Act.

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