

UTAH COMMUNICATIONS AUTHORITY AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Utah Communications Authority Act.

Highlighted Provisions:

This bill:

- ▶ amends the method of appointing the chair of the Utah Communications Authority Board to appointment by the governor with consent by the Senate;
- ▶ requires the governor to rotate appointment of the chair, every three years, between a local government representative and a state representative;
- ▶ establishes that the executive director of the Utah Communications Authority is appointed by the board and serves at the pleasure of the chair;
- ▶ requires the Utah Communications Authority Board to create a comprehensive strategic plan;
- ▶ establishes requirements for the comprehensive strategic plan;
- ▶ requires each division of the Utah Communications Authority to contribute to the comprehensive strategic plan;
- ▶ requires yearly reports from the Utah Communications Authority Board to the Legislative Management Committee and the Executive Offices and Criminal Justice Appropriations Subcommittee;
- ▶ requires the Utah Communications Authority to report to the Legislative Executive Appropriations Committee before issuing bonds;



28 ▶ makes the Utah Communications Authority subject to the Utah Procurement Code
29 and the Utah Public Officers' and Employees' Ethics Act; and

30 ▶ requires the Utah Communications Authority to establish human resource
31 guidelines substantially similar to those that apply to state government.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **63H-7a-203**, as renumbered and amended by Laws of Utah 2015, Chapter 411

39 **63H-7a-204**, as renumbered and amended by Laws of Utah 2015, Chapter 411

40 **63H-7a-205**, as renumbered and amended by Laws of Utah 2015, Chapter 411

41 **63H-7a-206**, as enacted by Laws of Utah 2015, Chapter 450 and last amended by
42 Coordination Clause, Laws of Utah 2015, Chapter 450

43 **63H-7a-302**, as renumbered and amended by Laws of Utah 2015, Chapter 411

44 **63H-7a-402**, as enacted by Laws of Utah 2015, Chapter 411

45 **63H-7a-403**, as enacted by Laws of Utah 2015, Chapter 411

46 **63H-7a-502**, as enacted by Laws of Utah 2015, Chapter 411

47 **63H-7a-701**, as renumbered and amended by Laws of Utah 2015, Chapter 411

48 **63H-7a-803**, as renumbered and amended by Laws of Utah 2015, Chapter 411



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

51 Section 1. Section **63H-7a-203** is amended to read:

52 **63H-7a-203. Board established -- Terms -- Vacancies.**

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

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

56 (a) the member representatives elected as follows:

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

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

- 59 (B) has a leadership position with public safety communication experience;
- 60 (ii) one representative elected from each of the seven associations of government who:
- 61 (A) is in law enforcement, fire service, or a public safety answering point; and
- 62 (B) has a leadership position with public safety communication experience;
- 63 (iii) one representative of the Native American tribes elected by the representative of
- 64 tribal governments listed in Subsection 9-9-104.5(2);
- 65 (iv) one representative elected by the Utah National Guard;
- 66 (v) one representative elected by an association that represents fire chiefs;
- 67 (vi) one representative elected by an association that represents sheriffs;
- 68 (vii) one representative elected by an association that represents chiefs of police; and
- 69 (viii) one member elected by the 911 Advisory Committee created in Section
- 70 63H-7a-307; and
- 71 (b) seven state representatives appointed in accordance with Subsection (3).
- 72 (3) (a) (i) Six of the state representatives shall be appointed by the governor, with two
- 73 of the positions having an initial term of two years, two having an initial term of three years,
- 74 and one having an initial term of four years.
- 75 (ii) Successor state representatives shall each serve for a term of four years.
- 76 (iii) The six governor-appointed state representatives shall consist of:
- 77 (A) the executive director of the Utah Department of Transportation or the director's
- 78 designee;
- 79 (B) the commissioner of public safety or the commissioner's designee;
- 80 (C) the executive director of the Department of Natural Resources or the director's
- 81 designee;
- 82 (D) the executive director of the Department of Corrections or the director's designee;
- 83 (E) the chief information officer of the Department of Technology Services, or the
- 84 officer's designee; and
- 85 (F) the executive director of the Department of Health or the director's designee.
- 86 (b) The seventh state representative shall be the Utah State Treasurer or the treasurer's
- 87 designee.
- 88 (c) A vacancy on the board for a state representative shall be filled for the unexpired
- 89 term by the director of the department or the director's designee as described in Subsection

90 (3)(a)(iii).

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

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

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

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

100 [~~5) The board shall elect annually one of its members as chair.~~]

101 (5) (a) The governor shall, in accordance with Subsection (5)(b), appoint the chair of
102 the board with the consent of the Senate. The chair shall serve a three year term.

103 (b) (i) The governor shall make the initial selection of a chair from the one of the
104 members described in Subsection (2). After the initial selection of a chair, the governor shall
105 alternate the selection of the chair between a local member described in Subsection (2)(a) and a
106 state member described in Subsection (2)(b).

107 (ii) The chair shall serve at the pleasure of the governor.

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

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

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

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

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

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

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

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

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

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

125 Section 2. Section 63H-7a-204 is amended to read:

126 **63H-7a-204. Board -- Powers and duties.**

127 The board shall:

128 (1) manage the affairs and business of the authority consistent with this chapter

129 including adopting bylaws by a majority vote of its members;

130 (2) appoint an executive director to administer the authority, who shall serve at the
131 pleasure of the chair;

132 (3) receive and act upon reports covering the operations of the public safety

133 communications network and funds administered by the authority;

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

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

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

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

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

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

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

146 (11) adopt rules consistent with this chapter and in accordance with Title 63G, Chapter
147 3, Utah Administrative Rulemaking Act, for the management of the public safety

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

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

151 (13) provide for audits of the authority;

- 152 (14) establish the following divisions within the authority:
- 153 (a) 911 Division;
- 154 (b) Radio Network Division;
- 155 (c) Interoperability Division; and
- 156 (d) Administrative Services Division;
- 157 (15) establish a 911 advisory committee to the 911 Division in accordance with Section
- 158 [63H-7a-307](#);
- 159 (16) establish one or more advisory committees to the Radio Network Division in
- 160 accordance with Section [63H-7a-405](#); [~~and~~]
- 161 (17) establish one or more advisory committees to the Interoperability Division in
- 162 accordance with Section [63H-7a-504](#)~~[-]~~; and
- 163 (18) create and maintain a comprehensive strategic plan in accordance with Section
- 164 [63H-7a-206](#).

165 Section 3. Section **63H-7a-205** is amended to read:

166 **63H-7a-205. Executive director -- Powers and duties.**

167 The executive director shall:

- 168 (1) act as the executive officer of the authority;
- 169 (2) administer the various acts, systems, plans, programs, and functions assigned to the
- 170 office;
- 171 (3) recommend administrative rules and policies to the board, which are within the
- 172 authority granted by this title for the administration of the authority;
- 173 (4) recommend to the board any changes in the statutes affecting the authority;
- 174 (5) recommend to the board an annual administrative budget covering administration,
- 175 management, and operations of the public safety communications network and, upon approval
- 176 of the board, direct and control the subsequent expenditures of the budget;
- 177 (6) within the limitations of the budget, employ staff personnel, consultants, a financial
- 178 officer, and legal counsel to provide professional services and advice regarding the
- 179 administration of the authority; and
- 180 (7) submit an annual report, on or before November 1 of each year, to the Executive
- 181 Offices and Criminal Justice Appropriations Subcommittee and the Legislative Management
- 182 Committee, which shall be available to the public and shall include:

- 183 (a) the total aggregate surcharge collected by local entities in the state in the last fiscal
184 year under Sections 69-2-5 and 69-2-5.6;
- 185 (b) the amount of each disbursement from the restricted accounts;
- 186 (c) the recipient of each disbursement, or goods and services received, describing the
187 project for which money was disbursed, or goods and services provided;
- 188 (d) the conditions, if any, placed by a division, the authority, the executive director, or
189 the board on the disbursements from a restricted account;
- 190 (e) the anticipated expenditures from the restricted accounts for the next fiscal year;
- 191 (f) the amount of any unexpended funds carried forward;
- 192 (g) the goals for implementation of the statewide 911 emergency services and a
193 progress report of implementation of statewide 911 emergency services, including:
- 194 (i) fund balance or balance sheet from the emergency telephone service fund of each
195 agency that has imposed a levy under Section 69-2-5;
- 196 (ii) a report from each public safety answering point of annual call activity separating
197 wireless and land-based 911 call volumes; and
- 198 (iii) other relevant justification for ongoing support from the restricted accounts created
199 by Sections 63H-7a-303, 63H-7a-304, and 63H-7a-403; and
- 200 (h) the anticipated expenditures from the restricted accounts.

201 Section 4. Section 63H-7a-206 is amended to read:

202 **63H-7a-206. Functional consolidation of PSAPs study -- Creation of statewide**
203 **strategic plan.**

204 (1) As used in this section:

- 205 (a) "Functional consolidation" means the process of ensuring that disparate public
206 safety answering points and public safety dispatching centers work together in an efficient and
207 effective way.
- 208 (b) "PSAP operator":
- 209 (i) means a public agency that operates a PSAP; and
- 210 (ii) does not include an institution of higher education, a school district, or an airport
211 authority that operates a PSAP.

212 (2) Beginning on or after July 1, 2015, the board shall commission and oversee a
213 performance audit and study of the state's 911 emergency response system and related elements

214 of the public safety communications network, which shall include:

215 (a) a review of statutory provisions and efforts of the authority, executive director,
216 Utah 911 Division, and Interoperability Division regarding the assessment, planning, rules,
217 technology review, and standardization of the state's 911 emergency response system and
218 related elements of the public safety communications network;

219 (b) working with state and local stakeholders to determine potential cost savings and
220 increases in quality and efficiency that may be achieved by the functional consolidation of
221 PSAPs and dispatch centers throughout the state, including recommendations regarding:

222 (i) an efficient and effective public safety communications management structure to
223 ensure that high quality 911 emergency services are available to the state's citizens;

224 (ii) common standard operating procedures that ensure the least amount of call
225 processing time;

226 (iii) efficient methods to transfer calls between PSAPs and from a PSAP to a first
227 responder, regardless of jurisdiction;

228 (iv) uniformity of equipment and software protocols to accomplish seamless
229 functionality between computer aided dispatch systems;

230 (v) interoperable telephonic and radio systems to ensure coordination between
231 jurisdictions; and

232 (vi) how unnecessary duplication of services may be reduced or eliminated;

233 (c) making recommendations for inclusion in the comprehensive strategic plan required
234 by Subsection (6), which recommendations shall include for the state's 911 emergency
235 response system and related elements of the public safety communications network[~~which~~
236 ~~recommendations may include~~]:

237 (i) [~~how PSAPs may~~] whether the state's 911 emergency response system would
238 benefit from functional consolidation of PSAPs;

239 (ii) how PSAPs within designated regions may accept calls and provide emergency
240 communication services for first responders using interoperable equipment, software,
241 protocols, and standard operating procedures; and

242 (iii) how PSAPs, regardless of physical location, may operate on interoperable, shared,
243 or hosted technology platforms and with common policies to reduce the need to transfer calls
244 between PSAPs;

245 (d) describing and recommending potential solutions to the biggest impediments to
246 functional consolidation of PSAPs; and

247 (e) making recommendations regarding necessary personnel and associated job duties
248 within the authority.

249 (3) On or before July 1, 2016, the performance audit and study described in Subsection
250 (2) shall be completed and submitted by the board in writing to the Law Enforcement and
251 Criminal Justice Interim Committee and the Retirement and Independent Entities Interim
252 Committee.

253 (4) (a) Money from the Unified Statewide 911 Emergency Service Account created in
254 Section [63H-7a-304](#) may not be used to fund a new local PSAP, call taking, or dispatching
255 project before the completion of the performance audit and study described in Subsection (2),
256 unless the board determines that an exigent circumstance requires the allocation of funds.

257 (b) Money from the Unified Statewide 911 Emergency Service Account may be used to
258 fund ongoing maintenance of existing equipment and projects approved before July 1, 2015.

259 (5) After July 1, 2016, money spent from the Unified Statewide 911 Emergency
260 Service Account created in Section [63H-7a-304](#) for projects, including state and local PSAP
261 and dispatching projects, shall be made after consideration of the:

262 (a) recommendations of the performance audit and study described in Subsection (2);
263 and

264 (b) comprehensive strategic plan for the state's network 911 emergency response
265 system and related elements of the public safety communications network described in
266 Subsection ~~[(2)(c)]~~ (6).

267 (6) (a) The board shall establish and maintain a comprehensive strategic plan for the
268 state's network 911 emergency response system and related elements of the public safety
269 communications network.

270 (b) The comprehensive strategic plan under Subsection (6)(a) shall be created in
271 consultation with state and local stakeholders, the 911 Advisory Committee created under
272 Section [63H-7a-307](#), the Radio Network Advisory Committee created under Section
273 [63H-7a-405](#), and the Interoperability Advisory Committee created under Section [63H-7a-504](#).

274 (c) The board shall, on or before November 30, 2016, and on or before each November
275 30 thereafter, submit the state's comprehensive strategic plan to the Executive Offices and

276 Criminal Justice Appropriations Subcommittee and the Legislative Management Committee.

277 Section 5. Section **63H-7a-302** is amended to read:

278 **63H-7a-302. 911 Division duties and powers.**

279 (1) The 911 Division shall:

280 (a) review and make recommendations to the executive director:

281 (i) regarding:

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

284 (B) emerging technology; and

285 (C) expenditures from the restricted accounts created in Section **69-2-5.6** by the 911
286 Division on behalf of local public safety answering points in the state, with an emphasis on
287 efficiencies and coordination in a regional manner;

288 (ii) to assure implementation of a unified statewide 911 emergency services network;

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

290 (iv) regarding mapping systems and technology necessary to implement the unified
291 statewide 911 emergency services;

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

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

294 (ii) an annual plan for the programs funded by the Computer Aided Dispatch Restricted
295 Account created in Section **63H-7a-303** and the Unified Statewide 911 Emergency Service
296 Account created in Section **63H-7a-304**; and

297 (iii) information required by the director to contribute to the comprehensive strategic
298 plan described in Subsection **63H-7a-204(18)**;

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

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

307 (e) fulfill all other duties imposed on the 911 Division by this chapter.

308 (2) The 911 Division may recommend to the executive director to sell, lease, or
309 otherwise dispose of equipment or personal property purchased, leased, or belonging to the
310 authority that is related to funds expended from the restricted account created in Sections
311 69-2-5.5 and 69-2-5.6, the proceeds from which shall return to the respective restricted
312 accounts.

313 (3) The 911 Division may make recommendations to the executive director to own,
314 operate, or enter into contracts for the use of the funds expended from the restricted account
315 created in Section 69-2-5.5.

316 (4) (a) The 911 Division shall review information regarding:

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

319 (ii) network costs;

320 (iii) public safety answering point costs;

321 (iv) system engineering information; and

322 (v) a computer aided dispatch system.

323 (b) In accordance with Subsection (4)(a) the 911 Division may request:

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

326 (ii) information from public safety answering points related to the computer aided
327 dispatch system.

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

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

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

336 (b) administer the Computer Aided Dispatch Restricted Account created in Section
337 63H-7a-303, including rules that establish the criteria, standards, technology, and equipment

338 that a public safety answering point must adopt in order to qualify as a recipient of goods or
339 services that are funded from the restricted account.

340 (6) The board may authorize the 911 Division to employ an outside consultant to study
341 and advise the division on matters related to the 911 Division duties regarding the public safety
342 communications network.

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

345 Section 6. Section **63H-7a-402** is amended to read:

346 **63H-7a-402. Radio Network Division duties.**

347 (1) The Radio Network Division shall:

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

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

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

354 (iii) where economically feasible, utilizes existing infrastructure to avoid duplication of
355 facilities, equipment, and services of providers of communication services;

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

357 (i) an annual budget for the Radio Network Division; [~~and~~]

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

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

360 (iii) information required by the director to contribute to the comprehensive strategic
361 plan described in Subsection [63H-7a-204\(18\)](#);

362 (c) conduct bi-monthly meetings:

363 (i) including:

364 (A) if retained, a consultant assisting with the design and development of a public
365 safety radio network;

366 (B) all private and public vendors; and

367 (C) all public safety radio users;

368 (ii) for the purpose of discussing public safety radio network emerging technologies;

369 and

370 (iii) for which minutes shall be made available to the public;

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

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

377 (2) The Radio Network Division may:

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

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

383 (c) review information regarding:

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

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

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

388 (i) local and state entities; and

389 (ii) public safety agencies; and

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

391 (i) the public safety communications network;

392 (ii) radio technologies and services;

393 (iii) microwave connectivity;

394 (iv) fiber connectivity; and

395 (v) public safety communication network connectivity and usage.

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

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

400 Section 7. Section **63H-7a-403** is amended to read:

401 **63H-7a-403. Creation of Utah Statewide Radio System Restricted Account --**
402 **Administration -- Use of money.**

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

- 405 (a) money appropriated or otherwise made available by the Legislature; and
- 406 (b) contributions of money from federal agencies, political subdivisions of the state,
407 persons, or corporations.

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

- 411 (a) a public safety communications network and related facilities, real property,
412 improvements, and equipment necessary for the acquisition, construction, and operation of
413 services and facilities;
- 414 (b) installation, implementation, and maintenance of the public safety communications
415 network;
- 416 (c) maintaining the VHF and 800 MHz radio networks; and
- 417 (d) an operating budget to include personnel costs not otherwise covered by funds from
418 another account.

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

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

426 Section 8. Section **63H-7a-502** is amended to read:

427 **63H-7a-502. Interoperability Division duties.**

428 (1) The Interoperability Division shall:

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

- 431 (i) statewide interoperability coordination and FirstNet standards;
- 432 (ii) technical, administrative, fiscal, technological, network, and operational issues for
433 the implementation of statewide interoperability, coordination, and FirstNet;
- 434 (iii) assisting local agencies with the implementation and coordination of the
435 Interoperability Division responsibilities; and
- 436 (iv) training for the public safety communications network and unified statewide 911
437 emergency services;
- 438 (b) review information and records regarding:
- 439 (i) aggregate information of the number of service subscribers by service type in a
440 political subdivision;
- 441 (ii) matters related to statewide interoperability coordination;
- 442 (iii) matters related to FirstNet including advising the governor regarding FirstNet; and
- 443 (iv) training needs;
- 444 (c) prepare and submit to the executive director for approval by the board:
- 445 (i) an annual plan for the Interoperability Division; and
- 446 (ii) information required by the director to contribute to the comprehensive strategic
447 plan described in Subsection 63H-7a-204(18); and
- 448 (d) fulfill all other duties imposed on the Interoperability Division by this chapter.
- 449 (2) The Interoperability Division may:
- 450 (a) recommend to the executive director to own, operate, or enter into contracts related
451 to statewide interoperability, FirstNet, and training;
- 452 (b) request information needed under Subsection (1)(b)(i) from:
- 453 (i) the State Tax Commission; and
- 454 (ii) public safety agencies;
- 455 (c) employ an outside consultant to study and advise the Interoperability Division on:
- 456 (i) issues of statewide interoperability;
- 457 (ii) FirstNet; and
- 458 (iii) training; and
- 459 (d) request the board to appoint an advisory committee in accordance with Section
460 63H-7a-504.
- 461 (3) The information requested by and provided to the Interoperability Division under

462 Subsection (1)(b)(i) is a protected record in accordance with Section [63G-2-305](#).

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

465 Section 9. Section **63H-7a-701** is amended to read:

466 **63H-7a-701. Bond authorized -- Payment -- Security -- Liability -- Purpose --**
467 **Exemption from certain taxes.**

468 (1) (a) The authority shall report its intent to issue bonds under this part to the
469 Legislature's Executive Appropriations Committee prior to the board adopting a resolution to
470 issue a bond under Subsection [63H-7a-702](#).

471 (b) The Legislature's Executive Appropriations Committee may, but is not required to,
472 advise the board regarding the Executive Appropriations Committee's determination that:

473 (i) issuing a bond is necessary to carry out the duties and operation of the authority, and
474 the state's strategic plan adopted under Subsection [63H-7a-206\(6\)](#); or

475 (ii) issuing a bond is:

476 (A) not necessary to carry out the duties and operation of the authority, and the state's
477 strategic plan adopted under Subsection [63H-7a-206\(6\)](#); or

478 (B) not appropriate based on some other reason decided by the Executive
479 Appropriations Committee.

480 (c) Failure to comply with Subsections (1)(a) and (b) does not effect the validity of a
481 bond issued under the provisions of this part.

482 [(+)] (2) The authority may:

483 (a) issue bonds from time to time for any of its corporate purposes provided in Section
484 [63H-7a-102](#);

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

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

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

490 (ii) from its revenues generally.

491 [(2)] (3) Any bonds issued by the authority may be additionally secured by a pledge of
492 any loan, lease, grant, agreement, or contribution, in whole or in part, from the federal

493 government or other source, or a pledge of any income or revenue of the authority.

494 ~~[(3)]~~ (4) The officers of the authority and any person executing the bonds are not liable
495 personally on the bonds.

496 ~~[(4)]~~ (5) (a) The bonds and other obligations of the authority are not a debt of any
497 member or state representative of the authority, and do not constitute indebtedness for purposes
498 of any constitutional or statutory debt limitation or restrictions.

499 (b) The face of the bonds and other obligations shall state the provisions of Subsection
500 ~~[(4)]~~ (5)(a).

501 ~~[(5)]~~ (6) Any bonds of the authority shall be revenue obligations, payable solely from
502 the proceeds, revenues, or purchase and lease payments received by the authority for the public
503 safety communications network.

504 ~~[(6)]~~ (7) The full faith and credit of any member or state representative may not be
505 pledged directly or indirectly for the payment of the bonds.

506 ~~[(7)]~~ (8) A member or state representative may not incur any pecuniary liability under
507 this chapter until it enters into a service contract, lease, or other financing obligation with the
508 authority. Once a member enters into a service contract, lease, or other financing obligation
509 with the authority, the member shall be obligated to the authority as provided in that contract,
510 lease, or financing obligation.

511 ~~[(8)]~~ (9) A bond or obligation may not be made payable out of any funds or properties
512 other than those of the authority.

513 ~~[(9)]~~ (10) Bonds of the authority are:

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

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

518 ~~[(10)]~~ (11) The provisions of this chapter exempting the properties of the authority and
519 its bonds and interest and income on them from taxation shall be considered part of the
520 contract for the security of bonds and have the force of contract, by virtue of this part and
521 without the necessity of this being restated in the bonds, between the bondholders, including all
522 transferees of the bonds, the authority and the state.

523 Section 10. Section **63H-7a-803** is amended to read:

524 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

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

526 ~~[(b)]~~ (a) Title 63A, Utah Administrative Services Code, except as provided in Section
527 [63A-4-205.5](#);

528 ~~[(c) Title 63G, Chapter 6a, Utah Procurement Code, however, the authority shall adopt~~
529 ~~and follow an open and transparent purchasing policy which shall be published on the authority~~
530 ~~website;]~~

531 ~~[(d)]~~ (b) Title 63G, Chapter 4, Administrative Procedures Act; ~~[and]~~

532 ~~[(a)]~~ (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

533 ~~[(e)]~~ (d) Title 67, Chapter 19, Utah State Personnel Management Act.

534 (2) (a) The board shall adopt budgetary procedures, accounting, ~~[procurement,]~~ and
535 personnel and human resource policies substantially similar to those from which they have
536 been exempted in Subsection (1).

537 (b) The authority is subject to Title 67, Chapter 16, Utah Public Officers' and
538 Employees' Ethics Act.

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

Legislative Review Note
Office of Legislative Research and General Counsel