

### 3rd Sub. S.B. 198

## UTAH COMMUNICATIONS AUTHORITY AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 3

MARCH 8, 2017 10:36 AM

Representative **Mike K. McKell** proposes the following amendments:

1. Page 49, Line 1505 through Page 51, Line 1556:

- 1505            (1) The authority [~~shall have~~] has the power to:
- 1506            ~~{(1)}~~    (a)    sue and be sued in [its] the authority's own name;
- 1507            ~~{(2)}~~    (b)    have an official seal and power to alter that seal at will;
- 1508            ~~{(3)}~~    (c)    make and execute contracts and all other instruments necessary or convenient for
- 1509 the performance of [its] the authority's duties and the exercise of [its] the authority's powers
- 1510 and functions under this chapter, including contracts with [~~private companies licensed under~~
- 1511 ~~Title 26, Chapter 8a, Utah Emergency Medical Services System Act~~] public and private
- 1512 providers;
- 1513            ~~{(4)}~~    (d)    own, acquire, design, construct, operate, maintain, repair, and dispose of any
- 1514 portion of a public safety communications network utilizing technology that is fiscally prudent,
- 1515 upgradable, technologically advanced, redundant, and secure;
- 1516            ~~{(5)}~~    (e)    borrow money and incur indebtedness;
- 1517            [~~(6) issue bonds as provided in this chapter;~~]
- 1518            [(7)]    ~~{(6)}~~    (f)    enter into agreements with public agencies, private entities, the state, and
- 1519 federal government to provide public safety communications network services on terms and
- 1520 conditions [~~it~~] the authority considers to be in the best interest of [~~its members~~] the authority;
- 1521            [(8)]    ~~{(7)}~~    (g)    acquire, by gift, grant, purchase, or by exercise of eminent domain, any real
- 1522 property or personal property in connection with the acquisition and construction of a public
- 1523 safety communications network and all related facilities and rights-of-way [~~which it~~] that the
- 1524 authority owns, operates, and maintains;
- 1525            ~~{(8)}~~    (h)    sell public safety communications network capacity to a state agency or a political
- 1526 subdivision of the state if the sale is:
- 1527            ~~{(a)}~~    (i)    for a public safety purpose; and
- 1528            ~~{(b)}~~    (ii)    consistent with the authority's duties under this chapter;
- 1529            [~~(9) contract with other public agencies, the state, or federal government to provide~~
- 1530 ~~public safety communications network services in excess of those required to meet the needs or~~
- 1531 ~~requirements of its members and the state and federal government if:]~~
- 1532            [(a) ~~it is determined by the board to be necessary to accomplish the purposes and~~
- 1533 ~~realize the benefits of this chapter; and]~~
- 1534            [(b) ~~any excess is sold to other public agencies, the state, or federal government and is~~
- 1535 ~~sold on terms that assure:]~~

1536            [~~(i) that the excess services will be used only for the purposes and benefits authorized~~  
1537 ~~by the authority under Section 63H-7a-102; and]~~  
1538            [~~(ii) that the cost of providing the excess service will be received by the authority;~~  
1539            [~~(10) provide and maintain the public safety communications network for all state and~~  
1540 ~~local governmental agencies;~~  
1541            [~~(a) within the current authority network for the state and local governmental agencies~~  
1542 ~~that currently subscribe to the authority; and]~~  
1543            [~~(b) in a manner that:~~  
1544            [~~(i) promotes high quality, cost effective services; and]~~  
1545            [~~(ii) evaluates the benefits, costs, existing facilities and equipment, and services of~~  
1546 ~~public and private providers;~~  
1547            [~~(iii) where economically feasible, utilizes existing infrastructure to avoid duplication~~  
1548 ~~of facilities, equipment, and services of providers of communication services.;~~  
1549            [~~(11) maintain the current VHF and 800 MHz radio networks;~~  
1550            [~~(12)~~] {~~(9)~~} (i) review, approve, disapprove, or revise recommendations regarding the  
1551 expenditure of funds [~~under Sections 69-2-5.5 and 69-2-5.6 that are made by.;~~] disbursed by the  
1552 authority under this chapter; and  
1553            [~~(a) the 911 Division;~~  
1554            [~~(b) the Radio Network Division; and]~~  
1555            [~~(c) the Interoperability Division; and]~~  
1556            [~~(13)~~] {~~(10)~~} (j) perform all other duties authorized by this chapter.

**(2) The authority may not use excess public safety communications network capacity to sell, lease, or provide a telecommunication service that competes with a public or private provider unless the authority sells, leases, or provides the telecommunications service pursuant to:**

**(a) a contract or memorandum of understanding entered into by the authority before January 1, 2017; or**

**(b) a renewal of a contract or memorandum of understanding described in Subsection (2)(a).**