

Representative Brad L. Dee proposes the following substitute bill:

UTAH COMMUNICATIONS AUTHORITY AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: Kevin T. Van Tassell

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 consultation with the board and with consent by the Senate;
- ▶ requires the governor to rotate appointment of the chair, every two years, between a local government representative and a state representative;
- ▶ establishes that the executive director of the Utah Communications Authority is appointed by the chair and serves at the pleasure of the board;
- ▶ 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



26 Appropriations Subcommittee;

27 ▶ requires the Utah Communications Authority to report to the Legislative Executive
28 Appropriations Committee before issuing bonds;

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

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

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **63H-7a-203**, as renumbered and amended by Laws of Utah 2015, Chapter 411

40 **63H-7a-204**, as renumbered and amended by Laws of Utah 2015, Chapter 411

41 **63H-7a-205**, as renumbered and amended by Laws of Utah 2015, Chapter 411

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

44 **63H-7a-302**, as renumbered and amended by Laws of Utah 2015, Chapter 411

45 **63H-7a-402**, as enacted by Laws of Utah 2015, Chapter 411

46 **63H-7a-403**, as enacted by Laws of Utah 2015, Chapter 411

47 **63H-7a-502**, as enacted by Laws of Utah 2015, Chapter 411

48 **63H-7a-701**, as renumbered and amended by Laws of Utah 2015, Chapter 411

49 **63H-7a-803**, as renumbered and amended by Laws of Utah 2015, Chapter 411



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

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

53 **63H-7a-203. Board established -- Terms -- Vacancies.**

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

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

- 57 (a) the member representatives elected as follows:
- 58 (i) one representative elected from each county of the first and second class, who:
- 59 (A) is in law enforcement, fire service, or a public safety answering point; and
- 60 (B) has a leadership position with public safety communication experience;
- 61 (ii) one representative elected from each of the seven associations of government who:
- 62 (A) is in law enforcement, fire service, or a public safety answering point; and
- 63 (B) has a leadership position with public safety communication experience;
- 64 (iii) one representative of the Native American tribes elected by the representative of
- 65 tribal governments listed in Subsection 9-9-104.5(2);
- 66 (iv) one representative elected by the Utah National Guard;
- 67 (v) one representative elected by an association that represents fire chiefs;
- 68 (vi) one representative elected by an association that represents sheriffs;
- 69 (vii) one representative elected by an association that represents chiefs of police; and
- 70 (viii) one member elected by the 911 Advisory Committee created in Section

71 63H-7a-307; ~~H~~→ [and] ←~~H~~

72 (b) seven state representatives appointed in accordance with Subsection (3) ~~H~~→ ; and

72a **(c) two members selected as follows:**

72b **(i) one member who:**

72c **(A) may not have financial ties to a provider of telecommunication services; and**

72d **(B) may not have a relationship to a user of public safety telecommunications**

72e **services; and**

72f **(C) is selected by the speaker of the House of Representatives; and**

72g **(ii) one member who:**

72h **(A) may not have financial ties to a provider of telecommunication services; and**

72i **(B) may not have a relationship to a user of public safety telecommunications**

72j **services; and**

72k **(C) is selected by the president of the Senate** ←~~H~~ .

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

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

75 and ~~one~~ two having an initial term of four years.

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

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

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

79 designee;

- 80 (B) the commissioner of public safety or the commissioner's designee;
- 81 (C) the executive director of the Department of Natural Resources or the director's
82 designee;
- 83 (D) the executive director of the Department of Corrections or the director's designee;
- 84 (E) the chief information officer of the Department of Technology Services, or the
85 officer's designee; and
- 86 (F) the executive director of the Department of Health or the director's designee.
- 87 (b) The seventh state representative shall be the Utah State Treasurer or the treasurer's

88 designee.

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

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

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

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

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

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

102 (5) (a) The governor shall, in accordance with Subsection (5)(b) and after consultation
103 with the board, appoint the chair of the board with the consent of the Senate. The chair shall
104 serve a two year term and the appointment as chair will automatically extend the term of the
105 board member to coincide with the appointment as chair.

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

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

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

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

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

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

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

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

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

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

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

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

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

129 **63H-7a-204. Board -- Powers and duties.**

130 The board shall:

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

133 [~~(2)~~] ~~appoint an executive director to administer the authority;~~

134 [~~(3)~~] (2) receive and act upon reports covering the operations of the public safety
135 communications network and funds administered by the authority;

136 [~~(4)~~] (3) ensure that the public safety communications network and funds are
137 administered according to law;

138 [~~(5)~~] (4) examine and approve an annual operating budget for the authority;

139 [~~(6)~~] (5) receive and act upon recommendations of the [~~chair~~] director;

140 [~~(7)~~] (6) recommend to the governor and Legislature any necessary or desirable
141 changes in the statutes governing the public safety communications network;

142 [~~(8)~~] (7) develop broad policies for the long-term operation of the authority for the
143 performance of its functions;

144 [~~(9)~~] (8) make and execute contracts and other instruments on behalf of the authority,
145 including agreements with members and other entities;

146 [~~(10)~~] (9) authorize the borrowing of money, the incurring of indebtedness, and the
147 issuance of bonds as provided in this chapter;

148 [~~(11)~~] (10) adopt rules consistent with this chapter and in accordance with Title 63G,
149 Chapter 3, Utah Administrative Rulemaking Act, for the management of the public safety

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

152 ~~[(12)]~~ (11) exercise the powers and perform the duties conferred on it by this chapter;

153 ~~[(13)]~~ (12) provide for audits of the authority;

154 ~~[(14)]~~ (13) establish the following divisions within the authority:

155 (a) 911 Division;

156 (b) Radio Network Division;

157 (c) Interoperability Division; and

158 (d) Administrative Services Division;

159 ~~[(15)]~~ (14) establish a 911 advisory committee to the 911 Division in accordance with
 160 Section [63H-7a-307](#);

161 ~~[(16)]~~ (15) establish one or more advisory committees to the Radio Network Division
 162 in accordance with Section [63H-7a-405](#); ~~[and]~~

163 ~~[(17)]~~ (16) establish one or more advisory committees to the Interoperability Division
 164 in accordance with Section [63H-7a-504](#)~~[-]; and~~

165 (17) create, maintain and review annually a comprehensive multi-year strategic plan in
 166 consultation with state and local stakeholders, the 911 Advisory Committee created under
 167 Section [63H-7a-307](#), the Radio Network Advisory Committee created under Section
 168 [63H-7a-405](#), and the Interoperability Advisory Committee created under Section [63H-7a-504](#)
 169 that:

170 (a) coordinates the authorities activities and duties in the:

171 (i) 911 Division;

172 (ii) Radio Network Division;

173 (iii) Interoperability Division; and

174 (iv) Administrative Services Division; and

175 (b) the board updates each year.

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

177 **63H-7a-205. Executive director -- Appointment -- Powers and duties.**

178 The executive director shall:

179 (1) (a) be appointed by \hat{H} → ~~[the chair]~~ ← \hat{H} and serve at the pleasure of the board; and

180 (b) act as the executive officer of the authority;

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

183 (3) recommend administrative rules and policies to the board, which are within the
184 authority granted by this title for the administration of the authority;

185 (4) recommend to the board any changes in the statutes affecting the authority;

186 (5) recommend to the board an annual administrative budget covering administration,
187 management, and operations of the public safety communications network and, upon approval
188 of the board, direct and control the subsequent expenditures of the budget;

189 (6) within the limitations of the budget, employ staff personnel, consultants, a financial
190 officer, and legal counsel to provide professional services and advice regarding the
191 administration of the authority; and

192 (7) submit an annual report, on or before November 1 of each year, to the Executive
193 Offices and Criminal Justice Appropriations Subcommittee and the Legislative Management
194 Committee, which shall be available to the public and shall include:

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

197 (b) the amount of each disbursement from the restricted accounts;

198 (c) the recipient of each disbursement, or goods and services received, describing the
199 project for which money was disbursed, or goods and services provided;

200 (d) the conditions, if any, placed by a division, the authority, the executive director, or
201 the board on the disbursements from a restricted account;

202 (e) the anticipated expenditures from the restricted accounts for the next fiscal year;

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

204 (g) the goals for implementation of the authority strategic plan and the progress report
205 of accomplishments and updates to the plan, and a progress report of implementation of
206 statewide 911 emergency services, including:

207 (i) fund balance or balance sheet from the emergency telephone service fund of each
208 agency that has imposed a levy under Section 69-2-5;

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

211 (iii) other relevant justification for ongoing support from the restricted accounts created

212 by Sections 63H-7a-303, 63H-7a-304, and 63H-7a-403; and

213 (h) the anticipated expenditures from the restricted accounts.

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

215 **63H-7a-206. Functional consolidation of PSAPs study -- Creation of statewide**
216 **strategic plan.**

217 (1) As used in this section:

218 (a) "Functional consolidation" means the process of ensuring that disparate public
219 safety answering points and public safety dispatching centers work together in an efficient and
220 effective way.

221 (b) "PSAP operator":

222 (i) means a public agency that operates a PSAP; and

223 (ii) does not include an institution of higher education, a school district, or an airport
224 authority that operates a PSAP.

225 (2) Beginning on or after July 1, 2015, the board shall commission and oversee a
226 performance audit and study of the state's 911 emergency response system and related elements
227 of the public safety communications network, which shall include:

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

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

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

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

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

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

243 (v) interoperable telephonic and radio systems to ensure coordination between
244 jurisdictions; and

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

246 (c) making recommendations for inclusion in the comprehensive strategic plan required
247 by Subsection 63H-7a-204(17), which recommendations shall include for the state's 911
248 emergency response system and related elements of the public safety communications
249 network[~~, which recommendations may include~~]:

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

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

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

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

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

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

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

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

272 (5) After July 1, 2016, money spent from the Unified Statewide 911 Emergency
273 Service Account created in Section 63H-7a-304 for projects, including state and local PSAP

274 and dispatching projects, shall be made after consideration of the:

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

276 and

277 (b) comprehensive strategic plan for the state's network 911 emergency response
278 system and related elements of the public safety communications network described in
279 Subsection [(2)(c)] [63H-7a-204\(17\)](#).

280 (6) The board shall, on or before November 30, 2016, and on or before each November
281 30 thereafter, submit the state's comprehensive strategic plan to the Executive Offices and
282 Criminal Justice Appropriations Subcommittee and the Legislative Management Committee.

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

284 **63H-7a-302. 911 Division duties and powers.**

285 (1) The 911 Division shall:

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

287 (i) regarding:

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

290 (B) emerging technology; and

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

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

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

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

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

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

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

303 (iii) information required by the director to contribute to the comprehensive strategic
304 plan described in Subsection [63H-7a-204\(17\)](#);

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

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

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

314 (2) The 911 Division may recommend to the executive director to sell, lease, or
315 otherwise dispose of equipment or personal property purchased, leased, or belonging to the
316 authority that is related to funds expended from the restricted account created in Sections
317 69-2-5.5 and 69-2-5.6, the proceeds from which shall return to the respective restricted
318 accounts.

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

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

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

325 (ii) network costs;

326 (iii) public safety answering point costs;

327 (iv) system engineering information; and

328 (v) a computer aided dispatch system.

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

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

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

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

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

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

342 (b) administer the Computer Aided Dispatch Restricted Account created in Section
343 63H-7a-303, including rules that establish the criteria, standards, technology, and equipment
344 that a public safety answering point must adopt in order to qualify as a recipient of goods or
345 services that are funded from the restricted account.

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

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

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

352 **63H-7a-402. Radio Network Division duties.**

353 (1) The Radio Network Division shall:

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

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

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

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

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

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

364 (ii) an annual plan for the program funded by the Utah Statewide Radio System
365 Restricted Account created in Section 63H-7a-403; and

366 (iii) information required by the director to contribute to the comprehensive strategic

367 plan described in Subsection [63H-7a-204\(17\)](#);

368 (c) conduct bi-monthly meetings:

369 (i) including:

370 (A) if retained, a consultant assisting with the design and development of a public

371 safety radio network;

372 (B) all private and public vendors; and

373 (C) all public safety radio users;

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

375 and

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

377 (d) recommend to the executive director administrative rules for approval by the board

378 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer

379 the program funded by the restricted account created in Section [63H-7a-403](#), including rules

380 that establish the criteria, standards, technology, equipment, and services that will qualify for

381 goods or services that are funded from the restricted accounts; and

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

383 (2) The Radio Network Division may:

384 (a) recommend to the executive director to sell, lease, or otherwise dispose of

385 equipment or personal property purchased, leased, or belonging to the authority that is related

386 to the public safety communications network;

387 (b) recommend to the executive director to own, operate, or enter into contracts for the

388 public safety communications network;

389 (c) review information regarding:

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

391 subdivision; and

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

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

394 (i) local and state entities; and

395 (ii) public safety agencies; and

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

397 (i) the public safety communications network;

398 (ii) radio technologies and services;

399 (iii) microwave connectivity;

400 (iv) fiber connectivity; and

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

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

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

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

407 **63H-7a-403. Creation of Utah Statewide Radio System Restricted Account --**

408 **Administration -- Use of money.**

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

411 (a) money appropriated or otherwise made available by the Legislature; and

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

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

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

420 (b) installation, implementation, and maintenance of the public safety communications
421 network;

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

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

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

428 (b) Subject to an annual legislative appropriation from the restricted account to the

429 Administrative Services Division, the Administrative Services Division shall disburse the
430 money in the fund, based on the authorization of the board and the Radio Network Division
431 under Subsection [63H-7a-402\(1\)\(e\)](#)(d).

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

433 **63H-7a-502. Interoperability Division duties.**

434 (1) The Interoperability Division shall:

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

437 (i) statewide interoperability coordination and FirstNet standards;

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

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

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

444 (b) review information and records regarding:

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

447 (ii) matters related to statewide interoperability coordination;

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

449 (iv) training needs;

450 (c) prepare and submit to the executive director for approval by the board;

451 (i) an annual plan for the Interoperability Division; and

452 (ii) information required by the director to contribute to the comprehensive strategic
453 plan described in Subsection [63H-7a-204\(17\)](#); and

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

455 (2) The Interoperability Division may:

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

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

459 (i) the State Tax Commission; and

460 (ii) public safety agencies;
 461 (c) employ an outside consultant to study and advise the Interoperability Division on:
 462 (i) issues of statewide interoperability;
 463 (ii) FirstNet; and
 464 (iii) training; and
 465 (d) request the board to appoint an advisory committee in accordance with Section
 466 [63H-7a-504](#).

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

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

471 Section 9. Section [63H-7a-701](#) is amended to read:

472 **[63H-7a-701. Bond authorized -- Payment -- Security -- Liability -- Purpose --](#)**
 473 **[Exemption from certain taxes.](#)**

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

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

479 (i) issuing a bond is necessary to carry out the duties and operation of the authority, and
 480 the state's strategic plan adopted under Subsection [63H-7a-204\(17\)](#); or

481 (ii) issuing a bond is:

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

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

486 ~~Ĥ→ [(c) Failure to comply with Subsections (1)(a) and (b) does not effect the validity of a~~
 487 ~~bond issued under the provisions of this part.] ←Ĥ~~

488 [(†)] (2) The authority may:

489 (a) issue bonds from time to time for any of its corporate purposes provided in Section
 490 [63H-7a-102](#);

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

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

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

496 (ii) from its revenues generally.

497 [~~(2)~~] (3) Any bonds issued by the authority may be additionally secured by a pledge of
498 any loan, lease, grant, agreement, or contribution, in whole or in part, from the federal
499 government or other source, or a pledge of any income or revenue of the authority.

500 [~~(3)~~] (4) The officers of the authority and any person executing the bonds are not liable
501 personally on the bonds.

502 [~~(4)~~] (5) (a) The bonds and other obligations of the authority are not a debt of any
503 member or state representative of the authority, and do not constitute indebtedness for purposes
504 of any constitutional or statutory debt limitation or restrictions.

505 (b) The face of the bonds and other obligations shall state the provisions of Subsection
506 [~~(4)~~] (5)(a).

507 [~~(5)~~] (6) Any bonds of the authority shall be revenue obligations, payable solely from
508 the proceeds, revenues, or purchase and lease payments received by the authority for the public
509 safety communications network.

510 [~~(6)~~] (7) The full faith and credit of any member or state representative may not be
511 pledged directly or indirectly for the payment of the bonds.

512 [~~(7)~~] (8) A member or state representative may not incur any pecuniary liability under
513 this chapter until it enters into a service contract, lease, or other financing obligation with the
514 authority. Once a member enters into a service contract, lease, or other financing obligation
515 with the authority, the member shall be obligated to the authority as provided in that contract,
516 lease, or financing obligation.

517 [~~(8)~~] (9) A bond or obligation may not be made payable out of any funds or properties
518 other than those of the authority.

519 [~~(9)~~] (10) Bonds of the authority are:

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

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

524 ~~[(10)]~~ (11) The provisions of this chapter exempting the properties of the authority and
525 its bonds and interest and income on them from taxation shall be considered part of the
526 contract for the security of bonds and have the force of contract, by virtue of this part and
527 without the necessity of this being restated in the bonds, between the bondholders, including all
528 transferees of the bonds, the authority and the state.

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

530 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

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

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

533 ~~[(b)]~~ (a) Title 63A, Utah Administrative Services Code, except as provided in Section
534 [63A-4-205.5](#);

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

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

539 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

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

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

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

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