

**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

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**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; and
- 72 (b) seven state representatives appointed in accordance with Subsection (3).
- 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 the chair 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 (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.

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](#).