

HB0380S01 compared with HB0380

~~text~~ shows text that was in HB0380 but was deleted in HB0380S01.

text shows text that was not in HB0380 but was inserted into HB0380S01.

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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: _____

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 ~~three~~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 ~~board~~chair and serves at the pleasure of the ~~chair~~board;
- ▶ requires the Utah Communications Authority Board to create a comprehensive

HB0380S01 compared with HB0380

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;
- ▶ makes the Utah Communications Authority subject to the Utah Procurement Code and the Utah Public Officers' and Employees' Ethics Act; and
- ▶ requires the Utah Communications Authority to establish human resource guidelines substantially similar to those that apply to state government.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

HB0380S01 compared with HB0380

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

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

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

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

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

(a) the member representatives elected as follows:

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

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

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

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

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

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

(iii) one representative of the Native American tribes elected by the representative of tribal governments listed in Subsection 9-9-104.5(2);

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

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

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

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

(viii) one member elected by the 911 Advisory Committee created in Section 63H-7a-307; and

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

(3) (a) (i) Six of the state representatives shall be appointed by the governor, with two of the positions having an initial term of two years, two having an initial term of three years, and ~~one~~ two having an initial term of four years.

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

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

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

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

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

HB0380S01 compared with HB0380

designee;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) The board shall also elect a vice chair, secretary, and treasurer to perform those

HB0380S01 compared with HB0380

functions provided in the bylaws.

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

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

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

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

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

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

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

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

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

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

The board shall:

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

~~[(2) appoint an executive director to administer the authority {, who shall serve at the pleasure of the chair};]~~

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

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

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

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

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

~~[(8)]~~ [(7)] develop broad policies for the long-term operation of the authority for the

HB0380S01 compared with HB0380

performance of its functions;

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

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

~~[(11)]~~ (10) adopt rules consistent with this chapter and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the management of the public safety communications network in order to carry out the purposes of this chapter, and perform all other acts necessary for the administration of the public safety communications network;

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

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

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

- (a) 911 Division;
- (b) Radio Network Division;
- (c) Interoperability Division; and
- (d) Administrative Services Division;

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

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

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

~~[(18)]~~ (17) create ~~and~~ maintain and review annually a comprehensive multi-year strategic plan in ~~accordance with~~ consultation with state and local stakeholders, the 911 Advisory Committee created under Section ~~63H-7a-206~~ 63H-7a-307, the Radio Network Advisory Committee created under Section 63H-7a-405, and the Interoperability Advisory Committee created under Section 63H-7a-504 that:

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

- (i) 911 Division;
- (ii) Radio Network Division;
- (iii) Interoperability Division; and

HB0380S01 compared with HB0380

(iv) Administrative Services Division; and

(b) the board updates each year.

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

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

The executive director shall:

(1) (a) be appointed by the chair and serve at the pleasure of the board; and

(~~1~~)b act as the executive officer of the authority;

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

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

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

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

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

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

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

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

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

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

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

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

(g) the goals for implementation of the ~~{statewide 911 emergency services}~~ authority

HB0380S01 compared with HB0380

strategic plan and the progress report of accomplishments and updates to the plan, and a
progress report of implementation of statewide 911 emergency services, including:

- (i) fund balance or balance sheet from the emergency telephone service fund of each agency that has imposed a levy under Section 69-2-5;
- (ii) a report from each public safety answering point of annual call activity separating wireless and land-based 911 call volumes; and
- (iii) other relevant justification for ongoing support from the restricted accounts created by Sections 63H-7a-303, 63H-7a-304, and 63H-7a-403; and
- (h) the anticipated expenditures from the restricted accounts.

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

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

- (1) As used in this section:
 - (a) "Functional consolidation" means the process of ensuring that disparate public safety answering points and public safety dispatching centers work together in an efficient and effective way.
 - (b) "PSAP operator":
 - (i) means a public agency that operates a PSAP; and
 - (ii) does not include an institution of higher education, a school district, or an airport authority that operates a PSAP.
- (2) Beginning on or after July 1, 2015, the board shall commission and oversee a performance audit and study of the state's 911 emergency response system and related elements of the public safety communications network, which shall include:
 - (a) a review of statutory provisions and efforts of the authority, executive director, Utah 911 Division, and Interoperability Division regarding the assessment, planning, rules, technology review, and standardization of the state's 911 emergency response system and related elements of the public safety communications network;
 - (b) working with state and local stakeholders to determine potential cost savings and increases in quality and efficiency that may be achieved by the functional consolidation of PSAPs and dispatch centers throughout the state, including recommendations regarding:
 - (i) an efficient and effective public safety communications management structure to

HB0380S01 compared with HB0380

ensure that high quality 911 emergency services are available to the state's citizens;

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

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

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

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

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

(c) making recommendations for inclusion in the comprehensive strategic plan required by Subsection 63H-7a-204(6-17), which recommendations shall include for the state's 911 emergency response system and related elements of the public safety communications network~~[, which recommendations may include]~~:

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

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

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

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

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

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

(4) (a) Money from the Unified Statewide 911 Emergency Service Account created in

HB0380S01 compared with HB0380

Section 63H-7a-304 may not be used to fund a new local PSAP, call taking, or dispatching project before the completion of the performance audit and study described in Subsection (2), unless the board determines that an exigent circumstance requires the allocation of funds.

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

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

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

(b) comprehensive strategic plan for the state's network 911 emergency response system and related elements of the public safety communications network described in Subsection [(2)(c)] 63H-7a-204(~~6~~17).

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

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

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

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

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

(1) The 911 Division shall:

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

(i) regarding:

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

HB0380S01 compared with HB0380

(B) emerging technology; and

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

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

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

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

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

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

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

(iii) information required by the director to contribute to the comprehensive strategic plan described in Subsection 63H-7a-204(~~18~~17);

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

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

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

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

(3) The 911 Division may make recommendations to the executive director to own, operate, or enter into contracts for the use of the funds expended from the restricted account

HB0380S01 compared with HB0380

created in Section 69-2-5.5.

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

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

(ii) network costs;

(iii) public safety answering point costs;

(iv) system engineering information; and

(v) a computer aided dispatch system.

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

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

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

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

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

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

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

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

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

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

HB0380S01 compared with HB0380

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

(1) The Radio Network Division shall:

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

(i) promotes high quality, cost effective service;

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

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

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

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

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

(iii) information required by the director to contribute to the comprehensive strategic plan described in Subsection 63H-7a-204(~~18~~17);

(c) conduct bi-monthly meetings:

(i) including:

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

(B) all private and public vendors; and

(C) all public safety radio users;

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

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

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

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

HB0380S01 compared with HB0380

(2) The Radio Network Division may:

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

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

(c) review information regarding:

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

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

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

(i) local and state entities; and

(ii) public safety agencies; and

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

(i) the public safety communications network;

(ii) radio technologies and services;

(iii) microwave connectivity;

(iv) fiber connectivity; and

(v) public safety communication network connectivity and usage.

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

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

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

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

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

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

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

HB0380S01 compared with HB0380

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

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

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

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

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

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

- (1) The Interoperability Division shall:
 - (a) review and make recommendations to the executive director, for approval by the board, regarding:
 - (i) statewide interoperability coordination and FirstNet standards;
 - (ii) technical, administrative, fiscal, technological, network, and operational issues for the implementation of statewide interoperability, coordination, and FirstNet;
 - (iii) assisting local agencies with the implementation and coordination of the Interoperability Division responsibilities; and
 - (iv) training for the public safety communications network and unified statewide 911 emergency services;
 - (b) review information and records regarding:

HB0380S01 compared with HB0380

- (i) aggregate information of the number of service subscribers by service type in a political subdivision;
 - (ii) matters related to statewide interoperability coordination;
 - (iii) matters related to FirstNet including advising the governor regarding FirstNet; and
 - (iv) training needs;
- (c) prepare and submit to the executive director for approval by the board:
- (i) an annual plan for the Interoperability Division; and
 - (ii) information required by the director to contribute to the comprehensive strategic plan described in Subsection 63H-7a-204(~~18~~17); and
- (d) fulfill all other duties imposed on the Interoperability Division by this chapter.
- (2) The Interoperability Division may:
- (a) recommend to the executive director to own, operate, or enter into contracts related to statewide interoperability, FirstNet, and training;
 - (b) request information needed under Subsection (1)(b)(i) from:
 - (i) the State Tax Commission; and
 - (ii) public safety agencies;
 - (c) employ an outside consultant to study and advise the Interoperability Division on:
 - (i) issues of statewide interoperability;
 - (ii) FirstNet; and
 - (iii) training; and
 - (d) request the board to appoint an advisory committee in accordance with Section 63H-7a-504.
- (3) The information requested by and provided to the Interoperability Division under Subsection (1)(b)(i) is a protected record in accordance with Section 63G-2-305.
- (4) This section does not expand the authority of the State Tax Commission to request additional information from a telecommunication service provider.

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

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

(1) (a) The authority shall report its intent to issue bonds under this part to the Legislature's Executive Appropriations Committee prior to the board adopting a resolution to

HB0380S01 compared with HB0380

issue a bond under Subsection 63H-7a-702.

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

(i) issuing a bond is necessary to carry out the duties and operation of the authority, and the state's strategic plan adopted under Subsection ~~63H-7a-206~~ 63H-7a-204(~~6~~17); or

(ii) issuing a bond is:

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

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

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

~~[(1)]~~ (2) The authority may:

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

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

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

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

(ii) from its revenues generally.

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

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

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

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

HB0380S01 compared with HB0380

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

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

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

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

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

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

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

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

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

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

(1) The Utah Communications Authority is exempt from:

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

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

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

HB0380S01 compared with HB0380

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

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

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

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

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

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

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Legislative Review Note

~~Office of Legislative Research and General Counsel~~