

Senator Kevin T. Van Tassell 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;
- ▶ requires the Utah Communications Authority Board to create a comprehensive strategic plan;
- ▶ establishes requirements for the comprehensive strategic plan;
- ▶ requires each division of the Utah Communications Authority to contribute to the comprehensive strategic plan;
- ▶ requires yearly reports from the Utah Communications Authority Board to the Legislative Management Committee and the Executive Offices and Criminal Justice Appropriations Subcommittee;
- ▶ amends the 911 Advisory Committee, the Radio Network Advisory Committee, and



26 the Interoperability Advisory Committee;

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

29 ▶ makes the Utah Communications Authority Board and committee members subject
30 to the Utah Public Officers' and Employees' Ethics Act;

31 ▶ clarifies that the Utah Communications Authority is subject to the Utah
32 Procurement Code; and

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

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **63H-7a-203**, as renumbered and amended by Laws of Utah 2015, Chapter 411

42 **63H-7a-204**, as renumbered and amended by Laws of Utah 2015, Chapter 411

43 **63H-7a-205**, as renumbered and amended by Laws of Utah 2015, Chapter 411

44 **63H-7a-206**, as enacted by Laws of Utah 2015, Chapter 450 and last amended by
45 Coordination Clause, Laws of Utah 2015, Chapter 450

46 **63H-7a-302**, as renumbered and amended by Laws of Utah 2015, Chapter 411

47 **63H-7a-307**, as renumbered and amended by Laws of Utah 2015, Chapter 411

48 **63H-7a-402**, as enacted by Laws of Utah 2015, Chapter 411

49 **63H-7a-403**, as enacted by Laws of Utah 2015, Chapter 411

50 **63H-7a-405**, as enacted by Laws of Utah 2015, Chapter 411

51 **63H-7a-502**, as enacted by Laws of Utah 2015, Chapter 411

52 **63H-7a-504**, as enacted by Laws of Utah 2015, Chapter 411

53 **63H-7a-701**, as renumbered and amended by Laws of Utah 2015, Chapter 411

54 **63H-7a-803**, as renumbered and amended by Laws of Utah 2015, Chapter 411

55

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

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

58 **63H-7a-203. Board established -- Terms -- Vacancies.**

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

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

62 (a) the member representatives elected as follows:

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

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

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

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

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

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

69 (iii) one representative of the Native American tribes elected by the representative of
70 tribal governments listed in Subsection [9-9-104.5\(2\)](#);

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

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

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

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

75 (viii) one member elected by the 911 Advisory Committee created in Section

76 [63H-7a-307](#); [~~and~~]

77 (b) seven state representatives appointed in accordance with Subsection (3)~~[-]~~; and

78 (c) two members of the public selected as follows:

79 (i) one member who:

80 (A) may not have financial ties to a provider of telecommunication services;

81 (B) may not have a relationship to a user of public safety telecommunications services;

82 and

83 (C) is selected by the speaker of the House of Representatives; and

84 (ii) one member who:

85 (A) may not have financial ties to a provider of telecommunication services;

86 (B) may not have a relationship to a user of public safety telecommunications services;

87 and

88 (C) is selected by the president of the Senate.

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

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

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

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

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

97 (C) the executive director of the Department of Natural Resources or the director's
98 designee;

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

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

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

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

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

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

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

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

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

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

118 (5) (a) The governor shall, in accordance with Subsection (5)(b) and after consultation

119 with the board, appoint the chair of the board with the consent of the Senate. The chair shall
120 serve a two year term and the appointment as chair will automatically extend the term of the
121 board member to coincide with the appointment as chair.

122 (b) The governor shall make the initial selection of a chair from one of the members
123 described in Subsection (2). After the initial selection of a chair, the governor shall alternate the
124 selection of the chair between a local member described in Subsection (2)(c) and a state
125 member described in Subsection (2)(b).

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

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

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

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

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

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

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

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

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

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

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

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

145 **63H-7a-204. Board -- Powers and duties.**

146 The board shall:

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

149 (2) appoint an executive director to administer the authority;

- 150 (3) receive and act upon reports covering the operations of the public safety
151 communications network and funds administered by the authority;
- 152 (4) ensure that the public safety communications network and funds are administered
153 according to law;
- 154 (5) examine and approve an annual operating budget for the authority;
- 155 (6) receive and act upon recommendations of the ~~[chair]~~ director;
- 156 (7) recommend to the governor and Legislature any necessary or desirable changes in
157 the statutes governing the public safety communications network;
- 158 (8) develop broad policies for the long-term operation of the authority for the
159 performance of its functions;
- 160 (9) make and execute contracts and other instruments on behalf of the authority,
161 including agreements with members and other entities;
- 162 (10) authorize the borrowing of money, the incurring of indebtedness, and the issuance
163 of bonds as provided in this chapter;
- 164 (11) adopt rules consistent with this chapter and in accordance with Title 63G, Chapter
165 3, Utah Administrative Rulemaking Act, for the management of the public safety
166 communications network in order to carry out the purposes of this chapter, and perform all
167 other acts necessary for the administration of the public safety communications network;
- 168 (12) exercise the powers and perform the duties conferred on it by this chapter;
- 169 (13) provide for audits of the authority;
- 170 (14) establish the following divisions within the authority:
- 171 (a) 911 Division;
- 172 (b) Radio Network Division;
- 173 (c) Interoperability Division; and
- 174 (d) Administrative Services Division;
- 175 (15) establish a 911 advisory committee to the 911 Division in accordance with Section
176 [63H-7a-307](#);
- 177 (16) establish one or more advisory committees to the Radio Network Division in
178 accordance with Section [63H-7a-405](#); ~~[and]~~
- 179 (17) establish one or more advisory committees to the Interoperability Division in
180 accordance with Section [63H-7a-504](#)~~[-]~~;

181 (18) create, maintain and review annually a comprehensive multi-year strategic plan in
182 consultation with state and local stakeholders, the 911 Advisory Committee created under
183 Section 63H-7a-307, the Radio Network Advisory Committee created under Section
184 63H-7a-405, and the Interoperability Advisory Committee created under Section 63H-7a-504

185 that:

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

187 (i) 911 Division;

188 (ii) Radio Network Division;

189 (iii) Interoperability Division; and

190 (iv) Administrative Services Division; and

191 (b) includes a plan for:

192 (i) the communications network;

193 (ii) developing new systems;

194 (iii) expanding existing systems, including microwave- and fiber optics-based systems;

195 (iv) statewide interoperability;

196 (v) statewide coordination; and

197 (vi) FirstNet standards; and

198 (c) the board updates each year;

199 (19) each year, after the board submits the strategic plan described in Subsection (18)
200 to the Legislature, issue a request for proposals if a request for proposals is necessary to carry
201 out the strategic plan; and

202 (20) on or before November 30, 2016, and on or before each November 30 thereafter,
203 submit the state's strategic plan to the Executive Offices and Criminal Justice Appropriations
204 Subcommittee and the Legislative Management Committee.

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

206 **63H-7a-205. Executive director -- Appointment -- Powers and duties.**

207 The executive director shall:

208 (1) (a) serve at the pleasure of the board; and

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

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

- 212 (3) recommend administrative rules and policies to the board, which are within the
213 authority granted by this title for the administration of the authority;
- 214 (4) recommend to the board any changes in the statutes affecting the authority;
- 215 (5) recommend to the board an annual administrative budget covering administration,
216 management, and operations of the public safety communications network and, upon approval
217 of the board, direct and control the subsequent expenditures of the budget;
- 218 (6) within the limitations of the budget, employ staff personnel, consultants, a financial
219 officer, and legal counsel to provide professional services and advice regarding the
220 administration of the authority; and
- 221 (7) submit an annual report, on or before November 1 of each year, to the Executive
222 Offices and Criminal Justice Appropriations Subcommittee and the Legislative Management
223 Committee, which shall be available to the public and shall include:
- 224 (a) the total aggregate surcharge collected by local entities in the state in the last fiscal
225 year under Sections 69-2-5 and 69-2-5.6;
- 226 (b) the amount of each disbursement from the restricted accounts;
- 227 (c) the recipient of each disbursement, or goods and services received, describing the
228 project for which money was disbursed, or goods and services provided;
- 229 (d) the conditions, if any, placed by a division, the authority, the executive director, or
230 the board on the disbursements from a restricted account;
- 231 (e) the anticipated expenditures from the restricted accounts for the next fiscal year;
- 232 (f) the amount of any unexpended funds carried forward;
- 233 (g) the goals for implementation of the authority strategic plan and the progress report
234 of accomplishments and updates to the plan, and a progress report of implementation of
235 statewide 911 emergency services, including:
- 236 (i) fund balance or balance sheet from the emergency telephone service fund of each
237 agency that has imposed a levy under Section 69-2-5;
- 238 (ii) a report from each public safety answering point of annual call activity separating
239 wireless and land-based 911 call volumes; and
- 240 (iii) other relevant justification for ongoing support from the restricted accounts created
241 by Sections 63H-7a-303, 63H-7a-304, and 63H-7a-403; and
- 242 (h) the anticipated expenditures from the restricted accounts.

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

244 **63H-7a-206. Functional consolidation of PSAPs study -- Creation of statewide**
245 **strategic plan.**

246 (1) As used in this section:

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

250 (b) "PSAP operator":

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

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

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

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

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

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

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

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

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

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

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

275 (c) making recommendations for inclusion in the comprehensive strategic plan required
276 by Subsection 63H-7a-204(18), which recommendations shall include for the state's 911
277 emergency response system and related elements of the public safety communications
278 network~~[, which recommendations may include]~~;

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

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

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

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

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

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

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

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

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

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

305 and

306 (b) comprehensive strategic plan for the state's network 911 emergency response
307 system and related elements of the public safety communications network described in
308 Subsection ~~[(2)(c)]~~ 63H-7a-204(18).

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

310 **63H-7a-302. 911 Division duties and powers.**

311 (1) The 911 Division shall:

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

313 (i) regarding:

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

316 (B) emerging technology; and

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

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

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

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

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

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

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

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

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

334 (d) reimburse the state's Automated Geographic Reference Center in the Division of
335 Integrated Technology of the Department of Technology Services, an amount equal to 1 cent

336 per month levied on telecommunications service under Section 69-2-5.6 to enhance and
337 upgrade digital mapping standards for unified statewide 911 emergency service as required by
338 the division; and

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

340 (2) The 911 Division may recommend to the executive director to sell, lease, or
341 otherwise dispose of equipment or personal property purchased, leased, or belonging to the
342 authority that is related to funds expended from the restricted account created in Sections
343 69-2-5.5 and 69-2-5.6, the proceeds from which shall return to the respective restricted
344 accounts.

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

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

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

351 (ii) network costs;

352 (iii) public safety answering point costs;

353 (iv) system engineering information; and

354 (v) a computer aided dispatch system.

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

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

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

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

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

364 (a) administer the program funded by the Unified Statewide 911 Emergency Service
365 restricted account created in Section 63H-7a-304, including rules that establish the criteria,
366 standards, technology, and equipment that a public safety answering point in Utah must adopt

367 in order to qualify for goods or services that are funded from the restricted account; and

368 (b) administer the Computer Aided Dispatch Restricted Account created in Section
369 **63H-7a-303**, including rules that establish the criteria, standards, technology, and equipment
370 that a public safety answering point must adopt in order to qualify as a recipient of goods or
371 services that are funded from the restricted account.

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

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

377 Section 6. Section **63H-7a-307** is amended to read:

378 **63H-7a-307. 911 Advisory Committee -- Membership -- Duties.**

379 (1) There is created within the 911 Division the 911 Advisory Committee consisting of
380 the following members:

381 (a) one representative from a primary public safety answering point from each county
382 of the first and second class;

383 (b) one representative from a primary public safety answering point representing each
384 of the following:

385 (i) Bear River Association;

386 (ii) Uintah Basin Association;

387 (iii) South East Association;

388 (iv) Six County Association;

389 (v) Five County Association;

390 (vi) Mountainlands Association; and

391 (vii) Wasatch Front Regional Council; [~~and~~]

392 (c) one representative from the Department of Public Safety who represents a Utah
393 public safety answering point[.]; and

394 (d) representatives from providers, as described in Subsection (3).

395 (2) [~~(a)~~] Each advisory committee member shall be appointed as follows:

396 [~~(i)~~] (a) a member described in Subsection (1)(a) shall be appointed by the board from
397 a nominee or nominees submitted to the board by the council of government for that member's

398 county;

399 [(ii)] (b) the seven members described in Subsection (1)(b) shall be appointed by the
400 board from a nominee or nominees submitted to the board by the associations described in
401 Subsection (1)(b); ~~and~~

402 [(iii)] (c) the member described in Subsection (1)(c) shall be appointed by the board
403 based on the nomination from the public safety commissioner~~[-]; and~~

404 (d) the members described in Subsection (1)(d) shall be appointed by the board, as
405 provided in Subsection (3) and rules adopted by the board.

406 ~~[(b) The term of office of each member is four years.]~~

407 ~~[(c) Each mid-term vacancy shall be filled for the unexpired term in the same manner~~
408 ~~as an appointment under Subsection (2)(a).]~~

409 ~~[(3) (a) The 911 Advisory Committee members shall annually elect a chair for the~~
410 ~~advisory committee by selecting from the members described in Subsections (1)(a) through~~
411 ~~(c).]~~

412 ~~[(b) Staff and contracting services to the advisory committee shall be provided by the~~
413 ~~911 Division.]~~

414 ~~[(c) Funding for staff and contracting services shall be provided with funds approved~~
415 ~~by the board from those identified under Section [63H-7a-304](#).]~~

416 ~~[(4) (a) No advisory committee member may receive compensation or benefits for the~~
417 ~~member's service on the advisory committee.]~~

418 ~~[(b) A member is not required to give bond for the performance of official duties.]~~

419 ~~[(5) A majority of the advisory committee constitutes a quorum for voting purposes.]~~

420 ~~[(6) An advisory committee member can be removed from the advisory committee by~~
421 ~~the board based on rules adopted by the board.]~~

422 ~~[(7) The advisory committee shall:]~~

423 ~~[(a) provide input and guidance to the 911 Division concerning the public safety~~
424 ~~communications network;]~~

425 ~~[(b) advise the 911 Division regarding standards related to the public safety~~
426 ~~communications network;]~~

427 ~~[(c) review and make recommendations for the 911 Division's strategic plan;]~~

428 ~~[(d) provide information and evaluate industry trends related to the 911 Division's~~

429 responsibilities;]

430 [~~(e) advise the 911 Division regarding professional development; and]~~

431 [~~(f) make recommendations to the 911 Division regarding the development of~~
432 ~~cooperative partnerships.]~~

433 (3) The board shall appoint one or more members to the advisory committee under
434 Subsection (1)(d) who demonstrate a knowledge of highly technical communications network
435 systems, including one or more of the following:

436 (a) the operation of the systems;

437 (b) the technical specifications of the systems components;

438 (c) experience with communication network planning, including the development of
439 new systems and expansion of existing systems;

440 (d) knowledge of microwave -- and fiber optics -- based communications systems and
441 how the communications systems integrate across carrier circuits;

442 (e) a strong understanding of the 911 system; and

443 (f) experience with level of service agreements for telecommunications.

444 (4) (a) The term for each advisory committee member is four years. Each mid-term
445 vacancy shall be filled for the unexpired term in the same manner as an appointment under
446 Subsection (2).

447 (b) Staff and contracting services to the advisory committee shall be provided by the
448 911 Division.

449 (c) Funding for staff and contracting services shall be provided with funds approved by
450 the board from those identified under Section [63H-7a-304](#).

451 (d) No advisory committee member may receive compensation or benefits for the
452 member's service on the advisory committee and a member is not required to give bond for the
453 performance of the member's official duties.

454 (e) A majority of the advisory committee constitutes a quorum for voting purposes.

455 (f) An advisory committee member may be removed from the advisory committee by
456 the board based on rules adopted by the board.

457 (5) (a) The advisory committee shall elect co-chairs from the membership of the
458 advisory committee as follows:

459 (i) one co-chair shall represent the PSAP users; and

- 460 (ii) one co-chair shall represent the providers under Subsection (1)(d).
- 461 (b) The co-chairs shall report to the board on a regular basis.
- 462 (6) The advisory committee shall:
- 463 (a) provide input and guidance to the 911 Division concerning the public safety
- 464 communications network;
- 465 (b) advise the 911 Division regarding standards related to the public safety
- 466 communications network;
- 467 (c) review and make recommendations for the 911 Division's strategic plan;
- 468 (d) provide information and evaluate industry trends related to the 911 Division
- 469 responsibilities;
- 470 (e) advise the 911 Division regarding professional development;
- 471 (f) make recommendations to the 911 Division regarding the development of
- 472 cooperative partnerships; and
- 473 (g) make recommendations to the board in accordance with Subsection
- 474 [63H-7a-204](#)(18).

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

476 **63H-7a-402. Radio Network Division duties.**

477 (1) The Radio Network Division shall:

- 478 (a) provide and maintain the public safety communications network for state and local
- 479 government agencies within the authority network, including the existing VHF and 800 MHz
- 480 networks, in a manner that:
 - 481 (i) promotes high quality, cost effective service;
 - 482 (ii) evaluates the benefits, cost, existing facilities, equipment, and services of public
 - 483 and private providers; and
 - 484 (iii) where economically feasible, utilizes existing infrastructure to avoid duplication of
 - 485 facilities, equipment, and services of providers of communication services;
- 486 (b) prepare and submit to the executive director for approval by the board:
 - 487 (i) an annual budget for the Radio Network Division; [~~and~~]
 - 488 (ii) an annual plan for the program funded by the Utah Statewide Radio System
 - 489 Restricted Account created in Section [63H-7a-403](#); and
 - 490 (iii) information required by the director to contribute to the comprehensive strategic

491 plan described in Subsection [63H-7a-204\(18\)](#):
492 ~~[(e) conduct bi-monthly meetings:]~~
493 ~~[(i) including:]~~
494 ~~[(A) if retained, a consultant assisting with the design and development of a public~~
495 ~~safety radio network;]~~
496 ~~[(B) all private and public vendors; and]~~
497 ~~[(C) all public safety radio users;]~~
498 ~~[(ii) for the purpose of discussing public safety radio network emerging technologies;~~
499 ~~and]~~
500 ~~[(iii) for which minutes shall be made available to the public;]~~
501 ~~[(d)]~~ (c) recommend to the executive director administrative rules for approval by the
502 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
503 administer the program funded by the restricted account created in Section [63H-7a-403](#),
504 including rules that establish the criteria, standards, technology, equipment, and services that
505 will qualify for goods or services that are funded from the restricted accounts; and
506 ~~[(e)]~~ (d) fulfill other duties assigned to the Radio Network Division under this chapter.
507 (2) The Radio Network Division may:
508 (a) recommend to the executive director to sell, lease, or otherwise dispose of
509 equipment or personal property purchased, leased, or belonging to the authority that is related
510 to the public safety communications network;
511 (b) recommend to the executive director to own, operate, or enter into contracts for the
512 public safety communications network;
513 (c) review information regarding:
514 (i) in aggregate, the number of radio service subscribers by service type in a political
515 subdivision; and
516 (ii) matters related to the public safety communications network;
517 (d) in accordance with Subsection (2)(c), request information from:
518 (i) local and state entities; and
519 (ii) public safety agencies; and
520 (e) employ outside consultants to study and advise the division on issues related to:
521 (i) the public safety communications network;

- 522 (ii) radio technologies and services;
- 523 (iii) microwave connectivity;
- 524 (iv) fiber connectivity; and
- 525 (v) public safety communication network connectivity and usage.

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

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

530 Section 8. Section **63H-7a-403** is amended to read:

531 **63H-7a-403. Creation of Utah Statewide Radio System Restricted Account --**
532 **Administration -- Use of money.**

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

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

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

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

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

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

553 Administrative Services Division, the Administrative Services Division shall disburse the
554 money in the fund, based on the authorization of the board and the Radio Network Division
555 under Subsection ~~63H-7a-402(1)(e)~~(d).

556 Section 9. Section **63H-7a-405** is amended to read:

557 **63H-7a-405. Radio network advisory committees.**

558 ~~[(1)(a) The Radio Network Division may request the executive director to ask the
559 board to establish one or more technical advisory committees in accordance with this section.]~~

560 ~~[(b) If approved by the board under Subsection (1), the board may appoint any
561 combination of the following as members of the advisory committee:]~~

562 ~~[(i) local government officials;]~~

563 ~~[(ii) consumers;]~~

564 ~~[(iii) 911 public safety answering point personnel;]~~

565 ~~[(iv) law enforcement personnel;]~~

566 ~~[(v) firefighting personnel;]~~

567 ~~[(vi) emergency medical services personnel;]~~

568 ~~[(vii) emergency management personnel;]~~

569 ~~[(viii) information technology personnel and radio technicians; and]~~

570 ~~[(ix) other representatives selected by the board.]~~

571 ~~[(2)(a) The Radio Network Advisory Committee shall annually elect a chair for the
572 advisory committee by selecting from members described in Subsections (1)(b)(i) through
573 (viii).]~~

574 (1)(a) There is created within the Radio Network Division, the Radio Network
575 Advisory Committee composed of public safety radio system users and providers appointed by
576 the board in accordance with this section.

577 (b) The board shall select at least ten members of the advisory committee:

578 (i) no more than one of whom may be from the same company; and

579 (ii) who represent a balance between users of public safety radio systems and providers
580 of public safety radio systems and who meet the requirements of Subsection (2).

581 (2) The board shall appoint members to the advisory committee described in
582 Subsection (1)(b) who demonstrate a knowledge of highly technical communications network
583 systems, including one or more of the following:

- 584 (a) the operation of the systems;
585 (b) the technical specifications of the systems components;
586 (c) experience with communication network planning, including the development of
587 new systems and expansion of existing systems;
588 (d) knowledge of microwave -- and fiber optics -- based communications systems and
589 how the communications systems integrate across carrier circuits;
590 (e) a strong understanding of the public safety radio systems; and
591 (f) experience with level of service agreements for telecommunications.
592 (3) The term for each committee members is four years. Each mid-term vacancy shall
593 be filled for the unexpired term in the same manner as an appointment under Subsection (2).
594 ~~[(b)]~~ (4) (a) Staff and contracting services to the advisory committee shall be provided
595 by the Radio Network Division.
596 ~~[(c)]~~ (b) Funding for staff and contracting services shall be provided with funds
597 approved by the board from those identified under Section [63H-7a-403](#).
598 ~~[(3)]~~ (5) An advisory committee member:
599 (a) shall not receive compensation or benefits for the member's service on the advisory
600 committee;
601 (b) is not required to give bond for the performance of official duties; and
602 (c) can be removed from the advisory committee by the board based on rules adopted
603 by the board.
604 ~~[(4)]~~ (6) A majority of the advisory committee constitutes a quorum for voting
605 purposes.
606 (7) (a) The advisory committee shall elect co-chairs from the membership of the
607 committee as follows:
608 (i) one shall represent public safety radio system users; and
609 (ii) one shall represent providers.
610 (b) The co-chairs shall report to the board on a regular basis.
611 ~~[(5)]~~ (8) The advisory committee shall:
612 (a) provide input and guidance to the Radio Network Division concerning the public
613 safety communications network;
614 (b) advise the Radio Network Division regarding standards related to the public safety

615 communications network;

616 (c) review and make recommendations for the Radio Network Division's strategic plan;

617 (d) provide information and evaluate industry trends related to the Radio Network

618 Division's responsibilities;

619 (e) advise the Radio Network Division regarding professional development; [~~and~~]

620 (f) make recommendations regarding the development of cooperative partnerships[-];

621 and

622 (g) make recommendations to the board in accordance with Subsection

623 63H-7a-204(18).

624 Section 10. Section **63H-7a-502** is amended to read:

625 **63H-7a-502. Interoperability Division duties.**

626 (1) The Interoperability Division shall:

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

629 (i) statewide interoperability coordination and FirstNet standards;

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

632 (iii) assisting local agencies with the implementation and coordination of the

633 Interoperability Division responsibilities; and

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

636 (b) review information and records regarding:

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

639 (ii) matters related to statewide interoperability coordination;

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

641 (iv) training needs;

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

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

644 (ii) information required by the director to contribute to the comprehensive strategic

645 plan described in Subsection 63H-7a-204(18); and

- 646 (d) fulfill all other duties imposed on the Interoperability Division by this chapter.
- 647 (2) The Interoperability Division may:
- 648 (a) recommend to the executive director to own, operate, or enter into contracts related
- 649 to statewide interoperability, FirstNet, and training;
- 650 (b) request information needed under Subsection (1)(b)(i) from:
- 651 (i) the State Tax Commission; and
- 652 (ii) public safety agencies;
- 653 (c) employ an outside consultant to study and advise the Interoperability Division on:
- 654 (i) issues of statewide interoperability;
- 655 (ii) FirstNet; and
- 656 (iii) training; and
- 657 (d) request the board to appoint an advisory committee in accordance with Section
- 658 [63H-7a-504](#).

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

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

663 Section 11. Section [63H-7a-504](#) is amended to read:

664 **[63H-7a-504. Interoperability advisory committees.](#)**

665 [~~(1) (a) The Interoperability Division may request the board to establish one or more~~
666 ~~temporary advisory committees in accordance with this section.~~]

667 [~~(b) If approved by the board under Subsection (1)(a), the board may appoint any~~
668 ~~combination of the following as members of the advisory committee:~~]

669 [~~(i) local government officials;~~]

670 [~~(ii) consumers;~~]

671 [~~(iii) 911 public safety answering point personnel;~~]

672 [~~(iv) law enforcement personnel;~~]

673 [~~(v) firefighting personnel;~~]

674 [~~(vi) emergency medical services personnel;~~]

675 [~~(vii) emergency management personnel;~~]

676 [~~(viii) information technology personnel and radio technicians; and]~~

677 ~~[(ix) other representatives selected by the board. (c)]~~

678 (1) (a) There is created within the Interoperability Division, the Interoperability
679 Advisory Committee composed of public safety communications network users and providers
680 appointed by the board in accordance with this section.

681 (b) The board shall appoint a minimum of ten members to the advisory committee:

682 (i) no more than one of whom may be from the same company; and

683 (ii) who represent a balance between public safety communications network users and
684 providers and who meet the requirements of Subsection (2).

685 (2) The board shall appoint members to the advisory committee described in
686 Subsection (1)(b) who demonstrate a knowledge of highly technical communications network
687 systems including one or more of the following:

688 (a) the operation of the systems;

689 (b) the technical specifications of the systems components;

690 (c) experience with communication network planning, including the development of
691 new systems and expansion of existing systems;

692 (d) knowledge of microwave -- and fiber optics -- based communications systems and
693 how the communications systems integrate across carrier circuits;

694 (e) a strong understanding of the public safety communications network; and

695 (f) experience with level of service agreements for telecommunications.

696 (3) The term for each advisory committee member is four years. Each mid-term
697 vacancy shall be filled for the unexpired term in the same manner as an appointment under
698 Subsection (1)(b).

699 (4) A member appointed to an advisory committee:

700 ~~[(i)]~~ (a) shall not receive compensation or benefits for the member's service on the
701 advisory committee;

702 ~~[(ii)]~~ (b) is not required to give bond for the performance of official duties; and

703 ~~[(iii)]~~ (c) can be removed from the advisory committee by the board based on rules
704 adopted by the board.

705 ~~[(2)(a) The Interoperability Advisory Committee shall annually elect a chair for the~~
706 ~~advisory committee by selecting from the members described in Subsections (1)(b)(i) through~~
707 ~~(viii).]~~

708 ~~[(b)]~~ (5) Staff and contracting services to the advisory committee shall be provided by
709 the Interoperability Division.

710 ~~[(c)]~~ (6) Funding for staff and contracting services shall be provided with funds
711 approved by the board from those identified under Section [63H-7a-602](#).

712 ~~[(3)]~~ (7) A majority of the advisory committee constitutes a quorum for voting
713 purposes.

714 (8) (a) The advisory committee shall elect co-chairs from the membership of the
715 committee as follows:

716 (i) one shall represent public safety communications network users; and

717 (ii) one shall represent providers.

718 (b) The co-chairs shall report to the board on a regular basis.

719 ~~[(4)]~~ (9) The advisory committee shall:

720 (a) provide input and guidance to the Interoperability Division concerning the public
721 safety communications network;

722 (b) advise the Interoperability Division regarding standards related to the public safety
723 communications network;

724 (c) review and make recommendations for the Interoperability Division's strategic plan;

725 (d) provide information and evaluate industry trends related to the Interoperability
726 Division's responsibilities;

727 (e) advise the Interoperability Division regarding professional development; ~~[and]~~

728 (f) make recommendations regarding the development of cooperative partnerships[-];
729 and

730 (g) make recommendations to the board in accordance with Subsection
731 [63H-7a-204\(18\)](#).

732 Section 12. Section **63H-7a-701** is amended to read:

733 **63H-7a-701. Bond authorized -- Payment -- Security -- Liability -- Purpose --**
734 **Exemption from certain taxes.**

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

738 (b) The Legislature's Executive Appropriations Committee may, but is not required to,

739 advise the board regarding the Executive Appropriations Committee's determination that:

740 (i) issuing a bond is necessary to carry out the duties and operation of the authority, and
741 the state's strategic plan adopted under Subsection 63H-7a-204(18); or

742 (ii) issuing a bond is:

743 (A) not necessary to carry out the duties and operation of the authority, and the state's
744 strategic plan adopted under Subsection 63H-7a-204(18); or

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

747 ~~[(1)]~~ (2) The authority may:

748 (a) issue bonds from time to time for any of its corporate purposes provided in Section
749 63H-7a-102;

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

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

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

755 (ii) from its revenues generally.

756 ~~[(2)]~~ (3) Any bonds issued by the authority may be additionally secured by a pledge of
757 any loan, lease, grant, agreement, or contribution, in whole or in part, from the federal
758 government or other source, or a pledge of any income or revenue of the authority.

759 ~~[(3)]~~ (4) The officers of the authority and any person executing the bonds are not liable
760 personally on the bonds.

761 ~~[(4)]~~ (5) (a) The bonds and other obligations of the authority are not a debt of any
762 member or state representative of the authority, and do not constitute indebtedness for purposes
763 of any constitutional or statutory debt limitation or restrictions.

764 (b) The face of the bonds and other obligations shall state the provisions of Subsection
765 ~~[(4)]~~ (5)(a).

766 ~~[(5)]~~ (6) Any bonds of the authority shall be revenue obligations, payable solely from
767 the proceeds, revenues, or purchase and lease payments received by the authority for the public
768 safety communications network.

769 ~~[(6)]~~ (7) The full faith and credit of any member or state representative may not be

770 pledged directly or indirectly for the payment of the bonds.

771 ~~[(7)]~~ (8) A member or state representative may not incur any pecuniary liability under
772 this chapter until it enters into a service contract, lease, or other financing obligation with the
773 authority. Once a member enters into a service contract, lease, or other financing obligation
774 with the authority, the member shall be obligated to the authority as provided in that contract,
775 lease, or financing obligation.

776 ~~[(8)]~~ (9) A bond or obligation may not be made payable out of any funds or properties
777 other than those of the authority.

778 ~~[(9)]~~ (10) Bonds of the authority are:

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

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

783 ~~[(10)]~~ (11) The provisions of this chapter exempting the properties of the authority and
784 its bonds and interest and income on them from taxation shall be considered part of the
785 contract for the security of bonds and have the force of contract, by virtue of this part and
786 without the necessity of this being restated in the bonds, between the bondholders, including all
787 transferees of the bonds, the authority and the state.

788 Section 13. Section **63H-7a-803** is amended to read:

789 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

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

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

792 ~~[(b)]~~ (a) Title 63A, Utah Administrative Services Code, except as provided in Section
793 [63A-4-205.5](#);

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

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

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

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

800 (2) (a) The board shall adopt budgetary procedures, accounting, ~~[procurement,]~~ and

801 personnel and human resource policies substantially similar to those from which they have
802 been exempted in Subsection (1).

803 (b) The authority, the board, and the committee members are subject to Title 67,
804 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

805 (c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.

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