

1 **UTAH COMMUNICATIONS AUTHORITY GOVERNANCE**

2 **AMENDMENTS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Kevin T. Van Tassell**

6 House Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Utah Communications Authority Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends the method of appointing the chair of the Utah Communications Authority
14 Board to appointment by the governor with consent by the Senate;
- 15 ▶ requires the governor to rotate appointment of the chair, every three years, between
16 a local government representative and a state representative;
- 17 ▶ establishes that the executive director of the Utah Communications Authority is
18 appointed by the board and serves at the pleasure of the chair;
- 19 ▶ requires the Utah Communications Authority Board to create a comprehensive
20 strategic plan;
- 21 ▶ establishes requirements for the comprehensive strategic plan;
- 22 ▶ requires each division of the Utah Communications Authority to contribute to the
23 comprehensive strategic plan;
- 24 ▶ requires yearly reports from the Utah Communications Authority Board to the
25 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 ▶ requires the Utah Communications Authority Board to establish a technical advisory
30 committee;

31 ▶ makes the Utah Communications Authority subject to the Utah Procurement Code
32 and the Utah Public Officers' and Employees' Ethics Act; 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-402**, as enacted by Laws of Utah 2015, Chapter 411

48 **63H-7a-403**, as enacted by Laws of Utah 2015, Chapter 411

49 **63H-7a-405**, as enacted by Laws of Utah 2015, Chapter 411

50 **63H-7a-502**, as enacted by Laws of Utah 2015, Chapter 411

51 **63H-7a-701**, as renumbered and amended by Laws of Utah 2015, Chapter 411

52 **63H-7a-803**, as renumbered and amended by Laws of Utah 2015, Chapter 411



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

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

56 **63H-7a-203. Board established -- Terms -- Vacancies.**

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

58 (2) The board shall consist of the following individuals, who may not be employed by

59 the authority or any office or division of the authority:

60 (a) the member representatives elected as follows:

61 (i) one representative elected from each county of the first and second class, 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 (ii) one representative elected from each of the seven associations of government who:

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

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

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

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

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

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

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

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

74 63H-7a-307; and

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

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

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

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

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

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

84 (C) the executive director of the Department of Natural Resources or the director's
85 designee;

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

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

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

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

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

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

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

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

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

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

105 (5) (a) The governor shall, in accordance with Subsection (5)(b), appoint the chair of
106 the board with the consent of the Senate. The chair shall serve a \hat{S} → [three-year] two year ← \hat{S}
106a term.

107 (b) (i) The governor shall make the initial selection of a chair from \hat{S} → [the] ← \hat{S} one of the
108 members described in Subsection (2). After the initial selection of a chair, the governor shall
109 alternate the selection of the chair between a local member described in Subsection (2)(a) and a
110 state member described in Subsection (2)(b).

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

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

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

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

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

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

120 (8) Each member representative and state representative shall have one vote, including

121 the chair, at all meetings of the board.

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

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

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

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

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

130 **63H-7a-204. Board -- Powers and duties.**

131 The board shall:

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

134 (2) appoint an executive director to administer the authority, who shall serve at the
135 pleasure of the chair;

136 (3) receive and act upon reports covering the operations of the public safety
137 communications network and funds administered by the authority;

138 (4) ensure that the public safety communications network and funds are administered
139 according to law;

140 (5) examine and approve an annual operating budget for the authority;

141 (6) receive and act upon recommendations of the chair;

142 (7) recommend to the governor and Legislature any necessary or desirable changes in
143 the statutes governing the public safety communications network;

144 (8) develop broad policies for the long-term operation of the authority for the
145 performance of its functions;

146 (9) make and execute contracts and other instruments on behalf of the authority,
147 including agreements with members and other entities;

148 (10) authorize the borrowing of money, the incurring of indebtedness, and the issuance
149 of bonds as provided in this chapter;

150 (11) adopt rules consistent with this chapter and in accordance with Title 63G, Chapter
151 3, Utah Administrative Rulemaking Act, for the management of the public safety

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

154 (12) exercise the powers and perform the duties conferred on it by this chapter;

155 (13) provide for audits of the authority;

156 (14) establish the following divisions within the authority:

157 (a) 911 Division;

158 (b) Radio Network Division;

159 (c) Interoperability Division; and

160 (d) Administrative Services Division;

161 (15) establish a 911 advisory committee to the 911 Division in accordance with Section
162 63H-7a-307;

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

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

167 (18) create, maintain, and review annually a comprehensive multi-year strategic plan in
168 consultation with state and local stakeholders, the 911 Advisory Committee created under
169 Section 63H-7a-307, the Radio Network Advisory Committee created under Section
170 63H-7a-405, and the Interoperability Advisory Committee created under Section 63H-7a-504
171 that:

172 (a) coordinates the authority's activities and duties in the:

173 (i) 911 Division;

174 (ii) Radio Network Division;

175 (iii) Interoperability Division; and

176 (iv) Administrative Services Division; and

177 (b) the board updates each year.

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

179 **63H-7a-205. Executive director -- Powers and duties.**

180 The executive director shall:

181 (1) act as the executive officer of the authority;

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

183 office;

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

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

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

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

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

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

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

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

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

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

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

205 (g) the goals for implementation of the statewide 911 emergency services and a
206 progress report of implementation of 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 (6), which recommendations shall include for the state's 911 emergency
248 response system and related elements of the public safety communications network~~[, which~~
249 ~~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).

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 executive director to contribute to the comprehensive
304 strategic plan described in Subsection **63H-7a-204**(18);

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 executive director to contribute to the comprehensive
367 strategic plan described in Subsection 63H-7a-204(18);

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-405** is amended to read:

433 **63H-7a-405. Radio network advisory committees.**

434 ~~[(1) (a) The Radio Network Division may request the executive director to ask the~~
435 ~~board to establish one or more]~~

436 (1) (a) The executive director shall establish a technical advisory [committees]
437 committee composed of nine members appointed by the board in accordance with this section.

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

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

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

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

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

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

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

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

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

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

449 (b) The board shall appoint nine members of the public to the technical advisory
450 committee described in Subsection (1)(a) who demonstrate:

451 (i) knowledge of highly technical communications network systems, including:

452 (A) the operation of the systems; and

453 (B) the technical specifications of the systems' components;

454 (ii) experience with communication network planning, including the development of
455 new systems and the expansion of existing systems;

456 (iii) knowledge of microwave- and fiber optics-based communications systems and
457 how the communications systems integrate across carrier circuits;

458 (iv) a strong understanding of the public safety radio system; and

459 (v) experience with level of service agreements for telecommunications.

460 (2) (a) The Radio Network Advisory Committee shall annually elect a chair for the
461 advisory committee by selecting from members described in Subsections (1)(b)(i) through

462 (viii).

463 (b) Staff and contracting services to the advisory committee shall be provided by the
464 Radio Network Division.

465 (c) Funding for staff and contracting services shall be provided with funds approved by
466 the board from those identified under Section 63H-7a-403.

467 (3) An advisory committee member:

468 (a) shall not receive compensation or benefits for the member's service on the advisory
469 committee;

470 (b) is not required to give bond for the performance of official duties; and

471 (c) can be removed from the advisory committee by the board based on rules adopted
472 by the board.

473 (4) A majority of the advisory committee constitutes a quorum for voting purposes.

474 (5) The advisory committee shall:

475 (a) provide input and guidance to the Radio Network Division concerning the public
476 safety communications network;

477 (b) advise the Radio Network Division regarding standards related to the public safety
478 communications network;

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

480 (d) provide information and evaluate industry trends related to the Radio Network
481 Division's responsibilities;

482 (e) advise the Radio Network Division regarding professional development; and

483 (f) make recommendations regarding the development of cooperative partnerships.

484 Section 9. Section 63H-7a-502 is amended to read:

485 **63H-7a-502. Interoperability Division duties.**

486 (1) The Interoperability Division shall:

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

489 (i) statewide interoperability coordination and FirstNet standards;

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

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

- 493 Interoperability Division responsibilities; and
- 494 (iv) training for the public safety communications network and unified statewide 911
495 emergency services;
- 496 (b) review information and records regarding:
- 497 (i) aggregate information of the number of service subscribers by service type in a
498 political subdivision;
- 499 (ii) matters related to statewide interoperability coordination;
- 500 (iii) matters related to FirstNet including advising the governor regarding FirstNet; and
- 501 (iv) training needs;
- 502 (c) prepare and submit to the executive director for approval by the board:
- 503 (i) an annual plan for the Interoperability Division; and
- 504 (ii) information required by the executive director to contribute to the comprehensive
505 strategic plan described in Subsection 63H-7a-204(18); and
- 506 (d) fulfill all other duties imposed on the Interoperability Division by this chapter.
- 507 (2) The Interoperability Division may:
- 508 (a) recommend to the executive director to own, operate, or enter into contracts related
509 to statewide interoperability, FirstNet, and training;
- 510 (b) request information needed under Subsection (1)(b)(i) from:
- 511 (i) the State Tax Commission; and
- 512 (ii) public safety agencies;
- 513 (c) employ an outside consultant to study and advise the Interoperability Division on:
- 514 (i) issues of statewide interoperability;
- 515 (ii) FirstNet; and
- 516 (iii) training; and
- 517 (d) request the board to appoint an advisory committee in accordance with Section
518 [63H-7a-504](#).
- 519 (3) The information requested by and provided to the Interoperability Division under
520 Subsection (1)(b)(i) is a protected record in accordance with Section [63G-2-305](#).
- 521 (4) This section does not expand the authority of the State Tax Commission to request
522 additional information from a telecommunication service provider.
- 523 Section 10. Section **63H-7a-701** is amended to read:

524 **63H-7a-701. Bond authorized -- Payment -- Security -- Liability -- Purpose --**
525 **Exemption from certain taxes.**

526 (1) (a) The authority shall report the authority's intent to issue bonds under this part to
527 the Executive Appropriations Committee before the board adopting a resolution to issue a bond
528 under Section [63H-7a-702](#).

529 (b) The Executive Appropriations Committee may advise the board regarding the
530 Executive Appropriations Committee's determination that:

531 (i) issuing a bond is necessary to carry out the duties and operation of the authority and
532 the state's strategic plan adopted under Subsection [63H-7a-206\(6\)](#); or

533 (ii) issuing a bond is:

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

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

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

540 ~~[(1)]~~ (2) The authority may:

541 (a) issue bonds from time to time for any of its corporate purposes provided in Section
542 [63H-7a-102](#);

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

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

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

548 (ii) from its revenues generally.

549 ~~[(2)]~~ (3) Any bonds issued by the authority may be additionally secured by a pledge of
550 any loan, lease, grant, agreement, or contribution, in whole or in part, from the federal
551 government or other source, or a pledge of any income or revenue of the authority.

552 ~~[(3)]~~ (4) The officers of the authority and any person executing the bonds are not liable
553 personally on the bonds.

554 ~~[(4)]~~ (5) (a) The bonds and other obligations of the authority are not a debt of any

555 member or state representative of the authority, and do not constitute indebtedness for purposes
556 of any constitutional or statutory debt limitation or restrictions.

557 (b) The face of the bonds and other obligations shall state the provisions of Subsection
558 [~~(4)~~] (5)(a).

559 [~~(5)~~] (6) Any bonds of the authority shall be revenue obligations, payable solely from
560 the proceeds, revenues, or purchase and lease payments received by the authority for the public
561 safety communications network.

562 [~~(6)~~] (7) The full faith and credit of any member or state representative may not be
563 pledged directly or indirectly for the payment of the bonds.

564 [~~(7)~~] (8) A member or state representative may not incur any pecuniary liability under
565 this chapter until it enters into a service contract, lease, or other financing obligation with the
566 authority. Once a member enters into a service contract, lease, or other financing obligation
567 with the authority, the member shall be obligated to the authority as provided in that contract,
568 lease, or financing obligation.

569 [~~(8)~~] (9) A bond or obligation may not be made payable out of any funds or properties
570 other than those of the authority.

571 [~~(9)~~] (10) Bonds of the authority are:

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

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

576 [~~(10)~~] (11) The provisions of this chapter exempting the properties of the authority and
577 its bonds and interest and income on them from taxation shall be considered part of the
578 contract for the security of bonds and have the force of contract, by virtue of this part and
579 without the necessity of this being restated in the bonds, between the bondholders, including all
580 transferees of the bonds, the authority and the state.

581 Section 11. Section **63H-7a-803** is amended to read:

582 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

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

584 [~~(b)~~] (a) Title 63A, Utah Administrative Services Code, except as provided in Section
585 [63A-4-205.5](#);

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

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

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

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

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

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

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

Legislative Review Note
Office of Legislative Research and General Counsel