

**Senator Chris H. Wilson** proposes the following substitute bill:

**UTAH BROADBAND CENTER ADVISORY COMMISSION**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Chris H. Wilson**

House Sponsor: Robert M. Spendlove

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**LONG TITLE**

**General Description:**

This bill creates the Utah Broadband Center Advisory Commission.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates the Utah Broadband Center Advisory Commission (the commission);
- ▶ directs the appointment of members to the commission;
- ▶ directs the commission to:
  - solicit input from stakeholders;
  - make recommendations to the Utah Broadband Center with respect to the development of a strategic plan; and
  - make recommendations to the Utah Broadband Center with respect to the use of funds;
- ▶ requires the Utah Broadband Center to consult with the commission;
- ▶ requires the Utah Broadband Center to report annually to the commission and to the Public Utilities, Energy, and Technology Interim Committee; and
- ▶ sets a repeal date for the commission.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 [63I-2-236](#), as last amended by Laws of Utah 2021, Second Special Session, Chapter 8

32 [63N-17-201](#), as enacted by Laws of Utah 2021, Chapter 282

33 ENACTS:

34 [36-29-109](#), Utah Code Annotated 1953

35 [63N-17-203](#), Utah Code Annotated 1953



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

38 Section 1. Section [36-29-109](#) is enacted to read:

39 **[36-29-109](#). Utah Broadband Center Advisory Commission.**

40 (1) As used in this section:

41 (a) "Broadband infrastructure funds" means the funds available for broadband

42 infrastructure pursuant to:

43 (i) the Infrastructure Investment and Jobs Act, Pub. L. No. 115-58;

44 (ii) legislative appropriations; and

45 (iii) state and federal grants.

46 (b) "Center" means the Utah Broadband Center created in Section [63N-17-201](#).

47 (c) "Commission" means the Utah Broadband Center Advisory Commission created in

48 Subsection (2).

49 (d) "Strategic plan" means the statewide digital connectivity plan described in Section

50 [63N-17-203](#).

51 (2) There is created the Utah Broadband Center Advisory Commission consisting of

52 the following nine voting members:

53 (a) two members of the Senate, appointed by the president of the Senate;

54 (b) two members of the House of Representatives, appointed by the speaker of the

55 House of Representatives;

56 (c) the executive director of the Governor's Office of Planning and Budget, or the

57 executive director's designee;

58 (d) the governor shall appoint four members who currently work in the public sector  
59 and who have professional experience in:

60 (i) broadband or broadband infrastructure;

61 (ii) applying for federal grants; or

62 (iii) financing infrastructure.

63 (3) In addition to the nine voting members, the director of the center, or the director's  
64 designee, shall serve on the commission in a nonvoting capacity.

65 (4) (a) The president of the Senate shall designate one of the members described in  
66 Subsection (2)(a) to serve as cochair of the commission.

67 (b) The speaker of the House of Representatives shall designate one of the members  
68 described in Subsection (2)(b) to serve as cochair of the commission.

69 (5) (a) If a vacancy occurs in the membership of the commission, the member shall be  
70 replaced in the same manner in which the original appointment was made.

71 (b) A member shall serve until the member's successor is appointed and qualified.

72 (6) (a) A majority of the members of the commission constitutes a quorum.

73 (b) The action of a majority of a quorum constitutes an action of the commission.

74 (7) (a) Salaries and expenses of the members of the commission who are legislators  
75 shall be paid in accordance with:

76 (i) Section [36-2-2](#);

77 (ii) Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation  
78 Expenses; and

79 (iii) Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

80 (b) A member of the commission who is not a legislator may not receive compensation  
81 for the member's work associated with the commission but may receive per diem and  
82 reimbursement for travel expenses incurred as a member of the commission at the rates  
83 established by the Division of Finance under:

84 (i) Sections [63A-3-106](#) and [63A-3-107](#); and

85 (ii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and  
86 [63A-3-107](#).

87 (8) The center shall provide staff support to the commission.

- 88 (9) The commission shall:
- 89 (a) make recommendations to the center with respect to:
- 90 (i) strategic plan development; and
- 91 (ii) the application for and use of broadband infrastructure funds;
- 92 (b) solicit input from relevant stakeholders, including:
- 93 (i) public and private entities who may assist in developing and implementing the
- 94 strategic plan; and
- 95 (ii) public and private entities whom the strategic plan may impact;
- 96 (c) provide recommendations for strategic plan development and implementation based
- 97 on the input described in Subsection (9)(b);
- 98 (d) review strategic plan drafts; and
- 99 (e) recommend changes.

100 (10) The commission shall meet as needed.

101 Section 2. Section **63I-2-236** is amended to read:

102 **63I-2-236. Repeal dates -- Title 36.**

103 (1) Section **36-29-107.5** is repealed on November 30, 2023.

104 (2) The following sections regarding the State Flag Task Force are repealed on January  
105 1, 2024:

106 (a) Section **36-29-201**;

107 (b) Section **36-29-202**; and

108 (c) Section **36-29-203**.

109 (3) Section **36-29-109** is repealed on November 30, 2027.

110 Section 3. Section **63N-17-201** is amended to read:

111 **63N-17-201. Utah Broadband Center -- Creation -- Director -- Duties.**

112 (1) There is created within the office the Utah Broadband Center.

113 (2) The executive director shall appoint a director of the broadband center to oversee  
114 the operations of the broadband center.

115 (3) The broadband center shall:

116 (a) ensure that publicly funded broadband projects continue to be publicly accessible  
117 and provide a public benefit;

118 (b) develop [~~a statewide digital connectivity plan~~] the statewide digital connectivity

119 plan described in Section [63N-17-203](#);

120 (c) carry out the duties described in Section [63N-17-202](#); and

121 (d) administer the Broadband Access Grant Program in accordance with Part 3,  
122 Broadband Access Grant Program.

123 (e) The broadband center shall ensure efficiency with respect to:

124 (i) expenditure of funds; and

125 (ii) avoiding duplication of efforts.

126 (f) The broadband center shall consider administering broadband infrastructure funds  
127 in a manner that:

128 (i) ~~Ŝ → [minimizes state use of state and federal funds]~~ **efficiently maximizes the leverage of**  
128a **federal funding ←Ŝ** ;

129 (ii) avoids the use of public funds for broadband facilities that duplicate existing  
130 broadband facilities that already meet or exceed federal standards; and

131 (iii) accounts for the benefits and costs to the state of existing facilities, equipment, and  
132 services of public and private broadband providers.

133 Section 4. Section **63N-17-203** is enacted to read:

134 **63N-17-203. Statewide digital connectivity plan.**

135 (1) As used in this section:

136 (a) "Commission" means the Utah Broadband Center Advisory Commission created in  
137 Section [36-29-109](#).

138 (b) "Strategic plan" means the statewide digital connectivity plan created in Subsection  
139 (2).

140 (2) The center shall develop the statewide digital connectivity plan.

141 (3) The strategic plan shall include strategies to:

142 (a) implement broadband connectivity statewide;

143 (b) promote digital equity;

144 (c) apply for federal infrastructure funds; and

145 (d) apply for additional funds.

146 (4) In developing the strategic plan, the center shall work with the commission.

147 (5) The center shall provide the commission with status updates regarding:

148 (a) implementation of the commission's recommendations;

149 (b) recommendations the center has received from the Transportation Commission,

150 created in Section 72-1-301;

151 (c) strategic plan development;

152 (d) strategic plan implementation;

153 (e) grants received;

154 (f) projects funded; and

155 (g) recommendations for legislation.

156 (6) The center shall submit the strategic plan to the commission for the commission's  
157 recommendation before finalizing the strategic plan.

158 (7) On or before November 30 of each year, the center shall report to the commission  
159 and the Public Utilities, Energy, and Technology Interim Committee regarding the status  
160 updates described in Subsection (5).

161 **Section 5. Effective date.**

162 If approved by two-thirds of all the members elected to each house, this bill takes effect  
163 upon approval by the governor, or the day following the constitutional time limit of Utah  
164 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
165 the date of veto override.