

UTAH BROADBAND CENTER ADVISORY COMMISSION

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor: _____

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:

None

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

42 (b) "Commission" means the Utah Broadband Center Advisory Commission created in

43 Subsection (2).

44 (c) "Federal infrastructure funds" means the funds available to states pursuant to the
45 Infrastructure Investment and Jobs Act, Pub. L. No. 115-58.

46 (d) "Strategic plan" means the statewide digital connectivity plan described in Section
47 [63N-17-203](#).

48 (2) There is created the Utah Broadband Center Advisory Commission consisting of
49 the following nine voting members:

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

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

52 House of Representatives;

53 (c) the executive director of the Governor's Office of Planning and Budget, or the
54 executive director's designee;

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

57 (i) broadband or broadband infrastructure;

58 (ii) applying for federal grants; or

59 (iii) financing infrastructure.

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

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

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

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

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

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

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

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

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

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

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

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

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

82 (ii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
83 [63A-3-107](#).

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

85 (9) The commission shall:

86 (a) make recommendations to the center with respect to:

87 (i) strategic plan development;

88 (ii) the application for and use of federal infrastructure funds;

89 (iii) the application for and use of other federal or state funds; and

90 (iv) the application for and use of funds received or made available through legislative
91 appropriations;

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

124 **63N-17-203. Statewide digital connectivity plan.**

125 (1) As used in this section:

126 (a) "Commission" means the Utah Broadband Center Advisory Commission created in
127 Section 36-29-109.

128 (b) "Strategic plan" means the statewide digital connectivity plan created in Subsection
129 (2).

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

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

132 (a) implement broadband connectivity statewide;

133 (b) promote digital equity;

134 (c) apply for federal infrastructure funds; and

135 (d) apply for additional funds.

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

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

138 (a) implementation of recommendations;

139 (b) strategic plan development;

140 (c) strategic plan implementation;

141 (d) grants received;

142 (e) projects funded; and

143 (f) recommendations for legislation.

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

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

149 Section 5. **Effective date.**

150 If approved by two-thirds of all the members elected to each house, this bill takes effect
151 upon approval by the governor, or the day following the constitutional time limit of Utah

152 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
153 the date of veto override.