

Senator Kevin T. Van Tassell proposes the following substitute bill:

UTAH COMMUNICATIONS AUTHORITY GOVERNANCE

AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. Van Tassell

House Sponsor: Brad L. Dee

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 consent by the Senate;
- ▶ requires the governor to rotate appointment of the chair, every three years, between a local government representative and a state representative;
- ▶ establishes that the executive director of the Utah Communications Authority is appointed by the board and serves at the pleasure of the ~~chair~~ board ;
- ▶ 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



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-502**, as enacted by Laws of Utah 2015, Chapter 411

50 **63H-7a-701**, as renumbered and amended by Laws of Utah 2015, Chapter 411

51 **63H-7a-803**, as renumbered and amended by Laws of Utah 2015, Chapter 411

52 ENACTS:

53 **63H-7a-207**, Utah Code Annotated 1953



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

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

57 **63H-7a-203. Board established -- Terms -- Vacancies.**

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

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

61 (a) the member representatives elected as follows:

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

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

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

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

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

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

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

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

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

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

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

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

75 63H-7a-307; and

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

77 (c) two members of the public appointed as follows:

78 (i) one appointed by the president of the Senate; and

79 (ii) one appointed by the speaker of the House of Representatives.

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

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

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

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

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

88 (C) the executive director of the Department of Natural Resources or the director's
89 designee;

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

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

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

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

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

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

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

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

105 (b) (i) The member representatives of the board shall be removable, with or without
106 cause, by the entity that selected the member.

107 (ii) A vacancy on the board for a member representative shall be filled for the
108 unexpired term by the entity the member represents.

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

110 (5) (a) The governor shall, in accordance with Subsection (5)(b), appoint the chair of
111 the board with the consent of the Senate.

112 (b) (i) The governor shall make the initial selection of a chair from one of the members
113 described in Subsection (2).

114 (ii) After the initial selection of a chair, the governor shall alternate the selection of the
115 chair between a local member described in Subsection (2)(a) and a state member described in
116 Subsection (2)(b).

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

118 (iv) The chair shall serve a two year term.

- 119 (6) The board shall meet on an as-needed basis and as provided in the bylaws.
- 120 (7) The board shall also elect a vice chair, secretary, and treasurer to perform those
121 functions provided in the bylaws.
- 122 (a) The vice chair shall be a member of the board.
- 123 (b) The secretary and treasurer need not be members of the board, but shall not have
124 voting powers if they are not members of the board.
- 125 (c) The offices of chair, vice chair, secretary, and treasurer shall be held by separate
126 individuals.
- 127 (8) Each member representative and state representative shall have one vote, including
128 the chair, at all meetings of the board.
- 129 (9) A constitutional majority of the members of the board constitutes a quorum. A
130 vote of a majority of the quorum at any meeting of the board is necessary to take action on
131 behalf of the board.
- 132 (10) A board member may not receive compensation for the member's service on the
133 board, but may, in accordance with administrative rules adopted by the board, receive:
- 134 (a) a per diem at the rate established under Section 63A-3-106; and
- 135 (b) travel expenses at the rate established under Section 63A-3-107.
- 136 Section 2. Section **63H-7a-204** is amended to read:
- 137 **63H-7a-204. Board -- Powers and duties.**
- 138 The board shall:
- 139 (1) manage the affairs and business of the authority consistent with this chapter
140 including adopting bylaws by a majority vote of its members;
- 141 (2) appoint an executive director to administer the authority, who shall serve at the
142 pleasure of the ~~Ŝ~~ → **[chair] board** ← ~~Ŝ~~ ;
- 143 (3) receive and act upon reports covering the operations of the public safety
144 communications network and funds administered by the authority;
- 145 (4) ensure that the public safety communications network and funds are administered
146 according to law;
- 147 (5) examine and approve an annual operating budget for the authority;
- 148 (6) receive and act upon recommendations of the chair;
- 149 (7) recommend to the governor and Legislature any necessary or desirable changes in

- 150 the statutes governing the public safety communications network;
- 151 (8) develop broad policies for the long-term operation of the authority for the
152 performance of its functions;
- 153 (9) make and execute contracts and other instruments on behalf of the authority,
154 including agreements with members and other entities;
- 155 (10) authorize the borrowing of money, the incurring of indebtedness, and the issuance
156 of bonds as provided in this chapter;
- 157 (11) adopt rules consistent with this chapter and in accordance with Title 63G, Chapter
158 3, Utah Administrative Rulemaking Act, for the management of the public safety
159 communications network in order to carry out the purposes of this chapter, and perform all
160 other acts necessary for the administration of the public safety communications network;
- 161 (12) exercise the powers and perform the duties conferred on it by this chapter;
- 162 (13) provide for audits of the authority;
- 163 (14) establish the following divisions within the authority:
- 164 (a) 911 Division;
- 165 (b) Radio Network Division;
- 166 (c) Interoperability Division; and
- 167 (d) Administrative Services Division;
- 168 (15) establish a 911 advisory committee to the 911 Division in accordance with Section
169 [63H-7a-307](#);
- 170 (16) establish one or more advisory committees to the Radio Network Division in
171 accordance with Section [63H-7a-405](#); [~~and~~]
- 172 (17) establish one or more advisory committees to the Interoperability Division in
173 accordance with Section [63H-7a-504](#)~~[-]~~; and
- 174 (18) create, maintain, and review annually a comprehensive multi-year strategic plan in
175 consultation with state and local stakeholders, the technical advisory committee created in
176 Section [63H-7a-207](#), the 911 Advisory Committee created under Section [63H-7a-307](#), the
177 Radio Network Advisory Committee created under Section [63H-7a-405](#), and the
178 Interoperability Advisory Committee created under Section [63H-7a-504](#) that:
- 179 (a) coordinates the authority's activities and duties in the:
- 180 (i) 911 Division;

- 181 (ii) Radio Network Division;
- 182 (iii) Interoperability Division; and
- 183 (iv) Administrative Services Division; and
- 184 (b) includes a plan for:
- 185 (i) the communications network;
- 186 (ii) developing new systems;
- 187 (iii) expanding existing systems, including microwave- and fiber optics-based systems,
- 188 (iv) statewide interoperability;
- 189 (v) statewide coordination; and
- 190 (vi) FirstNet standards.
- 191 (c) the board updates each year.
- 192 (19) each year, after the board reviews the recommendations of the technical advisory
- 193 committee created in Section [63H-7a-207](#) and submits the strategic plan described in
- 194 Subsection (18) to the Legislature, issue a request for proposals if a request for proposals is
- 195 necessary to carry out the strategic plan.

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

197 **63H-7a-205. Executive director -- Powers and duties.**

198 The executive director shall:

- 199 (1) act as the executive officer of the authority;
- 200 (2) administer the various acts, systems, plans, programs, and functions assigned to the
- 201 office;
- 202 (3) recommend administrative rules and policies to the board, which are within the
- 203 authority granted by this title for the administration of the authority;
- 204 (4) recommend to the board any changes in the statutes affecting the authority;
- 205 (5) recommend to the board an annual administrative budget covering administration,
- 206 management, and operations of the public safety communications network and, upon approval
- 207 of the board, direct and control the subsequent expenditures of the budget;
- 208 (6) within the limitations of the budget, employ staff personnel, consultants, a financial
- 209 officer, and legal counsel to provide professional services and advice regarding the
- 210 administration of the authority; and
- 211 (7) submit an annual report, on or before November 1 of each year, to the Executive

212 Offices and Criminal Justice Appropriations Subcommittee and the Legislative Management
213 Committee, which shall be available to the public and shall include:

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

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

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

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

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

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

223 (g) the goals for implementation of the statewide 911 emergency services and a
224 progress report of implementation of statewide 911 emergency services, including:

225 (i) fund balance or balance sheet from the emergency telephone service fund of each
226 agency that has imposed a levy under Section 69-2-5;

227 (ii) a report from each public safety answering point of annual call activity separating
228 wireless and land-based 911 call volumes; and

229 (iii) other relevant justification for ongoing support from the restricted accounts created
230 by Sections 63H-7a-303, 63H-7a-304, and 63H-7a-403; and

231 (h) the anticipated expenditures from the restricted accounts.

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

233 **63H-7a-206. Functional consolidation of PSAPs study -- Creation of statewide**
234 **strategic plan.**

235 (1) As used in this section:

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

239 (b) "PSAP operator":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

273 (iii) how PSAPs, regardless of physical location, may operate on interoperable, shared,

274 or hosted technology platforms and with common policies to reduce the need to transfer calls
275 between PSAPs;

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

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

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

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

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

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

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

295 (b) comprehensive strategic plan for the state's network 911 emergency response
296 system and related elements of the public safety communications network described in
297 Subsection (2)(c).

298 (6) The board shall, on or before November 30, 2016, and on or before each November
299 30 thereafter, submit the state's comprehensive strategic plan to the Executive Offices and
300 Criminal Justice Appropriations Subcommittee and the Legislative Management Committee.

301 Section 5. Section 63H-7a-207 is enacted to read:

302 **63H-7a-207. Technical advisory committee -- Creation -- Duties.**

303 (1) The executive director shall establish a technical advisory committee composed of
304 nine members appointed by the board in accordance with this section.

305 (2) The board shall appoint nine members of the public to the technical advisory
306 committee described in Subsection (1)(a) who demonstrate:

307 (a) knowledge of highly technical communications network systems, including:

308 (i) the operation of the systems; and

309 (ii) the technical specifications of the systems' components;

310 (b) experience with communication network planning, including the development of
311 new systems and the expansion of existing systems;

312 (c) knowledge of microwave- and fiber optics-based communications systems and how
313 the communications systems integrate across carrier circuits;

314 (d) a strong understanding of the public safety radio system; and

315 (e) experience with level of service agreements for telecommunications.

316 (3) The technical advisory committee shall advise the board on the technical aspects of:

317 (a) planning the communications network;

318 (b) developing new systems;

319 (c) expanding existing systems, including microwave- and fiber optics- based systems;

320 (d) statewide interoperability;

321 (e) statewide coordination; and

322 (f) FirstNet standards.

323 (4) The board is not required to follow a recommendation of the technical advisory
324 committee.

325 (5) A member of the technical advisory committee may respond to a request for
326 proposals issued by the board.

327 Section 6. Section **63H-7a-302** is amended to read:

328 **63H-7a-302. 911 Division duties and powers.**

329 (1) The 911 Division shall:

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

331 (i) regarding:

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

334 (B) emerging technology; and

335 (C) expenditures from the restricted accounts created in Section [69-2-5.6](#) by the 911

- 336 Division on behalf of local public safety answering points in the state, with an emphasis on
337 efficiencies and coordination in a regional manner;
- 338 (ii) to assure implementation of a unified statewide 911 emergency services network;
339 (iii) to establish standards of operation throughout the state; and
340 (iv) regarding mapping systems and technology necessary to implement the unified
341 statewide 911 emergency services;
- 342 (b) prepare and submit to the executive director for approval by the board:
- 343 (i) an annual budget for the 911 Division; [~~and~~]
344 (ii) an annual plan for the programs funded by the Computer Aided Dispatch Restricted
345 Account created in Section [63H-7a-303](#) and the Unified Statewide 911 Emergency Service
346 Account created in Section [63H-7a-304](#); and
347 (iii) information required by the executive director to contribute to the comprehensive
348 strategic plan described in Subsection [63H-7a-204](#)(18);
- 349 (c) assist local Utah public safety answering points with the implementation and
350 coordination of the 911 Division responsibilities as approved by the executive director and the
351 board;
- 352 (d) reimburse the state's Automated Geographic Reference Center in the Division of
353 Integrated Technology of the Department of Technology Services, an amount equal to 1 cent
354 per month levied on telecommunications service under Section [69-2-5.6](#) to enhance and
355 upgrade digital mapping standards for unified statewide 911 emergency service as required by
356 the division; and
- 357 (e) fulfill all other duties imposed on the 911 Division by this chapter.
- 358 (2) The 911 Division may recommend to the executive director to sell, lease, or
359 otherwise dispose of equipment or personal property purchased, leased, or belonging to the
360 authority that is related to funds expended from the restricted account created in Sections
361 [69-2-5.5](#) and [69-2-5.6](#), the proceeds from which shall return to the respective restricted
362 accounts.
- 363 (3) The 911 Division may make recommendations to the executive director to own,
364 operate, or enter into contracts for the use of the funds expended from the restricted account
365 created in Section [69-2-5.5](#).
- 366 (4) (a) The 911 Division shall review information regarding:

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

369 (ii) network costs;

370 (iii) public safety answering point costs;

371 (iv) system engineering information; and

372 (v) a computer aided dispatch system.

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

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

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

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

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

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

386 (b) administer the Computer Aided Dispatch Restricted Account created in Section
387 63H-7a-303, including rules that establish the criteria, standards, technology, and equipment
388 that a public safety answering point must adopt in order to qualify as a recipient of goods or
389 services that are funded from the restricted account.

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

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

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

396 **63H-7a-402. Radio Network Division duties.**

397 (1) The Radio Network Division shall:

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

401 (i) promotes high quality, cost effective service;

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

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

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

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

408 (ii) an annual plan for the program funded by the Utah Statewide Radio System

409 Restricted Account created in Section [63H-7a-403](#); and

410 (iii) information required by the executive director to contribute to the comprehensive
411 strategic plan described in Subsection [63H-7a-204\(18\)](#);

412 (c) conduct bi-monthly meetings:

413 (i) including:

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

416 (B) all private and public vendors; and

417 (C) all public safety radio users;

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

419 and

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

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

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

427 (2) The Radio Network Division may:

428 (a) recommend to the executive director to sell, lease, or otherwise dispose of

429 equipment or personal property purchased, leased, or belonging to the authority that is related
430 to the public safety communications network;

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

433 (c) review information regarding:

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

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

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

438 (i) local and state entities; and

439 (ii) public safety agencies; and

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

441 (i) the public safety communications network;

442 (ii) radio technologies and services;

443 (iii) microwave connectivity;

444 (iv) fiber connectivity; and

445 (v) public safety communication network connectivity and usage.

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

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

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

451 **63H-7a-403. Creation of Utah Statewide Radio System Restricted Account --**
452 **Administration -- Use of money.**

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

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

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

458 (2) The money in this restricted account shall be used exclusively for the statewide
459 purpose of acquiring, constructing, operating, maintaining, and repairing a statewide radio

460 system public safety communications network as authorized in Section 63H-7a-202, including:

461 (a) a public safety communications network and related facilities, real property,
462 improvements, and equipment necessary for the acquisition, construction, and operation of
463 services and facilities;

464 (b) installation, implementation, and maintenance of the public safety communications
465 network;

466 (c) maintaining the VHF and 800 MHz radio networks; and

467 (d) an operating budget to include personnel costs not otherwise covered by funds from
468 another account.

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

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

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

477 **63H-7a-502. Interoperability Division duties.**

478 (1) The Interoperability Division shall:

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

481 (i) statewide interoperability coordination and FirstNet standards;

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

484 (iii) assisting local agencies with the implementation and coordination of the
485 Interoperability Division responsibilities; and

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

488 (b) review information and records regarding:

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

- 491 (ii) matters related to statewide interoperability coordination;
- 492 (iii) matters related to FirstNet including advising the governor regarding FirstNet; and
- 493 (iv) training needs;
- 494 (c) prepare and submit to the executive director for approval by the board;
- 495 (i) an annual plan for the Interoperability Division; and
- 496 (ii) information required by the executive director to contribute to the comprehensive
- 497 strategic plan described in Subsection 63H-7a-204(18); and
- 498 (d) fulfill all other duties imposed on the Interoperability Division by this chapter.
- 499 (2) The Interoperability Division may:
- 500 (a) recommend to the executive director to own, operate, or enter into contracts related
- 501 to statewide interoperability, FirstNet, and training;
- 502 (b) request information needed under Subsection (1)(b)(i) from:
- 503 (i) the State Tax Commission; and
- 504 (ii) public safety agencies;
- 505 (c) employ an outside consultant to study and advise the Interoperability Division on:
- 506 (i) issues of statewide interoperability;
- 507 (ii) FirstNet; and
- 508 (iii) training; and
- 509 (d) request the board to appoint an advisory committee in accordance with Section
- 510 [63H-7a-504](#).
- 511 (3) The information requested by and provided to the Interoperability Division under
- 512 Subsection (1)(b)(i) is a protected record in accordance with Section [63G-2-305](#).
- 513 (4) This section does not expand the authority of the State Tax Commission to request
- 514 additional information from a telecommunication service provider.
- 515 Section 10. Section **63H-7a-701** is amended to read:
- 516 **63H-7a-701. Bond authorized -- Payment -- Security -- Liability -- Purpose --**
- 517 **Exemption from certain taxes.**
- 518 (1) (a) The authority shall report the authority's intent to issue bonds under this part to
- 519 the Executive Appropriations Committee prior to the board adopting a resolution to issue a
- 520 bond under Section [63H-7a-702](#).
- 521 (b) The Executive Appropriations Committee may advise the board regarding the

522 Executive Appropriations Committee's determination that:

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

525 (ii) issuing a bond is:

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

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

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

532 [~~1~~] (2) The authority may:

533 (a) issue bonds from time to time for any of its corporate purposes provided in Section
534 63H-7a-102;

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

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

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

540 (ii) from its revenues generally.

541 [~~2~~] (3) Any bonds issued by the authority may be additionally secured by a pledge of
542 any loan, lease, grant, agreement, or contribution, in whole or in part, from the federal
543 government or other source, or a pledge of any income or revenue of the authority.

544 [~~3~~] (4) The officers of the authority and any person executing the bonds are not liable
545 personally on the bonds.

546 [~~4~~] (5) (a) The bonds and other obligations of the authority are not a debt of any
547 member or state representative of the authority, and do not constitute indebtedness for purposes
548 of any constitutional or statutory debt limitation or restrictions.

549 (b) The face of the bonds and other obligations shall state the provisions of Subsection
550 [~~4~~] (5)(a).

551 [~~5~~] (6) Any bonds of the authority shall be revenue obligations, payable solely from
552 the proceeds, revenues, or purchase and lease payments received by the authority for the public

553 safety communications network.

554 ~~[(6)]~~ (7) The full faith and credit of any member or state representative may not be
555 pledged directly or indirectly for the payment of the bonds.

556 ~~[(7)]~~ (8) A member or state representative may not incur any pecuniary liability under
557 this chapter until it enters into a service contract, lease, or other financing obligation with the
558 authority. Once a member enters into a service contract, lease, or other financing obligation
559 with the authority, the member shall be obligated to the authority as provided in that contract,
560 lease, or financing obligation.

561 ~~[(8)]~~ (9) A bond or obligation may not be made payable out of any funds or properties
562 other than those of the authority.

563 ~~[(9)]~~ (10) Bonds of the authority are:

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

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

568 ~~[(10)]~~ (11) The provisions of this chapter exempting the properties of the authority and
569 its bonds and interest and income on them from taxation shall be considered part of the
570 contract for the security of bonds and have the force of contract, by virtue of this part and
571 without the necessity of this being restated in the bonds, between the bondholders, including all
572 transferees of the bonds, the authority and the state.

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

574 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

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

576 ~~[(b)]~~ (a) Title 63A, Utah Administrative Services Code, except as provided in Section
577 [63A-4-205.5](#);

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

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

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

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

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

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

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

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