

3rd Sub. S.B. 198

UTAH COMMUNICATIONS AUTHORITY AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 4

MARCH 8, 2017 1:44 PM

Representative **Mike K. McKell** proposes the following amendments:

1. Page 49, Line 1505 through Page 51, Line 1556:

- 1505 **(1)** The authority ~~[shall have]~~ has the power to:
- 1506 ~~{(1)}~~ **(a)** sue and be sued in ~~[its]~~ the authority's own name;
- 1507 ~~{(2)}~~ **(b)** have an official seal and power to alter that seal at will;
- 1508 ~~{(3)}~~ **(c)** make and execute contracts and all other instruments necessary or convenient for
- 1509 the performance of ~~[its]~~ the authority's duties and the exercise of ~~[its]~~ the authority's powers
- 1510 and functions under this chapter, including contracts with ~~[private companies licensed under~~
- 1511 ~~Title 26, Chapter 8a, Utah Emergency Medical Services System Act]~~ public and private
- 1512 providers;
- 1513 ~~{(4)}~~ **(d)** own, acquire, design, construct, operate, maintain, repair, and dispose of any
- 1514 portion of a public safety communications network utilizing technology that is fiscally prudent,
- 1515 upgradable, technologically advanced, redundant, and secure;
- 1516 ~~{(5)}~~ **(e)** borrow money and incur indebtedness;
- 1517 ~~[(6) issue bonds as provided in this chapter;]~~
- 1518 ~~[(7) {(6)}]~~ **(f)** enter into agreements with public agencies, private entities, the state, and
- 1519 federal government to provide public safety communications network services on terms and
- 1520 conditions ~~[it]~~ the authority considers to be in the best interest of ~~[its members]~~ the authority;
- 1521 ~~[(8) {(7)}]~~ **(g)** acquire, by gift, grant, purchase, or by exercise of eminent domain, any real
- 1522 property or personal property in connection with the acquisition and construction of a public
- 1523 safety communications network and all related facilities and rights-of-way ~~[which it]~~ that the
- 1524 authority owns, operates, and maintains;
- 1525 ~~{(8)}~~ **(h)** sell public safety communications network capacity to a state agency or a political
- 1526 subdivision of the state if the sale is:
- 1527 ~~{(a)}~~ **(i)** for a public safety purpose; ~~{-and-}~~
- 1528 ~~{(b)}~~ **(ii)** consistent with the authority's duties under this chapter: or
- (iii) pursuant to:**
- (A) an agreement entered into by the authority before January 1, 2017; or**
- (B) a renewal of an agreement described in Subsection (1)(h)(iii)(A);**
- 1529 ~~[(9) contract with other public agencies, the state, or federal government to provide~~
- 1530 ~~public safety communications network services in excess of those required to meet the needs or~~
- 1531 ~~requirements of its members and the state and federal government if:]~~
- 1532 ~~[(a) it is determined by the board to be necessary to accomplish the purposes and~~

1533 realize the benefits of this chapter; and]
1534 [(b) any excess is sold to other public agencies, the state, or federal government and is
1535 sold on terms that assure:]
1536 [(i) that the excess services will be used only for the purposes and benefits authorized
1537 by the authority under Section 63H-7a-102; and]
1538 [(ii) that the cost of providing the excess service will be received by the authority;]
1539 [(10) provide and maintain the public safety communications network for all state and
1540 local governmental agencies:]
1541 [(a) within the current authority network for the state and local governmental agencies
1542 that currently subscribe to the authority; and]
1543 [(b) in a manner that:]
1544 [(i) promotes high quality, cost effective services; and]
1545 [(ii) evaluates the benefits, costs, existing facilities and equipment, and services of
1546 public and private providers;]
1547 [(iii) where economically feasible, utilizes existing infrastructure to avoid duplication
1548 of facilities, equipment, and services of providers of communication services.]
1549 [(11) maintain the current VHF and 800 MHz radio networks;]
1550 [(12)] {~~9~~} (i) review, approve, disapprove, or revise recommendations regarding the
1551 expenditure of funds [under Sections 69-2-5.5 and 69-2-5.6 that are made by:] disbursed by the
1552 authority under this chapter; and
1553 [(a) the 911 Division;]
1554 [(b) the Radio Network Division; and]
1555 [(c) the Interoperability Division; and]
1556 [(13)] {~~10~~} (i) perform all other duties authorized by this chapter.

(2) The authority may not intentionally overbuild the public safety communications network for the purpose of competing with a public or private provider of a telecommunications service.