

**Effective 7/1/2015**

**Part 2**  
**Utah Communications Authority and the Board**

**63H-7a-201 Establishment of Utah Communications Authority.**

- (1) This part is known as the "Utah Communications Authority and the Board."
- (2) There is established the Utah Communications Authority, formerly known as the Utah Communications Agency Network, which shall assume the operations of the Utah Communications Agency Network and shall perform the functions as provided in this chapter.
- (3) The Utah Communications Authority is an independent state agency and not a division within any other department of the state.
- (4) The initial offices of the authority shall be in Salt Lake County, but branches of the office may be established in other areas of the state upon approval of the board.

Renumbered and Amended by Chapter 411, 2015 General Session

**63H-7a-202 Powers of the Authority.**

The authority shall have the power to:

- (1) sue and be sued in its own name;
- (2) have an official seal and power to alter that seal at will;
- (3) make and execute contracts and all other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter, including contracts with private companies licensed under Title 26, Chapter 8a, Utah Emergency Medical Services System Act;
- (4) own, acquire, design, construct, operate, maintain, repair , and dispose of any portion of a public safety communications network utilizing technology that is fiscally prudent, upgradable, technologically advanced, redundant, and secure;
- (5) borrow money and incur indebtedness;
- (6) issue bonds as provided in this chapter;
- (7) enter into agreements with public agencies, private entities, the state, and federal government to provide public safety communications network services on terms and conditions it considers to be in the best interest of its members;
- (8) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real property or personal property in connection with the acquisition and construction of a public safety communications network and all related facilities and rights-of-way which it owns, operates, and maintains;
- (9) contract with other public agencies, the state, or federal government to provide public safety communications network services in excess of those required to meet the needs or requirements of its members and the state and federal government if:
  - (a) it is determined by the board to be necessary to accomplish the purposes and realize the benefits of this chapter; and
  - (b) any excess is sold to other public agencies, the state, or federal government and is sold on terms that assure:
    - (i) that the excess services will be used only for the purposes and benefits authorized by the authority under Section 63H-7a-102; and
    - (ii) that the cost of providing the excess service will be received by the authority;

- (10) provide and maintain the public safety communications network for all state and local governmental agencies:
  - (a) within the current authority network for the state and local governmental agencies that currently subscribe to the authority; and
  - (b) in a manner that:
    - (i) promotes high quality, cost effective services; and
    - (ii) evaluates the benefits, costs, existing facilities and equipment, and services of public and private providers;
    - (iii) where economically feasible, utilizes existing infrastructure to avoid duplication of facilities, equipment, and services of providers of communication services.
- (11) maintain the current VHF and 800 MHz radio networks;
- (12) review, approve, disapprove, or revise recommendations regarding the expenditure of funds under Sections 69-2-5.5 and 69-2-5.6 that are made by:
  - (a) the 911 Division;
  - (b) the Radio Network Division; and
  - (c) the Interoperability Division; and
- (13) perform all other duties authorized by this chapter.

Renumbered and Amended by Chapter 411, 2015 General Session

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

- (1) There is created the "Utah Communications Authority Board."
- (2) The board shall consist of the following individuals, who may not be employed by the authority or any office or division of the authority:
  - (a) the member representatives elected as follows:
    - (i) one representative elected from each county of the first and second class, who:
      - (A) is in law enforcement, fire service, or a public safety answering point; and
      - (B) has a leadership position with public safety communication experience;
    - (ii) one representative elected from each of the seven associations of government who:
      - (A) is in law enforcement, fire service, or a public safety answering point; and
      - (B) has a leadership position with public safety communication experience;
    - (iii) one representative of the Native American tribes elected by the representative of tribal governments listed in Subsection 9-9-104.5(2);
    - (iv) one representative elected by the Utah National Guard;
    - (v) one representative elected by an association that represents fire chiefs;
    - (vi) one representative elected by an association that represents sheriffs;
    - (vii) one representative elected by an association that represents chiefs of police; and
    - (viii) one member elected by the 911 Advisory Committee created in Section 63H-7a-307;
  - (b) seven state representatives appointed in accordance with Subsection (3); and
  - (c) two members of the public selected as follows:
    - (i) one member who:
      - (A) may not have financial ties to a provider of telecommunication services;
      - (B) may not have a relationship to a user of public safety telecommunications services; and
      - (C) is selected by the speaker of the House of Representatives; and
    - (ii) one member who:
      - (A) may not have financial ties to a provider of telecommunication services;
      - (B) may not have a relationship to a user of public safety telecommunications services; and
      - (C) is selected by the president of the Senate.

- (3)
  - (a)
    - (i) Six of the state representatives shall be appointed by the governor, with two of the positions having an initial term of two years, two having an initial term of three years, and two having an initial term of four years.
    - (ii) Successor state representatives shall each serve for a term of four years.
    - (iii) The six governor-appointed state representatives shall consist of:
      - (A) the executive director of the Utah Department of Transportation or the director's designee;
      - (B) the commissioner of public safety or the commissioner's designee;
      - (C) the executive director of the Department of Natural Resources or the director's designee;
      - (D) the executive director of the Department of Corrections or the director's designee;
      - (E) the chief information officer of the Department of Technology Services, or the officer's designee; and
      - (F) the executive director of the Department of Health or the director's designee.
  - (b) The seventh state representative shall be the Utah State Treasurer or the treasurer's designee.
  - (c) A vacancy on the board for a state representative shall be filled for the unexpired term by the director of the department or the director's designee as described in Subsection (3)(a)(iii).
  - (d) An employee of the authority may not be a member of the board.
- (4)
  - (a)
    - (i) One-half of the positions for member representatives selected under Subsection (2) shall have an initial term of two years and one-half of the positions shall have an initial term of four years.
    - (ii) Successor member representatives of the board shall each serve for a term of four years, so that the term of office for six of the member representatives expires every two years.
  - (b) The member representatives of the board shall be removable, with or without cause, by the entity that selected the member. A vacancy on the board for a member representative shall be filled for the unexpired term by the entity the member represents.
- (5)
  - (a) The governor shall, in accordance with Subsection (5)(b) and after consultation with the board, appoint the chair of the board with the consent of the Senate. The chair shall serve a two-year term and the appointment as chair will automatically extend the term of the board member to coincide with the appointment as chair.
  - (b) The governor shall make the initial selection of a chair from one of the members described in Subsection (2). After the initial selection of a chair, the governor shall alternate the selection of the chair between a local member described in Subsection (2)(a) and a state member described in Subsection (2)(b).
  - (c) The chair shall serve at the pleasure of the governor.
- (6) The board shall meet on an as-needed basis and as provided in the bylaws.
- (7) The board shall also elect a vice chair, secretary, and treasurer to perform those functions provided in the bylaws.
  - (a) The vice chair shall be a member of the board.
  - (b) The secretary and treasurer need not be members of the board, but shall not have voting powers if they are not members of the board.
  - (c) The offices of chair, vice chair, secretary, and treasurer shall be held by separate individuals.
- (8) Each member representative and state representative shall have one vote, including the chair, at all meetings of the board.

- (9) A constitutional majority of the members of the board constitutes a quorum. A vote of a majority of the quorum at any meeting of the board is necessary to take action on behalf of the board.
- (10) A board member may not receive compensation for the member's service on the board, but may, in accordance with administrative rules adopted by the board, receive:
  - (a) a per diem at the rate established under Section 63A-3-106; and
  - (b) travel expenses at the rate established under Section 63A-3-107.

Amended by Chapter 123, 2016 General Session

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

The board shall:

- (1) manage the affairs and business of the authority consistent with this chapter including adopting bylaws by a majority vote of its members;
- (2) appoint an executive director to administer the authority;
- (3) receive and act upon reports covering the operations of the public safety communications network and funds administered by the authority;
- (4) ensure that the public safety communications network and funds are administered according to law;
- (5) examine and approve an annual operating budget for the authority;
- (6) receive and act upon recommendations of the director;
- (7) recommend to the governor and Legislature any necessary or desirable changes in the statutes governing the public safety communications network;
- (8) develop broad policies for the long-term operation of the authority for the performance of its functions;
- (9) make and execute contracts and other instruments on behalf of the authority, including agreements with members and other entities;
- (10) authorize the borrowing of money, the incurring of indebtedness, and the issuance of bonds as provided in this chapter;
- (11) adopt rules consistent with this chapter and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the management of the public safety communications network in order to carry out the purposes of this chapter, and perform all other acts necessary for the administration of the public safety communications network;
- (12) exercise the powers and perform the duties conferred on it by this chapter;
- (13) provide for audits of the authority;
- (14) establish the following divisions within the authority:
  - (a) 911 Division;
  - (b) Radio Network Division;
  - (c) Interoperability Division; and
  - (d) Administrative Services Division;
- (15) establish a 911 advisory committee to the 911 Division in accordance with Section 63H-7a-307;
- (16) establish one or more advisory committees to the Radio Network Division in accordance with Section 63H-7a-405;
- (17) establish one or more advisory committees to the Interoperability Division in accordance with Section 63H-7a-504;
- (18) create, maintain and review annually a statewide, comprehensive multi-year strategic plan in consultation with state and local stakeholders, the 911 Advisory Committee created

under Section 63H-7a-307, the Radio Network Advisory Committee created under Section 63H-7a-405, and the Interoperability Advisory Committee created under Section 63H-7a-504 that:

- (a) coordinates the authority's activities and duties in the:
    - (i) 911 Division;
    - (ii) Radio Network Division;
    - (iii) Interoperability Division; and
    - (iv) Administrative Services Division; and
  - (b) includes a plan for:
    - (i) the communications network;
    - (ii) developing new systems;
    - (iii) expanding existing systems, including microwave and fiber optics based systems;
    - (iv) statewide interoperability;
    - (v) statewide coordination; and
    - (vi) FirstNet standards; and
  - (c) the board updates before July 1 of each year;
- (19) each year, after the board submits the strategic plan described in Subsection (18) to the Legislature, issue a request for proposals if a request for proposals is necessary to carry out the strategic plan; and
- (20) on or before November 30, 2016, and on or before each November 30 thereafter, submit the state's strategic plan to the Executive Offices and Criminal Justice Appropriations Subcommittee and the Legislative Management Committee.

Amended by Chapter 123, 2016 General Session

Amended by Chapter 179, 2016 General Session

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

The executive director shall:

- (1)
  - (a) serve at the pleasure of the board; and
  - (b) act as the executive officer of the authority;
- (2) administer the various acts, systems, plans, programs, and functions assigned to the office;
- (3) recommend administrative rules and policies to the board, which are within the authority granted by this title for the administration of the authority;
- (4) recommend to the board any changes in the statutes affecting the authority;
- (5) recommend to the board an annual administrative budget covering administration, management, and operations of the public safety communications network and, upon approval of the board, direct and control the subsequent expenditures of the budget;
- (6) within the limitations of the budget, employ staff personnel, consultants, a financial officer, and legal counsel to provide professional services and advice regarding the administration of the authority; and
- (7) submit an annual report, on or before November 1 of each year, to the Executive Offices and Criminal Justice Appropriations Subcommittee and the Legislative Management Committee, which shall be available to the public and shall include:
  - (a) the total aggregate surcharge collected by local entities in the state in the last fiscal year under Sections 69-2-5 and 69-2-5.6;
  - (b) the amount of each disbursement from the restricted accounts;

- (c) the recipient of each disbursement, or goods and services received, describing the project for which money was disbursed, or goods and services provided;
- (d) the conditions, if any, placed by a division, the authority, the executive director, or the board on the disbursements from a restricted account;
- (e) the anticipated expenditures from the restricted accounts for the next fiscal year;
- (f) the amount of any unexpended funds carried forward;
- (g) the goals for implementation of the authority strategic plan and the progress report of accomplishments and updates to the plan, and a progress report of implementation of statewide 911 emergency services, including:
  - (i) fund balance or balance sheet from the emergency telephone service fund of each agency that has imposed a levy under Section 69-2-5;
  - (ii) a report from each public safety answering point of annual call activity separating wireless and land-based 911 call volumes; and
  - (iii) other relevant justification for ongoing support from the restricted accounts created by Sections 63H-7a-303, 63H-7a-304, and 63H-7a-403; and
- (h) the anticipated expenditures from the restricted accounts.

Amended by Chapter 123, 2016 General Session

**63H-7a-206 Functional consolidation of PSAPs study.**

- (1) As used in this section:
  - (a) "Exigent circumstance" means an unexpected or unforeseen circumstance that, if not addressed, will result in imminent injury or loss.
  - (b) "Functional consolidation" means the process of ensuring that disparate public safety answering points and public safety dispatching centers work together in an efficient and effective way.
  - (c) "PSAP operator":
    - (i) means a public agency that operates a PSAP; and
    - (ii) does not include an institution of higher education, a school district, or an airport authority that operates a PSAP.
- (2) Beginning on or after July 1, 2015, the board shall commission and oversee a performance audit and study of the state's 911 emergency response system and related elements of the public safety communications network, which shall include:
  - (a) a review of statutory provisions and efforts of the authority, executive director, Utah 911 Division, and Interoperability Division regarding the assessment, planning, rules, technology review, and standardization of the state's 911 emergency response system and related elements of the public safety communications network;
  - (b) working with state and local stakeholders to determine potential cost savings and increases in quality and efficiency that may be achieved by the functional consolidation of PSAPs and dispatch centers throughout the state, including recommendations regarding:
    - (i) an efficient and effective public safety communications management structure to ensure that high quality 911 emergency services are available to the state's citizens;
    - (ii) common standard operating procedures that ensure the least amount of call processing time;
    - (iii) efficient methods to transfer calls between PSAPs and from a PSAP to a first responder, regardless of jurisdiction;
    - (iv) uniformity of equipment and software protocols to accomplish seamless functionality between computer aided dispatch systems;

- (v) interoperable telephonic and radio systems to ensure coordination between jurisdictions; and
- (vi) how unnecessary duplication of services may be reduced or eliminated;
- (c) making recommendations for inclusion in the comprehensive strategic plan required by Subsection 63H-7a-204(18), which recommendations shall include for the state's 911 emergency response system and related elements of the public safety communications network:
  - (i) whether the state's 911 emergency response system would benefit from functional consolidation of PSAPs;
  - (ii) how PSAPs within designated regions may accept calls and provide emergency communication services for first responders using interoperable equipment, software, protocols, and standard operating procedures;
  - (iii) how PSAPs, regardless of physical location, may operate on interoperable, shared, or hosted technology platforms and with common policies to reduce the need to transfer calls between PSAPs;
  - (iv) whether a PSAP should be required to meet minimum operational, technical, or financial standards;
  - (v) whether PSAP staff should be required to meet minimum training standards; and
  - (vi) how PSAPs can better use the available communications spectrum to reduce the number of devices that first responders are required to use;
- (d) describing and recommending potential solutions to the biggest impediments to functional consolidation of PSAPs; and
- (e) making recommendations regarding necessary personnel and associated job duties within the authority.
- (3) On or before September 30, 2016, the board shall complete and submit the performance audit and study described in Subsection (2), in writing, to the Law Enforcement and Criminal Justice Interim Committee and the Retirement and Independent Entities Interim Committee.
- (4)
  - (a) Money from the Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304 may not be used to fund a new local PSAP, call taking, or dispatching project or entity before June 30, 2017, unless the board determines that an exigent circumstance requires the allocation of funds.
  - (b) Money from the Unified Statewide 911 Emergency Service Account may be used to fund ongoing maintenance of existing equipment and projects approved before July 1, 2015.
- (5) After July 1, 2017, money spent from the Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304 for projects, including state and local PSAP and dispatching projects, shall be made after consideration of the:
  - (a) recommendations of the performance audit and study described in Subsection (2); and
  - (b) comprehensive strategic plan for the state's network 911 emergency response system and related elements of the public safety communications network described in Subsection 63H-7a-204(18).

Amended by Chapter 123, 2016 General Session  
Amended by Chapter 179, 2016 General Session