

PUBLIC SAFETY RADIO COMMUNICATION AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill modifies the Utah Communications Agency Network Act regarding functions and board membership.

Highlighted Provisions:

This bill:

▶ directs that the Utah Communications Agency Network (UCAN) operate on a statewide basis;

▶ provides that UCAN provide the public safety network for all state and local governmental agencies:

- that currently subscribe to UCAN; and
- that currently do not subscribe to UCAN;

⚡▶ directs that UCAN work with the private sector to deliver high-quality, cost-effective services; ⚡←

▶ provides that UCAN maintain the current high-band network;

▶ increases the membership of the UCAN executive committee from 17 to 21 members and specifies the state agencies the members represent; and

▶ changes the quorum requirement.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



H.B. 172

28 AMENDS:

29 63C-7-102, as enacted by Laws of Utah 1997, Chapter 136

30 63C-7-202, as last amended by Laws of Utah 1999, Chapter 141

31 63C-7-204, as enacted by Laws of Utah 1997, Chapter 136

32 63C-7-205, as last amended by Laws of Utah 2009, Chapter 34

33

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

35 Section 1. Section 63C-7-102 is amended to read:

36 **63C-7-102. Purpose.**

37 The purpose of this chapter is to establish an independent state agency and a board and
38 executive committee to administer the creation, administration, and maintenance of the Utah
39 Communications Agency Network to provide a public safety communications [services]
40 network and facilities on a [~~regional or~~] statewide basis for the benefit and use of public
41 agencies and the state and federal agencies.

42 Section 2. Section 63C-7-202 is amended to read:

43 **63C-7-202. Powers of the Utah Communications Agency Network.**

44 The Utah Communications Agency Network shall have the power to:

- 45 (1) sue and be sued in its own name;
- 46 (2) have an official seal and power to alter that seal at will;
- 47 (3) make and execute contracts and all other instruments necessary or convenient for
48 the performance of its duties and the exercise of its powers and functions under this chapter,
49 including contracts with private companies licensed under Title 26, Chapter 8a, Utah
50 Emergency Medical Services System Act;
- 51 (4) own, acquire, construct, operate, maintain, and repair a communications network,
52 and dispose of any portion of it;
- 53 (5) borrow money and incur indebtedness;
- 54 (6) issue bonds as provided in this chapter;
- 55 (7) enter into agreements with public agencies, the state, and federal government to
56 provide communications network services on terms and conditions it considers to be in the best
57 interest of its members;
- 58 (8) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real

59 property or personal property in connection with the acquisition and construction of a
 60 communications network and all related facilities and rights-of-way which it owns, operates,
 61 and maintains;

62 (9) contract with other public agencies, the state, or federal government to provide
 63 public safety communications services in excess of those required to meet the needs or
 64 requirements of its members and the state and federal government if:

65 (a) it is determined by the executive committee to be necessary to accomplish the
 66 purposes and realize the benefits of this chapter; and

67 (b) any excess is sold to other public agencies, the state, or federal government and is
 68 sold on terms that assure that the cost of providing the excess service will be received by the
 69 Utah Communications Agency Network; ~~and~~

70 (10) provide and maintain the public safety network for all state and local
 71 governmental agencies:

72 (a) within the current Utah Communications Agency Network for the state and local
 73 governmental agencies that currently subscribe to the Utah Communications Agency Network;

74 ~~and~~ ~~and~~

75 (b) outside of the current Utah Communications Agency Network for state and local
 76 governmental agencies that do not currently subscribe to the Utah Communications Agency
 77 Network; ~~and~~ and

77a (c) by working with the private sector to deliver high-quality, cost-effective
 77b services; ~~and~~

78 (11) maintain the current high-band network; and

79 (12) perform all other duties authorized by this chapter.

80 Section 3. Section **63C-7-204** is amended to read:

81 **63C-7-204. Powers of the board.**

82 The board shall:

83 (1) adopt bylaws by a majority vote of its members which vote of both member
 84 representatives and state representatives may be made by proxy as prescribed in the bylaws;

85 (2) elect ~~[+0]~~ 15 member representatives to the executive committee, except that the
 86 state representatives are not permitted to vote in that election;

87 (3) recommend to the executive committee broad policies for the long-term
 88 construction and operation of the communications network; and

89 (4) dissolve the Utah Communications Agency Network as provided in Section

90 63C-7-209.

91 Section 4. Section **63C-7-205** is amended to read:

92 **63C-7-205. Executive committee established -- Terms -- Vacancies.**

93 (1) The executive committee shall consist of the following [~~17~~] 21 individuals:

94 (a) [~~12~~] 15 member representatives elected by the board at its annual meetings; and

95 (b) [~~five~~] six state representatives.

96 (2) (a) (i) [~~Four~~] Five of the state representatives shall be appointed by the governor,

97 with two of the positions having an initial term of two years [~~and~~], two having an initial term of

98 [~~four~~] three years, and one having an initial term of four years.

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

100 (iii) The five governor-appointed state representatives shall consist of:

101 (A) the executive director of the Utah Department of Transportation or the director's

102 designee;

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

104 (C) the executive director of the Department of Natural Resources or the director's

105 designee;

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

107 and

108 (E) the chief information officer or the officer's designee.

109 (b) The [~~fifth~~] sixth state representative shall be the Utah State Treasurer[~~, who shall~~

110 ~~serve ex officio,~~] or [~~his~~] the treasurer's designee.

111 (c) A vacancy on the executive committee for a state representative shall be filled for

112 the unexpired term by appointment by the governor.

113 (3) (a) (i) One-half of the positions for member representatives elected by the board

114 shall have an initial term of two years and one-half of the positions shall have an initial term of

115 four years.

116 (ii) Successor member representatives of the executive committee shall each serve for a

117 term of four years, so that the term of office for six of the member representatives expires every

118 two years.

119 (b) The member representatives of the executive committee shall be removable, with or

120 without cause, by a majority vote of the board. A vacancy on the executive committee for a

121 member representative shall be filled for the unexpired term by a majority of the remaining
122 member representatives of the executive committee.

123 (4) The executive committee shall elect annually one of its members as chair.

124 (5) The executive committee shall meet on an as-needed basis and as provided in the
125 bylaws.

126 (6) The executive committee shall also elect a vice chair, secretary, and treasurer to
127 perform those functions provided in the bylaws.

128 (a) The vice chair shall be a member of the executive committee.

129 (b) The secretary and treasurer need not be members of the executive committee, but
130 shall not have voting powers if they are not members of the executive committee.

131 (c) The offices of chair, vice chair, secretary, and treasurer shall be held by separate
132 individuals.

133 (7) Each member representative and state representative shall have one vote, including
134 the chair, at all meetings of the executive committee.

135 (8) [~~Ten~~] Twelve members of the executive committee constitute a quorum. A vote of
136 a majority of the quorum at any meeting of the executive committee is necessary to take action
137 on behalf of the executive committee.

Legislative Review Note

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Office of Legislative Research and General Counsel