

1                   **PUBLIC SAFETY RADIO COMMUNICATION AMENDMENTS**

2                                   2013 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Brad L. Dee**

5                                   Senate Sponsor: Evan J. Vickers

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7   **LONG TITLE**

8   **General Description:**

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

11 **Highlighted Provisions:**

12           This bill:

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

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

- 17               • that currently subscribe to UCAN; and
- 18               • that currently do not subscribe to UCAN;

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

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

22           ▶ changes the quorum requirement.

23 **Money Appropriated in this Bill:**

24           None

25 **Other Special Clauses:**

26           None

27 **Utah Code Sections Affected:**

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

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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

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;

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 [~~10~~] 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.