

Effective 7/1/2015

Chapter 7a Utah Communications Authority Act

Part 1 General Provisions

63H-7a-101 Title.

- (1) This chapter is known as the "Utah Communications Authority Act."
- (2) This part is known as "General Provisions."

Renumbered and Amended by Chapter 411, 2015 General Session

63H-7a-102 Utah Communications Authority -- Purpose.

- (1) This chapter establishes the Utah Communications Authority as an independent state agency.
- (2) The Utah Communications Authority shall:
 - (a) provide administrative and financial support for statewide 911 emergency services; and
 - (b) establish and maintain a statewide public safety communications network for all state, city, county, and local governmental entities.

Amended by Chapter 507, 2023 General Session

63H-7a-103 Definitions.

As used in this chapter:

- (1) "911 account" means the Unified Statewide 911 Emergency Service Account, created in Subsection 63H-7a-304(1).
- (2) "911 call transfer" means the redirection of a 911 call from the person who initially receives the call to another person within the state.
- (3) "Association of governments" means an association of political subdivisions of the state, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.
- (4) "Authority" means the Utah Communications Authority created in Section 63H-7a-201.
- (5) "Backhaul network" means the portion of a public safety communications network that consists primarily of microwave paths, fiber lines, or ethernet circuits.
- (6) "Board" means the Utah Communications Authority Board created in Section 63H-7a-203.
- (7) "CAD" means a computer-based system that aids PSAP dispatchers by automating selected dispatching and record-keeping activities.
- (8) "CAD-to-CAD" means standardized connectivity between PSAPs or between a PSAP and a dispatch center for the transmission of data between CADs.
- (9) "Dispatch center" means an entity that receives and responds to an emergency or nonemergency communication transferred to the entity from a public safety answering point.
- (10) "FirstNet" means the federal First Responder Network Authority established in 47 U.S.C. Sec. 1424.
- (11) "Lease" means any lease, lease purchase, sublease, operating, management, or similar agreement.
- (12) "Public agency" means any political subdivision of the state dispatched by a public safety answering point.

- (13) "Public safety agency" means the same as that term defined in Section 69-2-102.
- (14) "Public safety answering point" or "PSAP" means an entity in this state that:
 - (a) receives, as a first point of contact, direct 911 emergency communications from the 911 emergency service network requesting a public safety service;
 - (b) has a facility with the equipment and staff necessary to receive the communication;
 - (c) assesses, classifies, and prioritizes the communication; and
 - (d) dispatches the communication to the proper responding agency.
- (15) "Public safety communications network" means:
 - (a) a regional or statewide public safety governmental communications network and related facilities, including real property, improvements, and equipment necessary for the acquisition, construction, and operation of the services and facilities; and
 - (b) 911 emergency services, including radio communications, connectivity, and 911 call processing equipment.

Amended by Chapter 368, 2020 General Session

63H-7a-104 Relation to certain acts.

- (1) The authority is exempt from:
 - (a) Title 51, Chapter 5, Funds Consolidation Act;
 - (b) Title 63A, Utah Government Operations Code; and
 - (c) Title 63A, Chapter 17, Utah State Personnel Management Act.
- (2) The authority is subject to:
 - (a) Title 52, Chapter 4, Open and Public Meetings Act;
 - (b) Section 67-3-12;
 - (c) Title 63G, Chapter 2, Government Records Access and Management Act; and
 - (d) Title 63G, Chapter 6a, Utah Procurement Code.

Amended by Chapter 435, 2022 General Session

Part 2

Utah Communications Authority Governance

63H-7a-201 Utah Communications Authority established.

- (1) This part is known as "Utah Communications Authority Governance."
- (2) There is established the Utah Communications Authority as an independent state agency and not a division within any other department of the state.
- (3)
 - (a) The authority shall maintain an office in Salt Lake County.
 - (b) The authority may establish additional branch offices outside of Salt Lake County with the approval of the board.

Amended by Chapter 430, 2017 General Session

63H-7a-202 Powers and duties of the Utah Communications Authority.

- (1) The authority has the power to:
 - (a) sue and be sued in the authority's own name;

- (b) have an official seal and power to alter that seal at will;
 - (c) make and execute contracts and all other instruments necessary or convenient for the performance of the authority's duties and the exercise of the authority's powers and functions under this chapter, including contracts with public and private providers;
 - (d) 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;
 - (e) borrow money and incur indebtedness;
 - (f) enter into agreements with public agencies, private persons, the state, and federal government to provide public safety communications network services on terms and conditions the authority considers to be in the best interest of the authority;
 - (g) 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 that the authority owns, operates, and maintains;
 - (h) sell, lease, or trade public safety communications network capacity, except backhaul network capacity, to a state agency, a political subdivision of the state, or an agency of the federal government;
 - (i) sell, lease, or trade backhaul network capacity to a state agency, a political subdivision of the state, or an agency of the federal government for a public safety purpose;
 - (j) sell, lease, or trade backhaul network capacity to a state agency, a political subdivision of the state, or an agency of the federal government for a purpose other than a public safety purpose, subject to a maximum of 50 megabytes per second in the aggregate at any one location;
 - (k) subject to Subsection (2):
 - (i) sell, lease, or trade backhaul network capacity to a private person for a public safety purpose, subject to a maximum of 50 megabytes per second in the aggregate at any one location; or
 - (ii) sell, lease, or trade public safety communications network capacity, except backhaul network capacity, to a private person for any purpose;
 - (l) sell, lease, or trade public safety communications network capacity, if the sale, lease, or trade is under an agreement the authority entered into before June 30, 2020, or under an extension of an agreement that the authority entered into before June 30, 2020;
 - (m) review, approve, disapprove, or revise recommendations regarding the expenditure of funds disbursed by the authority under this chapter; and
 - (n) perform all other duties authorized by this chapter.
- (2)
- (a) For a sale, lease, or trade to a private person under Subsection (1)(k), the authority shall require compensation from the private person that is:
 - (i) at fair market prices and reasonable;
 - (ii) competitively neutral;
 - (iii) nondiscriminatory;
 - (iv) open to public inspection; and
 - (v) established to promote access by multiple telecommunication facility providers.
 - (b)
 - (i) Compensation charged under Subsection (2)(a) may be cash, in-kind, or a combination of cash and in-kind.

- (ii) In-kind compensation may not be charged without the agreement of the authority and the private person who will pay the in-kind compensation.
 - (iii) The authority shall determine the present value of any in-kind compensation based on the incremental cost to the private person.
 - (iv) The authority shall require the value of any in-kind compensation or combination of cash and in-kind compensation to be at least the amount of cash that would be paid if compensation were cash only.
- (3) The authority shall work with PSAPs to identify and address deficiencies relating to PSAP staffing and training.

Amended by Chapter 507, 2023 General Session

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

- (1) There is created the Utah Communications Authority Board.
- (2) The board shall consist of nine voting board members and two nonvoting board members as follows:
- (a) as voting members:
 - (i) three individuals appointed by the governor with the advice and consent of the Senate;
 - (ii) one individual who is not a legislator appointed by the speaker of the House of Representatives;
 - (iii) one individual who is not a legislator appointed by the president of the Senate;
 - (iv) two individuals nominated by an association that represents cities and towns in the state and appointed by the governor with the advice and consent of the Senate; and
 - (v) two individuals nominated by an association that represents counties in the state and appointed by the governor with the advice and consent of the Senate; and
 - (b) as nonvoting members, the chairs of the public safety advisory committee created in Section 63H-7a-207 and the PSAP advisory committee created in Section 63H-7a-208.
- (3) Subject to this section, an individual is eligible for appointment under Subsection (2) if the individual has knowledge of at least one of the following:
- (a) law enforcement;
 - (b) public safety;
 - (c) fire service;
 - (d) telecommunications;
 - (e) finance;
 - (f) management; and
 - (g) government.
- (4) An individual may not serve as a voting board member if the individual is a current public safety communications network:
- (a) user; or
 - (b) vendor.
- (5)
- (a)
 - (i) Five of the board members appointed under Subsection (2)(a) shall serve an initial term of two years and four of the board members appointed under Subsection (2)(a) shall serve an initial term of four years.
 - (ii) Successor board members shall each serve a term of four years.
 - (b)
 - (i) The governor may remove a board member with cause.

- (ii) If the governor removes a board member the entity that appointed the board member under Subsection (2)(a) shall appoint a replacement board member in the same manner as described in Subsection (2)(a).
- (6)
 - (a) The governor shall, after consultation with the board, appoint a voting board member as chair of the board with the advice and consent of the Senate.
 - (b) The chair shall serve a two-year term.
- (7) The board shall meet on an as-needed basis and as provided in the bylaws.
- (8)
 - (a) The board shall elect one of the board members to serve as vice chair.
 - (b)
 - (i) The board may elect a secretary and treasurer who are not members of the board.
 - (ii) If the board elects a secretary or treasurer who is not a member of the board, the secretary or treasurer does not have voting power.
 - (c) A separate individual shall hold the offices of chair, vice chair, secretary, and treasurer.
- (9) Except for the nonvoting members described in Subsection (2)(b), each board member, including the chair, has one vote.
- (10) A vote of a majority of the board members is necessary to take action on behalf of the board.
- (11) A board member may not receive compensation for the member's service on the board, but may, in accordance with rules adopted by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, 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 246, 2019 General Session

Amended by Chapter 509, 2019 General Session

63H-7a-204 Utah Communications Authority Board powers and duties.

The board shall:

- (1) manage the affairs and business of the authority consistent with this chapter;
- (2) adopt bylaws;
- (3) appoint an executive director to administer the authority;
- (4) receive and act upon reports covering the operations of the public safety communications network and funds administered by the authority;
- (5) receive and act upon reports from the Radio Network Division prepared pursuant to Subsection 63H-7a-402(1)(b) that identify the benefits, costs, and economic feasibility of using existing public or private facilities, equipment, or services consistent with Subsections 63H-7a-402(1)(a) and 63H-7a-404(2)(c), prior to issuing or approving a request for proposal;
- (6) ensure that the public safety communications network and funds are administered according to law;
- (7) examine and approve an annual operating budget for the authority;
- (8) receive and act upon recommendations of the director;
- (9) recommend to the governor and Legislature legislation involving the public safety communications network;
- (10) develop policies for the long-term operation of the authority and the performance of the authority's functions;
- (11) authorize the executive director to enter into agreements on behalf of the authority;

- (12) provide for the management and administration of the public safety communications network by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (13) exercise the powers and perform the duties conferred on the board by this chapter;
- (14) consider issues and information received from the public safety advisory committee and the PSAP advisory committee;
- (15) provide for audits of the authority;
- (16) establish the following divisions within the authority:
 - (a) 911 Division;
 - (b) Radio Network Division;
 - (c) Interoperability Division; and
 - (d) Administrative Services Division; and
- (17) on or before November 30, 2020, adopt a statewide CAD-to-CAD call handling and 911 call transfer protocol, after receiving the PSAP advisory committee's proposal under Subsection 63H-7a-208(9).

Amended by Chapter 368, 2020 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 duties, programs, and functions assigned to the authority;
- (3) recommend administrative rules and policies to the board;
- (4) execute contracts on behalf of the authority;
- (5) recommend to the board any changes in statutes affecting the authority;
- (6) recommend to the board an annual administrative budget covering administration, management, and operations of the authority;
- (7) with board approval, direct and control authority expenditures;
- (8) within the limitations of the budget, employ personnel, consultants, a financial officer, and legal counsel to provide professional services and advice regarding the administration of the authority; and
- (9) submit and make available to the public a report before December of each year to the board, the Executive Offices and Criminal Justice Appropriations Subcommittee, and the Legislative Management Committee that includes:
 - (a) the total aggregate surcharge collected by the state in the last fiscal year under Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges;
 - (b) the amount of each disbursement from the restricted accounts described in:
 - (i) Section 63H-7a-303;
 - (ii) Section 63H-7a-304; and
 - (iii) Section 63H-7a-403;
 - (c) the recipient of each disbursement, the goods and services received, and a description of the project funded by the disbursement;
 - (d) any conditions placed by the authority on the disbursements from a restricted account;
 - (e) the anticipated expenditures from the restricted accounts described in this chapter 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
- (h) other relevant justification for ongoing support from the restricted accounts created by Sections 63H-7a-303, 63H-7a-304, and 63H-7a-403.

Amended by Chapter 294, 2020 General Session

63H-7a-206 Strategic plan -- Report.

- (1) The authority shall create, maintain, and review annually a statewide, comprehensive multiyear strategic plan, in consultation with state and local stakeholders, the PSAP advisory committee, and the public safety advisory committee, 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:
 - (i) a plan for maintaining, upgrading, and expanding the public safety communications network, including microwave and fiber optics based systems;
 - (ii) a plan for statewide interoperability;
 - (iii) a plan for statewide coordination;
 - (iv) radio network coverage maps; and
 - (v) FirstNet standards.
- (2) The executive director shall update the strategic plan described in Subsection (1) before July 1 of each year.
- (3) The executive director shall, before December 1 of each year, report on the strategic plan described in Subsection (1) to:
 - (a) the board;
 - (b) the Executive Offices and Criminal Justice Appropriations Subcommittee; and
 - (c) the Legislative Management Committee.
- (4) The authority shall consider the strategic plan described in Subsection (1) before spending funds in the restricted accounts created by this chapter.

Amended by Chapter 368, 2020 General Session

63H-7a-206.5 Report on implementing audit recommendations.

By October 1, 2020, and again the following year by October 1, 2021, the authority shall report to the Public Utilities, Energy, and Technology Interim Committee and Retirement and Independent Entities Interim Committee of the Legislature on the authority's plan for and progress in implementing the recommendations of the December 2019 performance audit by the Office of the Legislative Auditor General, audit number 2019-15.

Enacted by Chapter 368, 2020 General Session

63H-7a-207 Public safety advisory committee.

- (1) There is established the public safety advisory committee composed of 15 members as described in Subsections (2) and (3).
- (2) The board shall appoint members to the public safety advisory committee as follows:

- (a) one representative from an association that represents fire chiefs in the state;
 - (b) one representative from an association that represents police chiefs in the state;
 - (c) one representative from an association that represents sheriffs in the state;
 - (d) one representative from an association that represents emergency medical service personnel in the state;
 - (e) one member of law enforcement from a county of the first or second class;
 - (f) one member of law enforcement from a county of the third or fourth class;
 - (g) one member of law enforcement from a county of the fifth or sixth class;
 - (h) one individual from a fire department within a county of the first or second class;
 - (i) one individual from a fire department within a county of the third or fourth class;
 - (j) one individual from a fire department within a county of the fifth or sixth class; and
 - (k) one individual from the public safety communications industry.
- (3) The following shall serve on the public safety advisory committee:
- (a) the commissioner of public safety or the commissioner's designee;
 - (b) the executive director of the Department of Transportation or the executive director's designee;
 - (c) the chair of the public safety answering point advisory committee created in Section 63H-7a-208; and
 - (d) an individual nominated by the representatives of tribal governments elected under Section 9-9-104.5.
- (4)
- (a) Subject to Subsection (4)(b), each member appointed pursuant to Subsection (2) shall be appointed to a four-year term beginning July 1, 2019.
 - (b) Notwithstanding Subsection (2)(a), the board shall:
 - (i) at the time of appointment or reappointment of individuals described in Subsection (2), adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the those appointed pursuant to Subsection (2) are appointed every two years; and
 - (ii) not reappoint a member for more than two consecutive terms.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed as described in Subsection (2) or (3), as applicable, for the unexpired term.
- (6)
- (a) Each January, the committee shall organize and select one of the committee's members as chair and one member as vice chair.
 - (b) The committee may organize standing or ad hoc subcommittees, which shall operate in accordance with guidelines established by the committee.
- (7)
- (a) The chair shall convene a minimum of four meetings per year.
 - (b) The chair may call special meetings.
 - (c) The chair shall call a meeting upon request of eight or more members of the committee.
- (8) Eight members of the committee constitute a quorum for the transaction of business, and the action of a majority of the members present is the action of the committee.
- (9) A member may not receive compensation or benefits for the member's service.
- (10) The public safety advisory committee shall, on behalf of stakeholders, make recommendations to the director and the board regarding:
- (a) the authority operations and policies;
 - (b) the radio network division and interoperability division strategic plans;

- (c) the operation, maintenance, and capital development of and access to the public safety communications network;
 - (d) the authority's administrative rules relative to the radio network division and interoperability division; and
 - (e) how to solve stakeholder interoperability problems.
- (11) The chair of the public safety advisory committee is a nonvoting member of the board.
- (12)
- (a) The committee is not subject to Title 52, Chapter 4, Open and Public Meetings Act.
 - (b) The committee shall:
 - (i) at least 24 hours before a committee meeting, post a notice of the meeting, with a meeting agenda, on the authority's website;
 - (ii) within 10 days after a committee meeting, post to the authority's website the audio and draft minutes of the meeting; and
 - (iii) within three days after the committee approves minutes of a committee meeting, post the approved minutes to the authority's website.
 - (c) The committee's vice chair is responsible for preparing minutes of committee meetings.

Amended by Chapter 368, 2020 General Session

63H-7a-208 PSAP advisory committee.

- (1) There is established a PSAP advisory committee composed of nine members appointed by the board as follows:
- (a) one representative from a PSAP managed by a city;
 - (b) one representative from a PSAP managed by a county;
 - (c) one representative from a PSAP managed by a special service district;
 - (d) one representative from a PSAP managed by the Department of Public Safety;
 - (e) one representative from a PSAP from a county of the first class;
 - (f) one representative from a PSAP from a county of the second class;
 - (g) one representative from a PSAP from a county of the third or fourth class;
 - (h) one representative from a PSAP from a county of the fifth or sixth class; and
 - (i) one member from the telecommunications industry.
- (2)
- (a) Except as provided in Subsection (2)(b), each member shall be appointed to a four-year term beginning July 1, 2019.
 - (b) Notwithstanding Subsection (2)(a), the board shall:
 - (i) at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that the terms of approximately half of the committee end every two years; and
 - (ii) not reappoint a member for more than two consecutive terms.
- (3) If a vacancy occurs in the membership for any reason, the replacement shall be appointed by the board for the unexpired term.
- (4)
- (a) Each January, the committee shall organize and select one of its members as chair and one member as vice chair.
 - (b) The committee may organize standing or ad hoc subcommittees, which shall operate in accordance with guidelines established by the committee.
- (5)
- (a) The chair shall convene a minimum of four meetings per year.

- (b) The chair may call special meetings.
- (c) The chair shall call a meeting upon request of five or more members of the committee.
- (6) Five members of the committee constitute a quorum for the transaction of business, and the action of a majority of the members present is the action of the committee.
- (7) A member may not receive compensation or benefits for the member's service.
- (8) The PSAP advisory committee shall, on behalf of stakeholders, make recommendations to the director and the board regarding:
 - (a) the authority operations and policies;
 - (b) the 911 division and interoperability division strategic plans;
 - (c) the operation, maintenance, and capital development of the public safety communications network;
 - (d) the authority's administrative rules relative to the 911 division and the interoperability division; and
 - (e) the development of minimum standards and best practices as described in Subsection 63H-7a-302(1)(a).
- (9) No later than September 30, 2020, the PSAP advisory committee shall propose to the board a statewide CAD-to-CAD call handling and 911 call transfer protocol.
- (10) The chair of the PSAP advisory committee is a nonvoting member of the board.
- (11)
 - (a) The committee is not subject to Title 52, Chapter 4, Open and Public Meetings Act.
 - (b) The committee shall:
 - (i) at least 24 hours before a committee meeting, post a notice of the meeting, with a meeting agenda, on the authority's website;
 - (ii) within 10 days after a committee meeting, post to the authority's website the audio and draft minutes of the meeting; and
 - (iii) within three days after the committee approves minutes of a committee meeting, post the approved minutes to the authority's website.
 - (c) The committee's vice chair is responsible for preparing minutes of committee meetings.

Amended by Chapter 368, 2020 General Session

Part 3

911 Division

63H-7a-301 911 Division.

- (1) This part is known as the "911 Division."
- (2) There is created within the authority the 911 Division.
- (3) The 911 Division shall have the duties and powers described in this chapter.

Renumbered and Amended by Chapter 411, 2015 General Session

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

- (1) The 911 Division shall:
 - (a) in conjunction with the PSAP advisory committee, develop and report to the director minimum standards and best practices:

- (i) for public safety answering points in the state, including minimum technical, administrative, fiscal, network, and operational standards for public safety answering points and dispatch centers; and
 - (ii) that will result in rapid, efficient, and interoperable 911 services throughout the state;
 - (b) annually prepare and publish a report of how well PSAPs statewide are complying with the standards and best practices developed under Subsection (1)(a);
 - (c) investigate and report to the director on emerging technology;
 - (d) monitor and coordinate the implementation of the unified statewide 911 emergency services network;
 - (e) investigate and recommend to the director mapping systems and technology necessary to implement the unified statewide 911 emergency services network;
 - (f) prepare and submit to the executive director for approval by the board:
 - (i) an annual budget for the 911 Division;
 - (ii) an annual plan for the projects funded by the Computer Aided Dispatch Restricted Account created in Section 63H-7a-303 and the 911 account; and
 - (iii) information required by the director to contribute to the strategic plan described in Section 63H-7a-206;
 - (g) assist public safety answering points implementing and coordinating the unified statewide 911 emergency services network; and
 - (h) coordinate the development of an interoperable computer aided dispatch platform:
 - (i) for public safety answering points; and
 - (ii) where needed, to assist public safety answering points with the creation or integration of the interoperable computer aided dispatch system.
- (2) The 911 Division may recommend to the executive director to sell, lease, or otherwise dispose of equipment or personal property purchased, leased, or belonging to the authority that is related to funds expended from the Computer Aided Dispatch Restricted Account created in Section 63H-7a-303 or the 911 account, the proceeds from which shall return to the respective restricted accounts.
- (3) The 911 Division may make recommendations to the executive director for the use of the funds expended from the Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.
- (4)
- (a) The 911 Division shall review information regarding:
 - (i) in aggregate, the number of service subscribers by service type in a political subdivision;
 - (ii) network costs;
 - (iii) public safety answering point costs;
 - (iv) system engineering information; and
 - (v) connectivity between public safety answering point computer aided dispatch systems.
 - (b) In accordance with Subsection (4)(a) the 911 Division may request:
 - (i) information as described in Subsection (4)(a)(i) from the State Tax Commission; and
 - (ii) information from public safety answering points related to the computer aided dispatch system.
 - (c) The information requested by and provided to the 911 Division under Subsection (4) is a protected record in accordance with Section 63G-2-305.
- (5) The 911 Division shall recommend to the executive director, for approval by the board, rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Computer Aided Dispatch Restricted Account created in Section 63H-7a-303, including rules that establish the criteria, standards, technology, and equipment that a public safety answering

point is required to adopt in order to qualify as a recipient of goods or services that are funded from the restricted account.

- (6) The board may authorize the 911 Division to employ an outside consultant to study and advise the division on matters related to the 911 Division duties regarding the public safety communications network.
- (7) The 911 Division shall administer the program funded by the 911 account in accordance with Sections 63H-7a-304 and 63H-7a-304.5.
- (8) This section does not expand the authority of the State Tax Commission to request additional information from a telecommunication service provider.

Amended by Chapter 368, 2020 General Session

63H-7a-303 Computer Aided Dispatch Restricted Account -- Creation -- Administration -- Permitted uses.

- (1) There is created a restricted account within the General Fund known as the "Computer Aided Dispatch Restricted Account," consisting of money appropriated or otherwise made available by the Legislature.
- (2) Subject to this Subsection (2) and appropriations by the Legislature, the authority may expend funds in the Computer Aided Dispatch Restricted Account for the following purposes:
 - (a) enhancing public safety as provided in this chapter; and
 - (b) creating a shared computer aided dispatch system including:
 - (i) an interoperable computer aided dispatch platform that will be selected, shared, or hosted on a statewide or regional basis;
 - (ii) an interoperable computer aided dispatch platform selected by a county of the first class, when:
 - (A) authorized through an interlocal agreement between the county's two primary public safety answering points; and
 - (B) the county's computer aided dispatch platform is capable of interfacing with the platform described in Subsection (2)(b)(i); and
 - (iii) a statewide computer aided dispatch system data sharing platform to provide interoperability of systems.
- (3) Subject to an appropriation by the Legislature and approval by the board, the Administrative Services Division may expend funds from the Computer Aided Dispatch Restricted Account to cover the Administrative Services Division's administrative costs related to the Computer Aided Dispatch Restricted Account.
- (4) On July 1, 2024, all funds in the Computer Aided Dispatch Restricted Account shall automatically transfer to the 911 account.

Amended by Chapter 368, 2020 General Session

63H-7a-304 Unified Statewide 911 Emergency Service Account -- Creation -- Administration -- Permitted uses.

- (1) There is created a restricted account within the General Fund known as the "Unified Statewide 911 Emergency Service Account," consisting of:
 - (a) proceeds from the fee imposed in Section 69-2-403;
 - (b) money appropriated or otherwise made available by the Legislature; and
 - (c) contributions of money, property, or equipment from federal agencies, political subdivisions of the state, persons, or corporations.

- (2)
 - (a) Except as provided in Subsection (4) and subject to Subsection (3) and appropriations by the Legislature, the authority shall disburse funds in the 911 account for the purpose of enhancing and maintaining the statewide public safety communications network and 911 call processing equipment in order to rapidly, efficiently, effectively, and with greater interoperability deliver 911 services in the state.
 - (b) In expending funds in the 911 account, the authority shall give a higher priority to an expenditure that:
 - (i) best promotes statewide public safety;
 - (ii) best promotes interoperability;
 - (iii) impacts the largest service territory;
 - (iv) impacts a densely populated area; or
 - (v) impacts an underserved area.
 - (c) The authority shall expend funds in the 911 account in accordance with the authority strategic plan described in Section 63H-7a-206.
 - (d) The authority may not expend funds from the 911 account collected through the 911 emergency service charge imposed in Section 69-2-403 on behalf of a PSAP that chooses not to participate in the:
 - (i) public safety communications network; and
 - (ii) the 911 emergency service defined in Section 69-2-102.
 - (e) The authority may not expend funds from the 911 account collected through the prepaid wireless 911 service charge revenue distributed in Subsections 69-2-405(9)(a)(iii) and 69-2-405(9)(b)(iii) on behalf of a PSAP that chooses not to participate in the:
 - (i) public safety communications network; and
 - (ii) 911 emergency service defined in Section 69-2-102.
 - (f) The executive director shall recommend to the board expenditures for the authority to make from the 911 account in accordance with this Subsection (2).
- (3) Subject to an appropriation by the Legislature and approval by the board, the Administrative Services Division may use funds in the 911 account to cover the Administrative Services Division's administrative costs related to the 911 account.
- (4)
 - (a) The authority shall reimburse from the 911 account to the Utah Geospatial Resource Center created in Section 63A-16-505 an amount equal to up to 1 cent of each unified statewide 911 emergency service charge deposited into the 911 account under Section 69-2-403.
 - (b) The Utah Geospatial Resource Center shall use the funds reimbursed to the Utah Geospatial Resource Center under Subsection (4)(a) to:
 - (i) enhance and upgrade digital mapping standards; and
 - (ii) maintain a statewide geospatial database for unified statewide 911 emergency service.

Amended by Chapter 435, 2022 General Session

63H-7a-304.5 Distributions from 911 account to qualifying PSAPs.

- (1) As used in this section:
 - (a) "Certified statement" means a statement signed by a PSAP's director or other authorized administrator certifying the PSAP's compliance with the requirements of Subsection (2)(a).
 - (b) "Fiscal year" means the period from July 1 of one year to June 30 of the following year.
 - (c) "Proportionate share" means a percentage derived by dividing a PSAP's average 911 call volume, as reported to the State Tax Commission under Section 69-2-302, for the preceding

three years by the total of the average 911 call volume for the same three-year period for all PSAPs that have submitted a certified statement seeking a distribution of the applicable remaining funds.

(d) "Qualifying PSAP" means a PSAP that:

- (i) meets the requirements of Subsection (2)(a) for the period for which remaining funds are sought; and
- (ii) submits a timely certified statement to the authority.

(e) "Remaining funds" means the money remaining in the 911 account after deducting:

- (i) disbursements under Subsections 63H-7a-304(2)(a), (3), and (4);
- (ii) authority expenditures or disbursements in accordance with the authority's strategic plan, including expenditures or disbursements to pay for:
 - (A) implementing, maintaining, or upgrading the public safety communications network or statewide 911 phone system; and
 - (B) authority overhead for managing the 911 portion of the public safety communications network; and
- (iii) money that the board determines should remain in the 911 account for future use.

(f) "Required transfer rate" means:

- (i) a transfer rate of no more than 2%; or
- (ii) for a PSAP with a transfer rate for the fiscal year ending June 30, 2020, that is greater than 2%, and until June 30, 2023, the transfer rate that meets the requirement for the applicable period under Subsection 69-2-204(3)(a), (b), or (c).

(g) "Transfer rate" means the same as that term is defined in Section 69-2-204.

(2)

(a) To qualify for a proportionate share of remaining funds, a PSAP shall, for the period for which remaining funds are sought:

- (i) have answered:
 - (A) 90% of all 911 calls arriving at the PSAP within 15 seconds; and
 - (B) 95% of all 911 calls arriving at the PSAP within 20 seconds;
- (ii) have adopted and be using the statewide CAD-to-CAD call handling and 911 call transfer protocol adopted by the board under Subsection 63H-7a-204(17);
- (iii) have participated in the authority's annual interoperability exercise;
- (iv) have complied with the required transfer rate; and
- (v) be designated as an emergency medical service dispatch center according to Section 26B-4-117.

(b) A PSAP that seeks a proportionate share of remaining funds shall submit a certified statement to the authority no later than July 31 following the end of the fiscal year for which remaining funds are sought.

(c) Notwithstanding Subsection (2)(a):

- (i) a qualifying PSAP in a county with multiple PSAPs does not qualify for a proportionate share of remaining funds for a period beginning after June 30, 2023, unless every PSAP in that county is a qualifying PSAP; and
- (ii) a PSAP described in Subsection 69-2-203(5) does not qualify for remaining funds.

(3)

(a) Subject to Subsection (3)(b), for PSAPs that have become qualifying PSAPs for the previous fiscal year the authority shall distribute to each qualifying PSAP that PSAP's proportionate share of the remaining funds.

(b) The authority may not distribute more than 20% of remaining funds to any single PSAP.

(4) All money that a PSAP receives under this section is subject to Section 69-2-301.

Amended by Chapter 507, 2023 General Session

Part 4

Radio Network Division

63H-7a-401 Radio Network Division.

- (1) This part is known as the "Radio Network Division."
- (2) There is created within the authority the Radio Network Division.

Renumbered and Amended by Chapter 411, 2015 General Session

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

- (1) The Radio Network Division shall:
 - (a) provide and maintain the public safety communications network for all political subdivisions in the state within the authority network, including the existing VHF and 700 and 800 MHz networks, in a manner that:
 - (i) promotes high quality, cost effective service;
 - (ii) evaluates the benefits, cost, existing facilities, equipment, and services of public and private providers; and
 - (iii) where economically feasible, utilizes existing infrastructure to avoid duplication of facilities, equipment, and services of providers of communication services;
 - (b) prior to issuing one or more requests for proposal:
 - (i) prepare a report demonstrating the Radio Network Division has:
 - (A) identified the locations and functional capabilities of existing public and private communications facilities in the state;
 - (B) specifically evaluated the benefits, costs, and economic feasibility of utilizing existing facilities, equipment, and services of public and private providers; and
 - (C) identified the public and private communications facilities that may be integrated with the public safety communications network; and
 - (ii) present the report to the board at an open and public board meeting;
 - (c) prepare and submit to the executive director for approval by the board:
 - (i) an annual budget for the Radio Network Division;
 - (ii) an annual plan for the program funded by the Utah Statewide Radio System Restricted Account created in Section 63H-7a-403; and
 - (iii) information required by the director to contribute to the comprehensive strategic plan described in Section 63H-7a-206;
 - (d) recommend to the executive director administrative rules for approval by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the program funded by the restricted account created in Section 63H-7a-403, including rules that establish the criteria, standards, technology, equipment, and services that will qualify for goods or services that are funded from the restricted accounts; and
 - (e) fulfill other duties assigned to the Radio Network Division under this chapter.
- (2) The Radio Network Division may:

- (a) recommend to the executive director to sell, lease, or otherwise dispose of equipment or personal property purchased, leased, or belonging to the authority that is related to the public safety communications network;
- (b) recommend to the executive director to own, operate, or enter into contracts for the public safety communications network;
- (c) review information regarding:
 - (i) in aggregate, the number of radio service subscribers by service type in a political subdivision; and
 - (ii) matters related to the public safety communications network;
- (d) in accordance with Subsection (2)(c), request information from:
 - (i) local and state entities; and
 - (ii) public safety agencies; and
- (e) employ outside consultants to study and advise the division on issues related to:
 - (i) the public safety communications network;
 - (ii) radio technologies and services;
 - (iii) microwave connectivity;
 - (iv) fiber connectivity; and
 - (v) public safety communication network connectivity and usage.
- (3) The information requested by and provided to the Radio Network Division under Subsections (2)(c) and (d) is a protected record in accordance with Section 63G-2-305.
- (4) This section does not expand the authority of the State Tax Commission to request additional information from a telecommunication service provider.

Amended by Chapter 507, 2023 General Session

63H-7a-403 Utah Statewide Radio System Restricted Account -- Creation -- Administration.

- (1) There is created a restricted account within the General Fund known as the "Utah Statewide Radio System Restricted Account," consisting of:
 - (a) money appropriated or otherwise made available by the Legislature; and
 - (b) contributions of money from federal agencies, political subdivisions of the state, persons, or corporations.
- (2)
 - (a) Subject to appropriations by the Legislature and subject to this Subsection (2), the authority may expend funds in the Utah Statewide Radio System Restricted Account for the purpose of acquiring, constructing, operating, maintaining, and repairing a statewide radio system public safety communications network as authorized in Section 63H-7a-202, including:
 - (i) public safety communications network and related facilities, real property, improvements, and equipment necessary for the acquisition, construction, and operation of services and facilities;
 - (ii) installation, implementation, and maintenance of the public safety communications network;
 - (iii) maintaining and upgrading VHF and 800 MHz radio networks; and
 - (iv) an operating budget to include personnel costs not otherwise covered by funds from another account.
 - (b) For each radio network charge that is deposited into the Utah Statewide Radio System Restricted Account under Section 69-2-404, the authority shall spend, subject to an appropriation by the Legislature and this Subsection (2):
 - (i) on and after July 1, 2017, and before January 1, 2025, 18 cents of each total radio network charge to maintain the public safety communications network, including:

- (A) the 700 MHz, 800 MHz, and VHF radio networks;
 - (B) the authority's radio console network connectivity;
 - (C) funding a statewide interoperability coordinator; and
 - (D) authority administration costs;
- (ii) on and after January 1, 2025, and before July 1, 2033, 27 cents of each total radio network charge to maintain the public safety communications network, including:
- (A) the 700 MHz, 800 MHz, and VHF radio networks;
 - (B) the authority's radio console network connectivity;
 - (C) funding a statewide interoperability coordinator; and
 - (D) authority administration costs; and
- (iii) on and after January 1, 2018, and before January 1, 2025, 34 cents of each total radio network charge to acquire, construct, equip, and install property for, and to make improvements to, the 800 MHz radio system, including debt service costs.
- (c) In expending funds in the Utah Statewide Radio System Restricted Account, the authority shall give a higher priority to an expenditure that:
- (i) best promotes statewide public safety;
 - (ii) best promotes interoperability;
 - (iii) impacts the largest service territory;
 - (iv) impacts a densely populated area; or
 - (v) impacts an underserved area.
- (d) The authority shall expend funds in the Utah Statewide Radio System Restricted Account in accordance with the authority strategic plan described in Section 63H-7a-206.
- (e) The authority may not expend funds from the Utah Statewide Radio System Restricted Account collected through the radio network charge imposed in Section 69-2-404 on behalf of a public agency or PSAP if the public agency or PSAP chooses not to participate in the:
- (i) public safety communications network; and
 - (ii) radio communications service defined in Section 69-2-102.
- (f) The authority may not expend funds from the Utah Statewide Radio System Restricted Account collected through the prepaid wireless 911 service charge revenue distributed in Subsections 69-2-405(9)(a)(iii) and 69-2-405(9)(b)(iii) on behalf of a public agency or PSAP if the public agency or PSAP chooses not to participate in the:
- (i) public safety communications network; and
 - (ii) radio communications service defined in Section 69-2-102.
- (g) The executive director shall recommend to the board expenditures for the authority to make from the Utah Statewide Radio System Restricted Account in accordance with this Subsection (2).
- (3) Subject to appropriations by the Legislature, the Administrative Services Division may expend funds in the Utah Statewide Radio System Restricted Account for administrative costs that the Administrative Services Division incurs related to the Utah Statewide Radio System Restricted Account.

Amended by Chapter 435, 2022 General Session

63H-7a-404 Radio Network Division responsibility to administer public safety communications network.

- (1) The Radio Network Division shall administer the development, installation, implementation, and maintenance of the public safety communications network for the authority, for the benefit

of state government entities and political subdivisions of the state that use the public safety communications network.

- (2) In developing and maintaining the public safety communications network as described in Subsection (1), the Radio Network Division shall:
 - (a) maintain and upgrade existing VHF and 800 MHz radio networks;
 - (b) coordinate with state government entities, political subdivisions of the state, and public and private providers; and
 - (c) contract for facilities, equipment, and services for the public safety communications network in a manner that:
 - (i) complies with Title 63G, Chapter 6a, Utah Procurement Code;
 - (ii) promotes high-quality, cost-effective services for public safety communications network users;
 - (iii) evaluates the costs and benefits of using existing public or private facilities, equipment, or services or developing or establishing new facilities, equipment, or services; and
 - (iv) where economically beneficial without compromising quality or reliability of service, avoids duplicating existing private or public facilities, equipment, or services.
- (3)
 - (a) The authority may not charge a state government entity or political subdivision of the state a radio user fee.
 - (b) Subsection (3)(a) may not be construed to prevent the authority from charging a state government entity or political subdivision of the state for other services associated with the public safety communications network.
 - (c) The authority may charge a person other than a PSAP a fee for connecting a radio console to the public safety communications network.

Amended by Chapter 368, 2020 General Session

Part 5

Interoperability Division

63H-7a-501 Interoperability Division.

- (1) This part is known as the "Interoperability Division."
- (2) There is created within the authority the Interoperability Division, which shall be responsible for the duties of the authority as specified in this chapter.
- (3) The executive director shall appoint a statewide interoperability coordinator with the approval of the board. The statewide interoperability coordinator shall be funded by the Department of Public Safety within appropriations to the Department of Public Safety for this purpose.

Renumbered and Amended by Chapter 411, 2015 General Session

63H-7a-502 Interoperability Division duties.

- (1) The Interoperability Division shall:
 - (a) review and make recommendations to the executive director, for approval by the board, regarding:
 - (i) statewide interoperability coordination and FirstNet standards;

- (ii) technical, administrative, fiscal, technological, network, and operational issues for the implementation of statewide interoperability, coordination, and FirstNet;
 - (iii) assisting public agencies with the implementation and coordination of the Interoperability Division responsibilities; and
 - (iv) training for the public safety communications network and unified statewide 911 emergency services;
 - (b) review information and records regarding:
 - (i) aggregate information of the number of service subscribers by service type in a political subdivision;
 - (ii) matters related to statewide interoperability coordination;
 - (iii) matters related to FirstNet including advising the governor regarding FirstNet; and
 - (iv) training needs;
 - (c) prepare and submit to the executive director for approval by the board:
 - (i) an annual plan for the Interoperability Division; and
 - (ii) information required by the director to contribute to the comprehensive strategic plan described in Section 63H-7a-206;
 - (d) prepare and conduct annual training exercises:
 - (i) for public safety agencies; and
 - (ii) designed to enhance interoperability and the effectiveness and efficiency of public safety agencies; and
 - (e) fulfill all other duties imposed on the Interoperability Division by this chapter.
- (2) The Interoperability Division may:
- (a) recommend to the executive director to own, operate, or enter into contracts related to statewide interoperability, FirstNet, and training;
 - (b) request information needed under Subsection (1)(b)(i) from:
 - (i) the State Tax Commission; and
 - (ii) public safety agencies; and
 - (c) employ an outside consultant to study and advise the Interoperability Division on:
 - (i) issues of statewide interoperability;
 - (ii) FirstNet; and
 - (iii) training.
- (3) The information requested by and provided to the Interoperability Division under Subsection (1)(b)(i) is a protected record in accordance with Section 63G-2-305.
- (4) This section does not expand the authority of the State Tax Commission to request additional information from a telecommunication service provider.

Amended by Chapter 368, 2020 General Session

63H-7a-503 Statewide interoperability coordinator.

The statewide interoperability coordinator shall:

- (1) promote wireless technology information and interoperability among local, state, federal, and other agencies;
- (2) provide a mechanism for coordinating and resolving wireless communication issues among local, state, federal, and other agencies;
- (3) improve data and information sharing and coordination of multijurisdictional responses;
- (4) consider opportunities to consolidate or improve interoperability of infrastructures and technologies;

- (5) evaluate current technologies and determine if they are meeting the needs of agency personnel in respective service areas;
- (6) create and maintain procedures for requesting interoperability channels; and
- (7) act as the FirstNet single point of contact for the authority.

Enacted by Chapter 411, 2015 General Session

Part 6

Administrative Services Division

63H-7a-601 Administrative Services Division -- Creation -- Legal services.

- (1) This part is known as "Administrative Services Division."
- (2) There is created within the authority the Administrative Services Division.
- (3) The Administrative Services Division shall provide financial and human resources assistance to the authority under the direction of the board and the executive director.
- (4) At the board's request and with the board's approval, the Administrative Services Division may establish or contract for legal services for the authority.

Amended by Chapter 430, 2017 General Session

63H-7a-602 Duties -- Administrative Services Division -- Accounting for authority disbursements.

The Administrative Services Division is responsible for the care, custody, safekeeping, collection, and accounting for disbursements made by the authority under:

- (1) Section 63H-7a-303;
- (2) Section 63H-7a-304; and
- (3) Section 63H-7a-403.

Repealed and Re-enacted by Chapter 430, 2017 General Session

63H-7a-603 Financial officer -- Duties.

- (1) The executive director shall appoint a financial officer for the Administrative Services Division with the approval of the board.
- (2) The financial officer shall be responsible for accounting for the authority, including:
 - (a) safekeeping and investment of public funds of the authority, including the funds expended from the restricted accounts created in this chapter;
 - (b) the proper collection, deposit, disbursement, and management of the public funds of the authority in accordance with Title 51, Chapter 7, State Money Management Act;
 - (c) having authority to sign all bills payable, notes, checks, drafts, warrants, or other negotiable instruments in the absence of the executive director and the executive director's designated employee;
 - (d) providing to the board and the executive director a statement of the condition of the finances of the authority, at least annually and at such other times as shall be requested by the board; and
 - (e) performing all other duties incident to the financial officer.
- (3) The financial officer shall:

- (a) be bonded in an amount established by the State Money Management Council; and
- (b) file written reports with the State Money Management Council pursuant to Section 51-7-15.

Amended by Chapter 430, 2017 General Session

Part 7

Investment of Authority Funds

63H-7a-701 Investment of authority funds.

- (1) The state treasurer shall invest all money held on deposit by or on behalf of the authority.
- (2) The board may provide advice to the state treasurer concerning investment of the money of the authority.

Repealed and Re-enacted by Chapter 430, 2017 General Session

Part 8

Miscellaneous Provisions

63H-7a-800 Title.

This part is known as "Miscellaneous Provisions."

Enacted by Chapter 411, 2015 General Session

63H-7a-801 Property and funds of the authority declared public property -- Exemption from taxes.

- (1) The property and funds of the authority are declared to be public property used for essential public and governmental purposes.
- (2) The property and the authority are exempt from all taxes and special assessments of any public body. This tax exemption does not apply to any portion of a project used for a profit-making enterprise.

Renumbered and Amended by Chapter 411, 2015 General Session

63H-7a-802 Term of the authority -- Dissolution.

- (1) The authority may be dissolved by an act of the Legislature.
- (2) Title to all assets of the authority upon its dissolution shall revert to the state for services provided by the public safety communications network.
- (3) The board is authorized to:
 - (a) take any necessary action to dissolve the authority; and
 - (b) dispose of the property of the authority upon its dissolution as provided in Subsection (2).

Amended by Chapter 509, 2019 General Session

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

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

- (a) except as provided in Subsection (3), Title 63A, Utah Government Operations Code;
- (b) Title 63G, Chapter 4, Administrative Procedures Act; and
- (c) Title 63A, Chapter 17, Utah State Personnel Management Act.

- (2)
 - (a) The board shall adopt procedures, accounting, and personnel and human resource policies substantially similar to those from which they have been exempted in Subsection (1).
 - (b) The authority, the board, and the committee members are subject to Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
 - (c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.
 - (d) The authority is subject to Title 63G, Chapter 6a, Utah Procurement Code.
 - (e) The authority is subject to Title 63J, Chapter 1, Budgetary Procedures Act, only with respect to money appropriated to the authority by the Legislature.
- (3)
 - (a) Subject to the requirements of Subsection 63E-1-304(2), the administration may participate in coverage under the Risk Management Fund created by Section 63A-4-201.
 - (b) The authority is subject to Section 67-3-12.

Amended by Chapter 435, 2022 General Session

63H-7a-804 Annual report to governor and Legislature -- Contents -- Audit by state auditor -- Reimbursement for costs.

- (1) The authority shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor and the Legislature. Each report shall set forth a complete operating and financial statement of the agency during the fiscal year it covers.
- (2) The state auditor shall at least once in each year audit the books and accounts of the authority or shall contract with an independent certified public accountant for this audit. The audit shall include a review of the procedures adopted under the requirements of Subsection 63H-7a-803(2) and a determination as to whether the board has complied with the requirements of Subsection 63H-7a-803(2).
- (3) The authority shall reimburse the state auditor from available money of the authority for the actual and necessary costs of that audit.

Renumbered and Amended by Chapter 411, 2015 General Session