

1 **UTAH TECHNOLOGY COMMISSION**

2 **MEMBERSHIP**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: John Dougall**

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Information Technology Act by changing the membership of the
10 Utah Technology Commission and by creating the Utah Government Technology
11 Strategy Committee.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ modifies the Utah Technology Commission membership by transferring all
15 nonlegislative, governmental members to the Utah Governmental Technology
16 Strategy Committee;
- 17 ▶ authorizes the president of the Senate and speaker of the House of Representatives
18 to appoint new legislative members to the commission;
- 19 ▶ amends the Utah Technology Industry Council to create a vice chair of the council;
- 20 ▶ amends the provisions for joint meetings with the Utah Technology Commission;
- 21 ▶ creates the Utah Government Technology Strategy Committee;
- 22 ▶ defines the committee's duties and responsibilities; and
- 23 ▶ makes technical corrections.

24 **Monies Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63D-1a-201**, as enacted by Chapter 209, Laws of Utah 2003

31 **63D-1a-202**, as enacted by Chapter 209, Laws of Utah 2003

32 **63D-1a-203**, as enacted by Chapter 209, Laws of Utah 2003

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34 ENACTS:

35 **63D-1a-205**, Utah Code Annotated 1953



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

38 Section 1. Section **63D-1a-201** is amended to read:

39 **63D-1a-201. Creation -- Membership -- Appointment -- Staff.**

40 (1) (a) There is created an independent commission to be known as the "Utah
41 Technology Commission."

42 (b) The commission shall be composed of [~~13~~] 12 members appointed as follows:

43 (i) [~~five~~] seven members of the House of Representatives, appointed by the speaker of
44 the House, not more than [~~three~~] five of whom shall be from the same political party; and

45 (ii) [~~three~~] five members of the Senate, appointed by the president of the Senate, not
46 more than [~~two~~] four of whom shall be from the same political party[;].

47 [~~(iii) the chief information officer;~~]

48 [~~(iv) a representative of the executive branch appointed by the governor;~~]

49 [~~(v) a representative of the judicial branch appointed by the Judicial Council;~~]

50 [~~(vi) a representative of public education appointed by the State Board of Education;~~

51 and]

52 [~~(vii) a representative of higher education appointed by the State Board of Regents.]~~

53 (2) (a) The president of the Senate shall appoint a member of the commission [~~who is a~~
54 legislator] to serve as [~~a~~] the Senate chair of the commission.

55 (b) The speaker of the House shall appoint a member of the commission [~~who is a~~
56 legislator] to serve as [~~a~~] the House chair of the commission.

57 (3) (a) A majority of the members of the commission constitute a quorum.

58 (b) Action by a majority vote of a quorum of the commission constitutes an action by

59 the commission.

60 ~~[(4) (a) (i) A member of the commission who is a state government officer and~~
61 ~~employee who does not receive salary, per diem, or expenses from the member's agency for the~~
62 ~~member's service on the commission may receive per diem and expenses incurred in the~~
63 ~~performance of the member's official duties from the commission at the rates established by the~~
64 ~~Division of Finance under Sections 63A-3-106 and 63A-3-107.]~~

65 ~~[(ii) A member of the commission who is state government officer and employee may~~
66 ~~decline to receive per diem and expenses for the member's service.]~~

67 ~~[(b)] (c)~~ Salaries and expenses of the members of the commission who are legislators
68 shall be paid in accordance with Section 36-2-2 and Legislative Joint Rule 15.03.

69 ~~[(e) (i) A member of the commission appointed to represent higher education who does~~
70 ~~not receive salary, per diem, or expenses from the entity that the member represents may~~
71 ~~receive per diem and expenses incurred in the performance of the member's official duties from~~
72 ~~the commission at the rates established by the Division of Finance under Sections 63A-3-106~~
73 ~~and 63A-3-107.]~~

74 ~~[(ii) A member of the commission appointed to represent higher education may decline~~
75 ~~to receive per diem and expenses for the member's service.]~~

76 ~~[(5)] (4)~~ The Office of Legislative Research and General Counsel shall provide staffing
77 for the commission.

78 Section 2. Section **63D-1a-202** is amended to read:

79 **63D-1a-202. Powers and duties of the commission -- Reporting.**

80 (1) The commission may:

81 (a) study the present and future information technology needs of state government
82 including:

83 (i) making recommendations regarding the coordination and governance of the
84 information technology needs for:

85 (A) the executive, legislative, and judicial branches; and

86 (B) public and higher education;

87 (ii) in accordance with Part 4, Interbranch Coordination:

88 (A) with regard to the interbranch information technology coordination plan:

89 (I) participating in the interbranch information technology plan's preparation; and

- 90 (II) reviewing the interbranch information technology plan; and
- 91 (B) receiving reports regarding the information technology objectives of:
 - 92 (I) the executive, legislative, and judicial branches; and
 - 93 (II) public and higher education; and
 - 94 (iii) making budget recommendations to:
 - 95 (A) the Executive Appropriations Committee; and
 - 96 (B) the appropriate appropriations subcommittees of the Executive Appropriations
 - 97 Committee;
 - 98 (b) make recommendations for promoting economic development of the technology
 - 99 industry of Utah, including participating in joint meetings with the [~~steering committee of the~~]
 - 100 Utah Technology Industry Council in accordance with Section 63D-1a-204;
 - 101 (c) make recommendations for promoting cooperation by state and local entities in the
 - 102 use of technology, including participating in joint meetings with the Utah Government
 - 103 Technology Strategy Committee in accordance with Section 63D-1a-204;
 - 104 [~~(d)~~] (d) study the present and future technology needs related to the state's economy
 - 105 and quality of life of Utah's citizens, including soliciting and considering recommendations
 - 106 regarding technology from:
 - 107 (i) the governor;
 - 108 (ii) the chief information officer;
 - 109 (iii) the judicial branch;
 - 110 (iv) public and higher education;
 - 111 (v) the Legislature;
 - 112 (vi) the business communities in the state; and
 - 113 (vii) the general public; and
 - 114 [~~(e)~~] (e) review, analyze, and study any issue related to information technology that is
 - 115 of interest to the commission.
 - 116 (2) The commission [~~shall~~] may:
 - 117 (a) submit an annual report to the Legislature before each annual general session;
 - 118 (b) submit the annual report required by Section 63D-1a-204 to:
 - 119 (i) the governor; and
 - 120 (ii) the Legislature; and

121 (c) if needed, prepare legislation concerning information technology for submission to
122 the Legislature for consideration by the Legislature in the Legislature's annual general session.

123 Section 3. Section **63D-1a-203** is amended to read:

124 **63D-1a-203. Utah Technology Industry Council.**

125 (1) As used in this section:

126 (a) "Council" means the Utah Technology Industry Council created by this section.

127 (b) "Technology industry business in this state" means a business that has as a primary
128 function the research, development, production, or marketing of technologies in technology
129 sectors including:

130 (i) aerospace;

131 (ii) biotechnology or other technologies related to life sciences;

132 (iii) information technologies or other technologies related to information technologies;

133 or

134 (iv) other key technology industries sectors as the technology industries develop.

135 (2) (a) There is created a Utah Technology Industry Council to act as a body that
136 recommends policy to the commission.

137 (b) Subject to the requirements of this section, the council:

138 (i) shall be organized by the steering committee created under Subsection (3); and

139 (ii) operate in accordance with the charter that:

140 (A) is initially adopted by the steering committee in accordance with Subsection (4);

141 and

142 (B) amended as provided in the charter.

143 (c) A member of the council shall receive no compensation or benefits for the
144 member's services including per diem or expenses incurred in the performance of the member's
145 official duties on the council.

146 (3) (a) The steering committee described in Subsection (2) shall consist of eight
147 members:

148 (i) the executive director of the Department of Community and Economic
149 Development or the executive director's designee, provided that the designee is a senior officer
150 in the department; and

151 (ii) seven members appointed as follows:

152 (A) the speaker of the House of Representatives shall appoint two members who are
153 present or former senior:

- 154 (I) officers of technology industry businesses in the state; or
- 155 (II) executive directors of technology industry associations in this state;

156 (B) the president of the Senate shall appoint two members who are present or former:

- 157 (I) senior officers of technology industry businesses in the state; or
- 158 (II) executive directors of technology industry associations in this state;

159 (C) the governor shall appoint two members who are present or former:

- 160 (I) senior officers in technology industry businesses in the state; or
- 161 (II) executive directors of technology industry associations in this state; and

162 (D) the chair of the steering committee shall appoint a representative of political
163 subdivisions of the state who is an elected official in any Utah municipality or county.

164 (b) (i) The members of the steering committee shall elect a chair and vice chair of the
165 steering committee from the steering committee by a majority vote.

166 (ii) The chair of the steering committee shall act as chair of the council. The vice chair
167 may serve as chair if requested by the chair or in the case of absence or illness of the chair.

168 (c) (i) Except as required by Subsection (3)(c)(ii), a member of the steering committee
169 appointed under Subsection (3)(a)(ii) shall be appointed to a term of four years.

170 (ii) Notwithstanding the requirements of Subsection (3)(c)(i), at the time of initial
171 appointment of the steering committee, the members of the steering committee shall create a
172 random process to adjust the length of terms of the initial members of the steering committee to
173 ensure that the terms of members are staggered so that approximately half of the steering
174 committee is appointed every two years.

175 (d) The Department of Community and Economic Development shall provide staff to:

- 176 (i) the steering committee; and
- 177 (ii) the council.

178 (4) The steering committee appointed under Subsection (3) shall adopt a charter for the
179 council by no later than July 1, 2003 that specifies:

180 (a) the number, terms, and appointment of voting members of the council, except that
181 the voting members of the council shall be:

- 182 (i) present or former senior officers of technology industry businesses in the state;

- 183 (ii) present or former executive directors of technology associations in the state; or
- 184 (iii) representatives of:
 - 185 (A) state or local government; or
 - 186 (B) public or higher education;
- 187 (b) the number, terms, and appointment of nonvoting members of the council;
- 188 (c) the term of the chair of the council;
- 189 (d) the process to be followed in creating any subcommittees of the council;
- 190 (e) the quorum requirements for the council or for subcommittees of the council to take
- 191 action;
- 192 (f) the processes to be followed to call a meeting of the council or a subcommittee of
- 193 the council, except that:
 - 194 (i) any meeting of the council or a subcommittee of the council is subject to Title 52,
 - 195 Chapter 4, Open and Public Meetings;
 - 196 (ii) members of the commission shall be provided notice of each meeting of the council
 - 197 or of a subcommittee of the council; and
 - 198 (iii) legislative members of the commission that attend a meeting of the council or a
 - 199 subcommittee of the council:
 - 200 (A) may not vote unless the legislator is a member of the council or the subcommittee;
 - 201 and
 - 202 (B) may receive a salary and expenses paid in accordance with Section 36-2-2 and
 - 203 Legislative Joint Rule 15.03; and
 - 204 (g) the process for amending the charter under which the council operates.
- 205 (5) The council may:
 - 206 (a) conduct research or other studies to the extent that funding is available;
 - 207 (b) review practices in the worldwide private and public sectors that could foster
 - 208 technology business growth in the state;
 - 209 (c) prepare an assessment of the current status of technology industries in the state
 - 210 including:
 - 211 (i) the needs of technology industries in the state; and
 - 212 (ii) opportunities for future growth of technology industries in the state;
 - 213 (d) develop a strategic plan as to:

- 214 (i) the future of technology industries in the state;
- 215 (ii) the future economic value technology industries can bring to the state; and
- 216 (iii) the future benefits technology industries can bring to the quality of life of the
- 217 citizens in the state;
- 218 (e) develop plans, including public and private sector initiatives, to meet any objectives
- 219 included in the strategic plan statement described in Subsection (5)(d), including proposals to
- 220 support the creation, retention, expansion, or attraction of technology industry businesses in the
- 221 state; and
- 222 (f) study other issues as directed by the commission related to economic development
- 223 of technology industries.

224 Section 4. Section **63D-1a-204** is amended to read:

225 **63D-1a-204. Joint meetings of the commission, the Utah Technology Industry**

226 **Council, and the Utah Government Technology Strategy Committee -- Reporting.**

227 (1) (a) The chairs of the commission shall call a joint meeting of the commission and

228 the ~~[steering committee of the council]~~ chairs and vice chairs of both the Utah Technology

229 Industry Council and the Utah Government Technology Strategy Committee at least twice each

230 year to discuss activities and recommendations of the council and committee.

231 (b) The chairs of the commission shall chair [a] joint ~~[meeting of the commission and~~

232 ~~steering committee]~~ meetings held in accordance with this section.

233 (c) At [a] joint ~~[meeting of the commission and the steering committee]~~ meetings held

234 in accordance with this section:

235 (i) the members of the commission and the ~~[steering committee]~~ chair and vice chair of

236 both the Utah Technology Industry Council and the Utah Government Technology Strategy

237 Committee may vote;

238 (ii) ~~[H]~~ nine members ~~[of]~~ from either the commission [and the steering committee] or

239 the Utah Technology Industry Council's or the Utah Government Technology Strategy

240 Committee's chairs and vice chairs constitute a quorum for purposes of the joint meeting; and

241 (iii) an action by a majority vote of a quorum constitutes an action by the commission

242 ~~[and the steering committee]~~ during a joint meeting.

243 (2) (a) The commission ~~[shall]~~ may report annually regarding the results of the joint

244 meetings held in accordance with this section to:

- 245 (i) the governor; and
- 246 (ii) the Legislature.
- 247 (b) The report of the commission described in Subsection (2)(a) shall be made prior to
- 248 each annual general session of the Legislature.
- 249 (c) The report of the commission described in Subsection (2)(a) may include:
- 250 (i) a summary of the activities of the ~~[council]~~ Utah Technology Industry Council and
- 251 the Utah Government Technology Strategy Committee as those activities were reported to the
- 252 commission; and
- 253 (ii) any of the following that were adopted at a joint meeting of the commission [~~and~~
- 254 ~~the steering committee~~] that is held in accordance with Subsection (1):
- 255 (A) an assessment of the current status of technology industries in the state including:
- 256 (I) the successes and failures experienced by technology industries in the state;
- 257 (II) the needs of technology industries in the state; and
- 258 (III) opportunities for future growth of technology industries in the state;
- 259 (B) recommendations for how state ~~[government]~~ and local governments:
- 260 (i) can use new or existing products and services available from technology industry
- 261 businesses in the state; and
- 262 (ii) how state and local governments may integrate the use of technology for the
- 263 purposes of efficiency and cost savings;
- 264 (C) a strategic plan for:
- 265 (I) the future of technology industries in the state;
- 266 (II) the economic value that technology industries can bring to the state in the future;
- 267 and
- 268 (III) the benefits that technology industries can bring to the quality of life of the
- 269 citizens in the state in the future;
- 270 (D) recommendations for any proposed legislation; and
- 271 (E) recommendations for any administrative changes in the executive branch.
- 272 Section 5. Section **63D-1a-205** is enacted to read:
- 273 **63D-1a-205. Utah Government Technology Strategy Committee.**
- 274 (1) As used in this section:
- 275 (a) "Committee" means the Utah Government Technology Strategy Committee created

276 by this section.

277 (b) "Government technology" means the use of any type of technology that has a
278 primary function of providing goods and services between governmental entities, to citizens, or
279 other subscribers.

280 (c) "Governmental entity" means the executive and judicial branches of state
281 government, higher education, public education, and local governments including counties,
282 cities, and towns.

283 (2) (a) There is created a Utah Government Technology Strategy Committee to act as a
284 body that recommends state and local government technology policy to the commission.

285 (b) Subject to the requirements of this section:

286 (i) the committee members are selected by the chief information officer and serve
287 terms at the will of the chief information officer;

288 (ii) committee members may be requested from any governmental entity including:

289 (A) the executive branch;

290 (B) the judicial branch as approved by the Judicial Council;

291 (C) the Utah Board of Regents;

292 (D) the Utah State Office of Education; and

293 (E) local governments including counties, cities and towns, and special districts.

294 (3) (a) The chief information officer shall serve as chair of the committee and shall
295 provide staff to the committee.

296 (b) The chief information officer shall select a vice chair from among the committee
297 members.

298 (c) The vice chair shall serve at the will of the chief information officer.

299 (4) The committee may:

300 (a) conduct government technology research or other studies to the extent funding is
301 available;

302 (b) review government and private sector technology practices for the purpose of
303 determining whether state and local governments in Utah may benefit from adoption of similar
304 policies;

305 (c) develop technology plans, policies, and budget recommendations for presentation to
306 the commission; and

307 (d) study other issues as directed by the committee or the commission related to the use
308 of technology in state and local government.

309 (5) A member of the committee shall receive no compensation or benefits for the
310 member's services incurred in the performance of the member's official duties on the
311 committee.

312 (6) Any meeting of the committee is subject to Title 52, Chapter 4, Open and Public
313 Meetings.

Legislative Review Note
as of 1-26-05 11:18 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

This bill adds four legislators to an existing commission and creates a new advisory committee. Staff costs are covered by existing base budgets. The bill is estimated to cost an additional \$11,400 per year for salary and per diem of additional legislators serving on the commission.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$11,400	\$11,400	\$0	\$0
TOTAL	\$11,400	\$11,400	\$0	\$0

Individual and Business Impact

No fiscal impact.
