

Part 3
Utah Science Technology and Research Governing Authority

63M-2-301 The Utah Science Technology and Research Initiative -- Governing authority -- Executive director.

- (1) There is created the Utah Science Technology and Research Initiative.
- (2) To oversee USTAR, there is created the Utah Science Technology and Research Governing Authority consisting of:
 - (a) the state treasurer or the state treasurer's designee;
 - (b) the executive director of the Governor's Office of Economic Development;
 - (c) three members appointed by the governor, with the consent of the Senate;
 - (d) two members appointed by the president of the Senate;
 - (e) two members appointed by the speaker of the House of Representatives; and
 - (f) one member appointed by the commissioner of higher education.
- (3)
 - (a) The eight appointed members under Subsections (2)(c) through (f) shall serve four-year staggered terms.
 - (b) An appointed member under Subsection (2)(c), (d), (e), or (f):
 - (i) may not serve more than two full consecutive terms; and
 - (ii) may be removed from the governing authority for any reason before the member's term is completed:
 - (A) at the discretion of the original appointing authority; and
 - (B) after the original appointing authority consults with the governing authority.
- (4) A vacancy on the governing authority in an appointed position under Subsection (2)(c), (d), (e), or (f) shall be filled for the unexpired term by the appointing authority in the same manner as the original appointment.
- (5)
 - (a) Except as provided in Subsection (5)(b), the governor, with the consent of the Senate, shall select the chair of the governing authority to serve a one-year term.
 - (b) The governor may extend the term of a sitting chair of the governing authority without the consent of the Senate.
 - (c) The executive director of the Governor's Office of Economic Development shall serve as the vice chair of the governing authority.
- (6) The governing authority shall meet at least six times each year and may meet more frequently at the request of a majority of the members of the governing authority.
- (7) Five members of the governing authority are a quorum.
- (8) A member of the governing authority may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance:
 - (i) pursuant to Sections 63A-3-106 and 63A-3-107; and
 - (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (9)
 - (a) After consultation with the governing authority, the governor, with the consent of the Senate, shall appoint a full-time executive director to provide staff support for the governing authority.

- (b) The executive director is an at-will employee who may be terminated with or without cause by:
 - (i) the governor; or
 - (ii) majority vote of the governing authority.

Amended by Chapter 240, 2016 General Session

63M-2-302 USTAR governing authority powers and duties.

- (1) The governing authority shall:
 - (a) ensure that funds appropriated to USTAR are used appropriately, effectively, and efficiently in accordance with this chapter;
 - (b) in cooperation with a research university's administration, work to expand research at the research university;
 - (c) enhance technology transfer and commercialization of research and technology developed at a higher education institution to create high-quality jobs and new industries in the private sector in the state;
 - (d) ensure that USTAR programs do not duplicate existing or planned programs of other state agencies;
 - (e) establish written economic development objectives for USTAR that are measurable and verifiable;
 - (f) consider input from the Governor's Office of Economic Development and higher education institutions;
 - (g) establish and administer a grant program, as provided in Section 63M-2-503, and provide USTAR support, as provided in Section 63M-2-504, consistent with and to further economic development objectives that the governing authority establishes; and
 - (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to implement this chapter.
- (2) The governing authority may:
 - (a) in addition to receiving money appropriated by the Legislature, receive contributions to USTAR from any source, in the form of money, property, labor, or other thing of value;
 - (b) subject to restrictions imposed by a donor or legislative appropriation, allocate money for programs and activities described in this chapter;
 - (c) enter into an agreement necessary to obtain private equity investment in USTAR;
 - (d) charge and collect rent for space in a facility or building that USTAR controls;
 - (e) in fulfilling the governing authority's duties and responsibilities under this chapter, collaborate with:
 - (i) the Governor's Office of Economic Development and other state agencies with an interest in economic development; and
 - (ii) private entities with an interest in economic development; and
 - (f) delegate powers and duties to the executive director.
- (3) A state agency, higher education institution, or political subdivision with which the governing authority seeks to collaborate in fulfilling the governing authority's duties under this chapter shall cooperate with the governing authority as reasonably necessary to enable the governing authority to fulfill its duties under this chapter.

Repealed and Re-enacted by Chapter 240, 2016 General Session

63M-2-302.5 USTAR governing authority requirements.

- The governing authority is subject to the requirements of an executive branch agency and is:
- (1) an agency for purposes of Title 63J, Chapter 1, Budgetary Procedures Act;
 - (2) an executive branch procurement unit for purposes of Title 63G, Chapter 6a, Utah Procurement Code;
 - (3) a governmental entity for purposes of Title 63G, Chapter 2, Government Records Access and Management Act; and
 - (4) a public body for purposes of Title 52, Chapter 4, Open and Public Meetings Act.

Amended by Chapter 240, 2016 General Session