

1 **UTAH TECHNOLOGY INDUSTRY COUNCIL**

2 **REVISIONS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: David Litvack**

6 Senate Sponsor: Beverly Ann Evans

7

8 **LONG TITLE**

9 **General Description:**

10 This bill makes changes to the Utah Technology Industry Council.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ removes the requirement for a joint meeting between the Utah Technology
- 14 Commission and the Utah Technology Industry Council;
- 15 ▶ changes the membership of the Utah Technology Industry Council;
- 16 ▶ changes the selection of the chair of the Utah Technology Industry Council;
- 17 ▶ allows for the creation of ad hoc committees to participate in the Utah Technology
- 18 Industry Council's work;
- 19 ▶ requires the Office of Legislative Research and General Counsel to staff the Utah
- 20 Technology Industry Council; and
- 21 ▶ makes technical changes.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **63D-1a-202**, as enacted by Chapter 209, Laws of Utah 2003

29 **63D-1a-203**, as last amended by Chapter 148, Laws of Utah 2005

30 REPEALS:

31 **63D-1a-204**, as enacted by Chapter 209, Laws of Utah 2003



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

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

35 **63D-1a-202. Powers and duties of the commission -- Reporting.**

36 (1) The commission may:

37 (a) study the present and future information technology needs of state government

38 including:

39 (i) making recommendations [~~regarding~~] concerning the coordination and governance

40 of the information technology needs for:

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

42 (B) public and higher education;

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

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

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

46 (II) reviewing the interbranch information technology plan; and

47 (B) receiving reports [~~regarding~~] concerning the information technology objectives of:

48 (I) the executive, legislative, and judicial branches; and

49 (II) public and higher education; and

50 (iii) making budget recommendations to:

51 (A) the Executive Appropriations Committee; and

52 (B) the appropriate appropriations subcommittees of the Executive Appropriations

53 Committee;

54 (b) make recommendations [~~for promoting economic development of the~~] concerning

55 Utah's technology industry [~~of Utah, including participating in joint meetings with the steering~~

56 committee of the Utah Technology Industry Council in accordance with Section 63D-1a-204];

57 (c) study the present and future technology needs related to the state's economy and

58 quality of life of Utah's citizens, including soliciting and considering recommendations

59 ~~[regarding]~~ concerning technology from:

- 60 (i) the governor;
- 61 (ii) the chief information officer;
- 62 (iii) the judicial branch;
- 63 (iv) public and higher education;
- 64 (v) the Legislature;
- 65 (vi) the business communities in the state; and
- 66 (vii) the general public; and
- 67 (d) review, analyze, and study any issue related to information technology that is of
- 68 interest to the commission.

69 (2) The commission shall:

- 70 (a) submit an annual report to the Legislature before each annual general session; and
- 71 ~~[(b) submit the annual report required by Section 63D-1a-204 to:]~~
- 72 ~~[(i) the governor; and]~~
- 73 ~~[(ii) the Legislature; and]~~
- 74 ~~[(c)]~~ (b) if needed, prepare legislation concerning information technology for
- 75 submission to the Legislature for consideration by the Legislature in the Legislature's annual
- 76 general session.

77 Section 2. Section **63D-1a-203** is amended to read:

78 **63D-1a-203. Utah Technology Industry Council.**

79 (1) As used in this section:

- 80 (a) "Council" means the Utah Technology Industry Council created by this section.
- 81 (b) "Technology industry ~~[business in this state]~~ professional" means a ~~[business that~~
- 82 ~~has as a primary function]~~ person involved in the research, development, production, or
- 83 marketing of technologies in technology sectors including:

- 84 (i) aerospace;
- 85 (ii) biotechnology or other technologies related to life sciences;
- 86 (iii) information technologies or other technologies related to information technologies;
- 87 or
- 88 (iv) other key technology ~~[industries]~~ sectors as ~~[the]~~ technology industries develop.

89 (2) (a) There is created a Utah Technology Industry Council to act as a body that

90 recommends policy concerning the technology industry to the commission.

91 ~~[(b) Subject to the requirements of this section, the council:]~~

92 ~~[(i) shall be organized by the steering committee created under Subsection (3); and]~~

93 ~~[(ii) operate in accordance with the charter that:]~~

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

95 ~~and]~~

96 ~~[(B) amended as provided in the charter.]~~

97 ~~[(c) A]~~ (b) (i) Except as provided in Subsection (2)(b)(ii), a member of the council

98 shall receive no compensation or benefits for the member's services including per diem or

99 expenses incurred in the performance of the member's official duties on the council.

100 (ii) A legislative member of the council may receive a salary and expenses paid in
101 accordance with Section 36-2-2 and legislative rule.

102 (c) The council may meet only as directed by the chair of the commission.

103 (3) (a) The ~~[steering committee described in Subsection (2) shall consist]~~ council
104 consists of [eight members]:

105 (i) a person appointed by the speaker of the House of Representatives;

106 (ii) a person appointed by the president of the Senate; and

107 (iii) any ad hoc committee created by the council's chair and vice chair.

108 (b) (i) The members appointed under Subsections (3)(a)(i) and (ii) shall serve for two
109 years.

110 (ii) One of the members appointed under Subsections (3)(a)(i) and (ii) shall serve as
111 chair of the council, and the other member shall serve as vice chair.

112 (c) (i) The Office of Legislative Research and General Counsel shall provide staff to
113 the council.

114 (ii) The Governor's Office of Economic Development shall provide staff to any ad hoc
115 committee created under Subsection (3)(a)(iii).

116 (4) The council's chair and vice chair may create an ad hoc committee to participate in
117 the council comprised of:

118 (a) present or former technology industry professionals; and

119 (b) technology industry professionals from public and higher education.

120 (5) Any meeting of the council or an ad hoc committee is subject to Title 52, Chapter

121 4, Open and Public Meetings.

122 (6) The council's members, including individual members of any ad hoc committee,
123 shall be provided notice of any of the council's and the ad hoc committee's meetings.

124 (7) Before November 30 of each calendar year, the council shall submit an annual
125 report to the commission that includes:

126 (a) a list of matters studied by the council during that calendar year; and

127 (b) any recommendation for legislative or executive action.

128 ~~[(i) the director of the Governor's Office of Economic Development or the director's~~
129 ~~designee, provided that the designee is a senior officer in the office; and]~~

130 ~~[(ii) seven members appointed as follows:]~~

131 ~~[(A) the speaker of the House of Representatives shall appoint two members who are~~
132 ~~present or former senior:]~~

133 ~~[(f) officers of technology industry businesses in the state; or]~~

134 ~~[(H) executive directors of technology industry associations in this state;]~~

135 ~~[(B) the president of the Senate shall appoint two members who are present or former:]~~

136 ~~[(f) senior officers of technology industry businesses in the state; or]~~

137 ~~[(H) executive directors of technology industry associations in this state;]~~

138 ~~[(C) the governor shall appoint two members who are present or former:]~~

139 ~~[(f) senior officers in technology industry businesses in the state; or]~~

140 ~~[(H) executive directors of technology industry associations in this state; and]~~

141 ~~[(D) the chair of the steering committee shall appoint a representative of political~~
142 ~~subdivisions of the state who is an elected official in any Utah municipality or county:]~~

143 ~~[(b) (i) The members of the steering committee shall elect a chair of the steering~~
144 ~~committee from the steering committee by a majority vote:]~~

145 ~~[(ii) The chair of the steering committee shall act as chair of the council:]~~

146 ~~[(c) (i) Except as required by Subsection (3)(c)(ii), a member of the steering committee~~
147 ~~appointed under Subsection (3)(a)(ii) shall be appointed to a term of four years:]~~

148 ~~[(ii) Notwithstanding the requirements of Subsection (3)(c)(i), at the time of initial~~
149 ~~appointment of the steering committee, the members of the steering committee shall create a~~
150 ~~random process to adjust the length of terms of the initial members of the steering committee to~~
151 ~~ensure that the terms of members are staggered so that approximately half of the steering~~

152 committee is appointed every two years.]

153 [~~(d) The Governor's Office of Economic Development shall provide staff to:~~]

154 [~~(i) the steering committee; and]~~

155 [~~(ii) the council;]~~

156 [~~(4) The steering committee appointed under Subsection (3) shall adopt a charter for~~

157 ~~the council by no later than July 1, 2003 that specifies:]~~

158 [~~(a) the number, terms, and appointment of voting members of the council, except that~~

159 ~~the voting members of the council shall be:]~~

160 [~~(i) present or former senior officers of technology industry businesses in the state;]~~

161 [~~(ii) present or former executive directors of technology associations in the state; or]~~

162 [~~(iii) representatives of:]~~

163 [~~(A) state or local government; or]~~

164 [~~(B) public or higher education;]~~

165 [~~(b) the number, terms, and appointment of nonvoting members of the council;]~~

166 [~~(c) the term of the chair of the council;]~~

167 [~~(d) the process to be followed in creating any subcommittees of the council;]~~

168 [~~(e) the quorum requirements for the council or for subcommittees of the council to~~

169 ~~take action;]~~

170 [~~(f) the processes to be followed to call a meeting of the council or a subcommittee of~~

171 ~~the council, except that:]~~

172 [~~(i) any meeting of the council or a subcommittee of the council is subject to Title 52,~~

173 ~~Chapter 4, Open and Public Meetings;]~~

174 [~~(ii) members of the commission shall be provided notice of each meeting of the~~

175 ~~council or of a subcommittee of the council; and]~~

176 [~~(iii) legislative members of the commission that attend a meeting of the council or a~~

177 ~~subcommittee of the council:]~~

178 [~~(A) may not vote unless the legislator is a member of the council or the subcommittee;~~

179 ~~and]~~

180 [~~(B) may receive a salary and expenses paid in accordance with Section 36-2-2 and~~

181 ~~Legislative Joint Rule 15.03; and]~~

182 [~~(g) the process for amending the charter under which the council operates:]~~

183 ~~[(5) The council may:]~~
184 ~~[(a) conduct research or other studies to the extent that funding is available;]~~
185 ~~[(b) review practices in the worldwide private and public sectors that could foster~~
186 ~~technology business growth in the state;]~~
187 ~~[(c) prepare an assessment of the current status of technology industries in the state~~
188 ~~including:]~~
189 ~~[(i) the needs of technology industries in the state; and]~~
190 ~~[(ii) opportunities for future growth of technology industries in the state;]~~
191 ~~[(d) develop a strategic plan as to:]~~
192 ~~[(i) the future of technology industries in the state;]~~
193 ~~[(ii) the future economic value technology industries can bring to the state; and]~~
194 ~~[(iii) the future benefits technology industries can bring to the quality of life of the~~
195 ~~citizens in the state;]~~
196 ~~[(e) develop plans, including public and private sector initiatives, to meet any~~
197 ~~objectives included in the strategic plan statement described in Subsection (5)(d), including~~
198 ~~proposals to support the creation, retention, expansion, or attraction of technology industry~~
199 ~~businesses in the state; and]~~
200 ~~[(f) study other issues as directed by the commission related to economic development~~
201 ~~of technology industries.]~~

202 Section 3. **Repealer.**

203 This bill repeals:

204 Section **63D-1a-204, Joint meetings of the commission and the steering committee**
205 **-- Reporting.**

Legislative Review Note

as of 11-30-05 12:26 PM

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

Mixed Membership Committee Note

as of 12-16-05 10:43 AM

The Utah Technology Commission recommended this bill.

Membership:	8 legislators	5 non-legislators	
Legislative Vote:	4 voting for	0 voting against	4 absent