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PART 6

CENTERS OF EXCELLENCE

9-2-601. Purpose.

(1) The Legislature recognizes that the growth of new industry and expansion of existing industry requires a strong technology base, new ideas, concepts, innovations, and prototypes. These generally come from strong research colleges and universities. Technical research in Utah's colleges and universities should be enhanced and expanded, particularly in those areas targeted by the state for economic development. Most states are enhancing their research base by direct funding, usually on a matching basis. The purpose of this part is to catalyze and enhance the growth of these technologies by encouraging interdisciplinary research activities in targeted areas. The Legislature recognizes that one source of funding is in matching state funds with federal funds and industrial support to provide the needed new technologies.

(2) The Legislature recommends that the governor consider the allocation of economic development funds for Centers of Excellence to be matched by industry and federal grants on at least a two-for-one basis.

(3) The Legislature recommends that such funds be allocated on a competitive basis to the various colleges and universities in the state. The funds made available should be used to support interdisciplinary research in specialized Centers of Excellence in technologies that are considered to have potential for economic development in this state.

History: C. 1953, 63-62-1, enacted by L. 1985, ch. 103, § 1; 1986, ch. 109, § 1; renumbered by L. 1992, ch. 241, § 60.

Amendment Notes. — The 1992 amend-

ment, effective March 13, 1992, renumbered this section, which formerly appeared as § 63-62-1, and substituted "part" for "chapter" in Subsection (1).

9-2-602. Short title — Definitions.

(1) This part is known as the "Centers of Excellence Act."

(2) As used in this part, "Centers of Excellence" means university-based, industry-supported, cooperative research and development programs.

History: C. 1953, 63-62-2, enacted by L. 1985, ch. 103, § 2; 1986, ch. 109, § 2; renumbered by L. 1992, ch. 241, § 61.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered

this section, which formerly appeared as § 63-62-2; inserted the subsection designations; and substituted "part" for "chapter" in two places.

9-2-603. Administration — Grants.

(1) This part shall be administered by the Division of Business and Economic Development.

(2) The department may award grants to the various colleges and universities in the state for the purposes of this part.

(3) Recommendations for funding shall be made by the division with the advice of the State Advisory Council for Science and Technology, with the approval of the board. Each proposal shall receive the best available outside review.

(4) In considering each proposal, the division shall weigh technical merit, the level of matching funds from private and federal sources, and the potential for job creation and economic development. Proposals or consortia that combine and coordinate related research at two or more colleges and universities shall be encouraged.

(5) The State Advisory Council on Science and Technology shall review the activities and progress of individual centers on a regular basis and assist the division in preparing an annual report on the accomplishments and direction of the Centers of Excellence Program.

History: C. 1953, 63-62-3, enacted by L. 1986, ch. 109, § 3; renumbered by L. 1992, ch. 241, § 62.

Repeals and Reenactments. — Laws 1986, ch. 109, § 3 repealed former § 63-62-3, as enacted by L. 1953, ch. 103, § 3, relating to creation of a committee for technology excellence

in engineering research, and enacted the above section.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered this section, which formerly appeared as § 63-62-3; substituted "part" for "chapter" in two places; and made stylistic changes.

PART 7

UTAH TECHNOLOGY FINANCE CORPORATION

Sunset Act. — See Section 63-55-209 for the repeal date of this part.

Compiler's Notes. — Laws 1989, ch. 3, § 3 repeals uncodified § 11 of Laws 1985 (1st S.S.), ch. 5, which had provided for the repeal on June 30, 1989 of former Title 63, Chapter 60, which has been renumbered as this part.

9-2-701. Short title.

This part is known as the "Utah Technology Finance Corporation Act."

History: L. 1983, ch. 311, § 1; 1985 (1st S.S.), ch. 5, § 6; C. 1953, 63-60-1; renumbered by L. 1992, ch. 241, § 63.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered

this section, which formerly appeared as § 63-60-1, and rewrote the provision which read "This chapter is known as the 'Utah Technology and Innovation Act.'"

NOTES TO DECISIONS

Constitutionality.

These provisions, which authorize the Utah Technology Finance Corporation to provide capital for equity investment or to make direct loans to assist and encourage emerging and developing small businesses, and authorize research grants, with private funds and funds appropriated to the corporation by the Legislature, do not violate Utah Const., Art. VI, Sec. 29 insofar as it forbids the lending of the state's credit in aid of a private undertaking. *Utah Technology Fin. Corp. v. Wilkinson*, 723 P.2d 406 (Utah 1986).

This part does not violate the principle of law that public funds cannot be expended for private purposes. *Utah Technology Fin. Corp. v. Wilkinson*, 723 P.2d 406 (Utah 1986).

The provisions authorizing the Utah Tech-

nology Finance Corporation to use funds appropriated to it by the Legislature as matching sources of capital for equity investment in emerging and developing technological and innovative small business amounted to subscription to stock in aid of private enterprise in violation of Utah Const., Art. VI, Sec. 29, but the unconstitutional part was severable from the remainder. *Utah Technology Fin. Corp. v. Wilkinson*, 723 P.2d 406 (Utah 1986).

Since this part does not delegate any legislative power to the Utah Technology Finance Corporation, it does not unlawfully delegate legislative authority in derogation of Utah Const., Art. I, Sec. 2, Art. V, Sec. 1, and Art. VI, Sec. 1. *Utah Technology Fin. Corp. v. Wilkinson*, 723 P.2d 406 (Utah 1986).

These provisions do not contravene Utah

Const., Art XII, Sec. 1, which provides that "corporations may be formed under general laws but shall not be created by special acts" since that section concerns private corpora-

tions and not public corporations created by the Legislature to serve public purposes. *Utah Technology Fin. Corp. v. Wilkinson*, 723 P.2d 406 (Utah 1986).

COLLATERAL REFERENCES

Utah Law Review. — Recent Developments in Utah Law — Judicial Decisions — Constitutional Law, 1987 Utah L. Rev. 82.

9-2-702. Definitions.

As used in this part:

(1) "Small business" means small business as defined by the United States Small Business Administration.

(2) "Corporation" means the Utah Technology Finance Corporation created in this part.

History: L. 1983, ch. 311, § 2; C. 1953, 63-60-2; renumbered by L. 1992, ch. 241, § 64.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered

this section, which formerly appeared as § 63-60-2; inserted the subsection designations; substituted "part" for "chapter" in two places; and made stylistic changes.

9-2-703. Declarations and purpose.

(1) The Utah Legislature finds and declares that:

(a) the development of innovative and high technology business in Utah is necessary to insure progress and increasing productivity in the fields of agriculture, health, safety, protection of the environment, transportation, communication, education, manufacturing, and services in this state;

(b) small and emerging businesses have a substantially greater rate of innovation and development in high technology than large and mature businesses;

(c) small and emerging businesses create new employment opportunities at a substantially greater rate than large and mature businesses;

(d) available sources of assistance and capital in this state are inadequate to assure necessary development of small and emerging businesses involved in innovation and high technology;

(e) other states and municipalities of other states have programs of governmental aid and promotion to attract and foster innovative and high technology business; and

(f) the fostering and development of innovative and high technology business in this state is necessary to assure the welfare of its citizens, the growth of its economy, adequate employment for its citizens, and progress in the fields stated in Subsection (a).

(2) It is therefore the purpose of this part to provide a means to encourage and foster innovation and the development of high technology, the welfare of citizens in this state, economic growth, adequate employment, and progress in the fields stated in Subsection (1)(a) by assisting and participating in:

(a) the organization, capital formation, management, growth, development, and disposition of small and emerging businesses, including start-

up and early-stage businesses, involved in innovation and high technology; and

(b) the protection, use, exploitation, licensing, and disposition or rights in the technology that they produce, all for the benefit of the citizens of Utah.

History: C. 1953, 63-60-3, enacted by L. 1985 (1st S.S.), ch. 5, § 7; renumbered by L. 1992, ch. 241, § 65.

Repeals and Reenactments. — Laws 1985 (1st S.S.), ch. 5, § 7 repealed former § 63-60-3, as enacted by L. 1983, ch. 311, § 3 relating to establishment of the Technology Finance Cor-

poration, and enacted another § 63-60-3, which was renumbered as this section.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered this section, which formerly appeared as § 63-60-3; substituted "part" for "chapter" in Subsection (2); and made stylistic changes.

9-2-704. Utah Technology Finance Corporation — Non-profit corporation — Powers and duties — Board of trustees — Appointment of members by governor — Rulemaking authority — Employees — Legal counsel — Advisory board.

(1) There is created an independent public corporation known as the "Utah Technology Finance Corporation."

(2) The corporation shall be established as a nonprofit corporation. Articles of incorporation shall be filed for the corporation with the lieutenant governor. The corporation shall, subject to this part, have all powers and authority permitted nonprofit corporations by law, including but not limited to the power and authority:

(a) to take all action necessary or desirable to encourage and assist in the research, development, promotion, and growth of emerging and developing technological and innovative small businesses throughout Utah;

(b) to provide from its funds matching sources of capital for equity investment in or direct loans to emerging and developing technological and innovative small businesses in accordance with this part;

(c) to coordinate and cooperate with state agencies and the state's political subdivisions, colleges, universities, and other academic and research sources, both private and public, agencies and entities of the United States Government, and all other public or private entities;

(d) to negotiate, contract for, obtain, hold, own, grant, and otherwise dispose of, to or from individuals and public and private entities, ownership, title, rights, exclusive and non-exclusive licenses, and other interests in and to any of the following insofar as related to developments or businesses encouraged, established, or fostered through the efforts, contacts, money, or other resources of the corporation:

(i) stock, partnership interests, and other ownership and equity interests in companies and projects;

(ii) proprietary rights of any nature, including without limitation patent rights, copyrights, rights in mask works, trade secrets, know-how, and trademarks; and

(iii) royalties, license fees, and other similar payments;

(e) to make arrangements with various businesses and technological development companies for additional sources of funding and with fed-

eral, state, and other governmental entities, as well as private and public foundations, and other donors for sources of grants to assist the corporation and other corporations, small businesses, and high technology projects to obtain the necessary capital and other assistance to accomplish the purposes of this part;

(f) to invest and reinvest its funds for the purposes provided in this chapter;

(g) to expend its money for the operation of the corporation and its purposes;

(h) to contract with public and private entities and agencies, individuals, and companies, for the carrying on of the activities and powers provided in this part, including the granting of research contracts;

(i) to receive appropriations from the Legislature and other public moneys, as well as contributions from other public agencies, private individuals, companies, and other donors and contributors; and

(j) to seek federal and state tax exemptions, and to take all related actions, as determined by the board of trustees of the corporation.

(3) The corporation shall be governed by a board of trustees consisting of at least seven but no more than eleven trustees appointed for staggered three-year terms by the governor with the consent of the Senate, from representatives of the business, banking and finance, venture capital, engineering, scientific, academic, legal, and accounting communities, and from the general public.

(4) The corporation may:

(a) adopt bylaws and rules and exercise all other powers permitted under the laws of Utah not in conflict with this part;

(b) hire a full-time director and all other employees which the trustees determine necessary for the conduct of the business of the corporation, and compensate the director and the other employees from the funds of the corporation or from other resources available to the corporation;

(c) hire and retain independent legal counsel; and

(d) establish an advisory board consisting of persons experienced and knowledgeable in science, business, banking, law, government, academics, and accounting, and consisting of others whom the board of trustees deems desirable to assist in the accomplishment of the purposes of this part.

(5) The corporation shall submit to the custody of the state treasurer any state appropriations, public moneys, or other moneys made available to the corporation from any governmental agency, or any institution, person, firm, or corporation, public or private, for the establishment of separate funds and accounts, and the corporation shall use these funds, and all interest earned on these funds, for the purposes of the corporation established by this part.

History: C. 1953, 63-60-4, enacted by L. 1985 (1st S.S.), ch. 5, § 8; 1986, ch. 184, § 2; renumbered by L. 1992, ch. 241, § 66.

Repeals and Reenactments. — Laws 1985 (1st S.S.), ch. 5, § 8, repealed former § 63-60-4, as enacted by Laws 1983, ch. 311, § 4, relating to the board of trustees, and enacted another § 63-60-4, which was renumbered as this section.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered this section, which formerly appeared as § 63-60-4, and substituted "part" for "chapter" throughout the section.

Cross-References. — Funds of the Technology Finance Corporation exempt from Money Management Act, § 51-7-2.

NOTES TO DECISIONS

ANALYSIS

Hiring legal counsel.

—Constitutionality.

Hiring legal counsel.

—Constitutionality.

The Legislature did not violate Utah Const.,

Art. VII, Sec. 16 in allowing the Utah Technology Finance Corporation to hire its own legal counsel since the corporation is an independent public nonprofit corporation rather than a department or agency of the executive department. *Utah Technology Fin. Corp. v. Wilkin-son*, 723 P.2d 406 (Utah 1986).

9-2-705. Criteria governing operations — Annual report — Audits.

(1) The corporation, in connection with its operations and duties, shall comply with the following criteria:

(a) If the corporation provides money to high technology small businesses or projects in Utah provision shall be made for payments to the corporation related to the commercial value of the results of use of the corporation's money, in the form of royalties or otherwise, or for retention by the corporation of equity, whether upon conversion of the right to such payment or otherwise.

(b) If the corporation provides money for direct capital investment in high technology small businesses or projects, the corporation shall require, as a condition thereof, matching funds from private sources in amounts at least equal to the money invested by the corporation.

(c) Any proprietary right, interest, or both, of the corporation in such high technology small businesses and projects shall remain a non-controlling minority interest.

(d) The corporation shall, by written contract, ensure that it is given regular status reports on the use of the money it has invested or loaned or research contracts it has awarded to high technology small businesses, and projects and on the status of the small business or project in which it has become so involved.

(e) The assistance and investment by the corporation in high technology businesses and projects is limited to those small businesses and projects having their primary place of business and projects, as well as their primary business operations, within Utah.

(f) The corporation, in encouraging the development and growth of businesses and technology, shall consider effects on the quality of the land, air, water, or general environment of Utah.

(2) The corporation 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 report and audited financial statement of the corporation during the fiscal year it covers.

(3) The state auditor shall at least once in each year audit the books and accounts of the corporation or he shall contract with a nationally recognized independent certified public accountant for this audit. The corporation shall reimburse the state auditor from available monies of the corporation for the actual and necessary costs of that audit. A copy of the audit of the independent CPA shall be submitted for review to the state auditor within 90 days after the end of the fiscal year covered by the audit.

History: L. 1983, ch. 311, § 5; 1985 (1st S.S.), ch. 5, § 9; C. 1953, 63-60-5; renumbered by L. 1992, ch. 241, § 67.

Amendment Notes. — The 1992 amend-

ment, effective March 13, 1992, renumbered this section, which formerly appeared as § 63-60-5, and made stylistic changes.

9-2-706. Exemption from certain statutes.

The corporation is exempt from:

- (1) Title 51, Chapter 7, State Money Management Act of 1974;
- (2) Title 51, Chapter 5, Funds Consolidation Act;
- (3) Title 63, Chapter 1, Utah Administrative Services Act; and
- (4) Title 63, Chapter 38, Budgetary Procedures Act.

History: C. 1953, 63-60-6, enacted by L. 1985 (1st S.S.), ch. 5, § 10; 1987, ch. 92, § 131; renumbered by L. 1992, ch. 241, § 68.

Amendment Notes. — The 1992 amend-

ment, effective March 13, 1992, renumbered this section, which formerly appeared as § 63-60-6, and made stylistic changes.

9-2-707. Confidentiality of information received by corporation — Availability of information.

- (1) As used in this section, "proprietary information" means:

- (a) trade secrets;
- (b) commercial information or nonindividual financial information which, if disclosed, may result in unfair competitive injury to the person submitting the information to the corporation; and
- (c) other information supplied to the corporation, if the person supplying the information requests that it not be disclosed and the corporation reasonably determines that disclosure is not in the public interest.

- (2) Proprietary information obtained by the corporation under this chapter from applicants and awardees and from financial, governmental, educational, and other sources is protected and not available for public inspection except as provided in Subsection (3).

- (3) The following records and information are open to the public:

- (a) annual reports published by the corporation under this part;
- (b) records that contain data on individuals and that are classified as public under Title 63, Chapter 2, Archives and Records Services and Information Practices Act; and

- (c) records that do not contain data on individuals or proprietary information and that are open to the public under Sections 78-26-1 through 78-26-3.

History: C. 1953, 63-60-7, enacted by L. 1991, ch. 95, § 1; renumbered by L. 1992, ch. 241, § 69.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered this section, which formerly appeared as § 63-60-7, and substituted "part" for "chapter" in Subsection (3)(a).

Compiler's Notes. — Sections 78-26-1 to 78-26-3, cited in Subsection (3)(c), were re-

pealed by L. 1991, ch. 259, which also revised Title 63, Chapter 2, cited in Subsection (3)(b), and renamed it the Government Records Access and Management Act. For present provisions relating to public access to records, see § 63-2-201.

Effective Dates. — Laws 1991, ch. 95 became effective on April 29, 1991, pursuant to Utah Const., Art. VI, Sec. 25.

PART 8

FUSION/ENERGY TECHNOLOGY ACT

9-2-801. Short title.

This part is known as the "Fusion/Energy Technology Act."

History: C. 1953, 63-76-1, enacted by L. 1989 (1st S.S.), ch. 1, § 1; renumbered by L. 1992, ch. 241, § 70.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered

this section, which formerly appeared as § 63-76-1, and substituted "part" for "chapter."

Effective Dates. — Laws 1989 (1st S.S.), ch. 1, § 11 makes the act effective on April 19, 1989.

COLLATERAL REFERENCES

Journal of Energy, Natural Resources and Environmental Law. — State Regulation of Nuclear Power and National Energy

Policy, 12 J. Energy, Nat. Resources, & Envtl. L. 1 (1992).

9-2-802. Definitions.

As used in this part:

(1) "Advisory council" means the Fusion/Energy Advisory Council created under this chapter.

(2) "Fusion/energy technology" means any heat or other related energy-generating process, methodology, procedure, activity, or other technology arising out of or developed from fusion-like or fusion-related experiments conducted by faculty members of, attached to, or under the control of the University of Utah, whether or not the underlying science is in fact fusion.

(3) "Oversight committee" means the Fusion/Energy Oversight Committee created under this chapter.

History: C. 1953, 63-76-2, enacted by L. 1989 (1st S.S.), ch. 1, § 2; renumbered by L. 1992, ch. 241, § 71.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered

this section, which formerly appeared as § 63-76-2, and substituted "part" for "chapter."

Effective Dates. — Laws 1989 (1st S.S.), ch. 1, § 11 makes the act effective on April 19, 1989.

9-2-803. Fusion/Energy Advisory Council — Closed meetings — Staff and expenses.

(1) There is created the Fusion/Energy Advisory Council. The advisory council shall be adjunct to the governor's office and not part of any other executive branch agency. The advisory council shall consist of the following nine members appointed by the governor:

(a) a nuclear physicist with a Ph.D. or its equivalent in nuclear physics;

(b) a chemist with a Ph.D. or its equivalent in chemistry;

(c) a member of the scientific community at large;

(d) the state science adviser appointed under Title 63, Chapter 45 [§ 9-2-501 et seq.];

- (e) a certified public accountant;
 - (f) two members from the business community, each with a background in technological research and development; and
 - (g) two members from the general public.
- (2) The governor shall appoint the chairman of the advisory council. The members and the chairman shall serve at the pleasure of the governor.
- (3) (a) The advisory council shall meet at the call of the chairman.
- (b) A majority of the advisory council constitutes a quorum for conducting council business. A majority vote of those present is required for all council business.
- (c) The advisory council shall invite to all of its meetings the members of the oversight committee and its staff. All members of the oversight committee and its staff may attend, participate in discussions, and review all materials presented in all meetings of the advisory council.
- (d) The advisory council shall provide meeting notices, agendas, and minutes of open meetings to members of the oversight committee, the governor, the attorney general, the State Board of Regents, the University of Utah, the Office of Legislative Research and General Counsel, and the Office of the Legislative Fiscal Analyst.
- (e) (i) In order to preserve the confidentiality of fusion/energy technology and related processes being developed by Utah institutions, and to protect the legal rights of the state in those technologies and processes, the meetings of the advisory council are subject to Title 52, Chapter 4, regarding open and public meetings. The advisory council may hold public meetings and public hearings if it considers them necessary and appropriate.
- (ii) Notwithstanding Subsection (e)(i), and notwithstanding the requirements of Title 52, Chapter 4, the advisory council may hold a closed meeting to discuss:
- (A) potential or existing proprietary information, patents, licenses, royalties, or other legal rights; or
 - (B) information that would allow others to obtain technical or other information useful in developing fusion/energy technology.
- (iii) Any decision made in a closed meeting shall be recorded in the minutes of the advisory council. However, those minutes may not be released until such release would not compromise the University of Utah's or the state of Utah's legal rights in Subsection (e)(ii).
- (iv) Public notice of advisory council meetings is required under Title 52, Chapter 4. However, no agenda is required of any meeting or parts of meeting that may be closed under Subsection (e).
- (4) The governor shall provide staff to the advisory council from within his immediate staff.
- (5) Each advisory council member shall receive per diem and travel expenses as established by the Division of Finance.

History: C. 1953, 63-76-3, enacted by L. 1989 (1st S.S.), ch. 1, § 3; renumbered by L. 1992, ch. 241, § 72.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered this section, which formerly appeared as § 63-76-3.

Compiler's Notes. — Title 63, Chapter 45,

cited in Subsection (1)(d), was renumbered as Part 5 of this chapter by L. 1992, ch. 241.

Effective Dates. — Laws 1989 (1st S.S.), ch. 1, § 11 makes the act effective on April 19, 1989.

Cross-References. — Per diem rates and travel expenses for state officers and employees, §§ 63-1-14.5, 63-1-15.

9-2-804. Allocation of moneys by council — Scientific confirmation.

(1) The advisory council shall allocate moneys appropriated to it by the Legislature to the University of Utah, to the attorney general, or both. These allocations shall be made to provide financial support for:

(a) the development of fusion/energy technology and related technologies;

(b) the conduct of other research and development activities that may result in practical applications of the fusion/energy technology; and

(c) the obtaining, protection, affirmation, and defense of all legal and scientific rights to such fusion/energy technology, related technologies, and practical applications.

(2) This authority to allocate moneys includes the authority to:

(a) help develop practical application of the fusion/energy technology, including acquiring essential equipment and space, retaining consultants, hiring key scientific and engineering personnel, organizing conferences of experts, and conducting other appropriate research and development activities;

(b) help confirm that the public safety is and will not be threatened by the development of the fusion/energy technology; and

(c) affirm legal protection of the fusion/energy technology, including obtaining patents, developing and providing licensing agreements, maintaining appropriate confidentiality and security, providing appropriate royalty arrangements, and asserting or defending any such rights in appropriate legal forums.

(3) The advisory council shall establish a deadline for scientific confirmation of the fusion/energy technology. If scientific confirmation is not obtained by the deadline, any unexpended money appropriated to the advisory council shall lapse into the General Fund. The advisory council, in consultation with the Fusion/Energy Steering Council of the University of Utah, shall determine whether scientific confirmation has been obtained.

(4) The advisory council may not allocate any money appropriated to it by the Legislature until:

(a) scientific confirmation of the fusion/energy technology has been obtained as provided in Subsection (3);

(b) reasonable safety of the general public has been assured, as determined by the advisory council in conjunction with the Fusion/Energy Steering Council of the University of Utah; and

(c) verification that practical applications of the fusion/energy technology are possible and should be developed, as determined by the advisory council in consultation with the Fusion/Energy Steering Council of the University of Utah.

(5) If any of the criteria set forth under Subsection (3) or (4) are not met, the advisory council may not allocate or expend any money appropriated to it by the Legislature.

History: C. 1953, 63-76-4, enacted by L. 1989 (1st S.S.), ch. 1, § 4; renumbered by L. 1992, ch. 241, § 73.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered

this section, which formerly appeared as § 63-76-4.

Effective Dates. — Laws 1989 (1st S.S.), ch. 1, § 11 makes the act effective on April 19, 1989.

9-2-805. Other duties — Exempted from and subject to certain statutes.

- (1) The advisory council shall also:
 - (a) review and make recommendations concerning programs and proposals of the Fusion/Energy Steering Council of the University of Utah;
 - (b) review and make recommendations concerning the allocation of human resources in verifying and developing the fusion/energy technology, including the use of all research universities and other research personnel from throughout the state;
 - (c) review and make recommendations concerning any related scientific and engineering research and development;
 - (d) where appropriate, review and make recommendations concerning patents, royalties, licensing, and other legal and scientific matters related to fusion/energy technology;
 - (e) encourage interdisciplinary and inter-institutional cooperation in research related to fusion/energy technology; and
 - (f) report its activities and expenditures by November 1 of each year to the governor, the attorney general, the State Board of Regents, the University of Utah, and the Legislature through the Office of Legislative Research and General Counsel and the Office of the Legislative Fiscal Analyst.
- (2) The advisory council shall consult with the attorney general in all legal matters concerning fusion/energy technology and related research and development. The attorney general shall act as and provide legal counsel to the advisory council. In providing legal counsel the attorney general shall act aggressively to protect the University of Utah's and the state's interests in patents, royalties, licensing, and other legal and scientific matters related to fusion/energy technology.
- (3) In addition to the exemption granted under Subsection 9-2-803(3)(e) the advisory council is exempt from:
 - (a) Title 63, Chapter 46a, Utah Administrative Rulemaking Act;
 - (b) Title 63, Chapter 46b, Administrative Procedures Act; and
 - (c) Title 67, Chapter 19, Utah State Personnel Management Act.
- (4) The advisory council is subject to:
 - (a) Title 63, Chapter 1, Utah Administrative Services Act; and
 - (b) Title 63, Chapter 38, Budgetary Procedures Act.
- (5) For all acts within the scope and course of their duties, members of the advisory council and their staff are protected by the provisions of Title 63, Chapter 30, Utah Governmental Immunity Act.

History: C. 1953, 63-76-5, enacted by L. 1989 (1st S.S.), ch. 1, § 5; renumbered by L. 1992, ch. 241, § 74.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered this section, which formerly appeared as

§ 63-76-5; made a corresponding reference change; and made stylistic changes.

Effective Dates. — Laws 1989 (1st S.S.), ch. 1, § 11 makes the act effective on April 19, 1989.

9-2-806. Penalties for unauthorized disclosure of information.

No member of the advisory council, no person who serves as staff or legal counsel to the advisory council, and no person in attendance at any meeting of the advisory council that is not otherwise open to the general public may disclose any information obtained in a closed meeting under the confidentiality requirements of Subsection 9-2-803(e), oral or written, to any person not authorized by the advisory council to receive it. Any person who violates this section is guilty of a class A misdemeanor and is considered to have waived any rights to defense, payment of defense costs or judgments, indemnity, or insurance under Title 63, Chapter 30, Utah Governmental Immunity Act, in any civil action arising out of the violation of this section.

History: C. 1953, 63-76-6, enacted by L. 1989 (1st S.S.), ch. 1, § 6; 1992, ch. 30, § 142; renumbered by L. 1992, ch. 241, § 75.

Amendment Notes. — The 1992 amendment by ch. 241, effective March 13, 1992, renumbered this section, which formerly appeared as § 63-76-6, and made a corresponding reference change and a stylistic change.

The 1992 amendment by ch. 30, effective April 27, 1992, deleted "(ii)" after "63-76-3(e)"

in the first sentence and deleted "the" before "Utah" in the second sentence.

This section is set out as reconciled by the Office of Legislative Research and General Counsel.

Effective Dates. — Laws 1989 (1st S.S.), ch. 1, § 11 makes the act effective on April 19, 1989.

Cross-References. — Sentencing for misdemeanors, §§ 76-3-201, 76-3-204, 76-3-301.

9-2-807. Fusion/Energy Oversight Committee — Closed meetings — Staff and expenses.

(1) There is created the Fusion/Energy Oversight Committee. The oversight committee shall consist of the following six members:

(a) three senators appointed by the president of the Senate, no more than two of whom may be from the same political party; and

(b) three representatives appointed by the speaker of the House, no more than two of whom may be from the same political party.

(2) The president of the Senate and the speaker of the House shall each appoint a cochairman of the oversight committee. The members and the cochairmen shall serve at the pleasure of the president of the Senate and the speaker of the House, as the case may be.

(3) (a) The oversight committee shall meet at the call of the cochairmen.

(b) A majority of the membership of each house on the oversight committee is required for a quorum to conduct committee business.

(c) Any member of the oversight committee or any of its staff may attend, participate in discussions, and review all materials presented in any of the meetings of the advisory council.

(d) (i) In order to preserve the confidentiality of fusion/energy technology and related processes being developed by Utah institutions, and to protect the legal rights of the state in those technologies and processes, the meetings of the oversight committee are subject to Title 52, Chapter 4, regarding open and public meetings. The oversight committee may hold public meetings and public hearings if it considers them necessary and appropriate.

(ii) Notwithstanding Subsection (d)(i), and notwithstanding the requirements of Title 52, Chapter 4, the oversight committee may hold a closed meeting to discuss:

(A) potential or existing proprietary information, patents, licenses, royalties, or other legal rights; or

(B) information that would allow others to obtain technical or other information useful in developing fusion/energy technology.

(iii) Any decision made in a closed meeting shall be recorded in the minutes of the oversight committee. However, those minutes may not be released until such release would not compromise the University of Utah's or the state of Utah's legal rights in Subsection (d)(ii).

(iv) Public notice of oversight committee meetings is required under Title 52, Chapter 4. However, no agenda is required of any meeting or parts of meeting that may be closed under Subsection (d).

(4) The staff to the oversight committee shall be from within the professional legislative staff offices as determined by the president of the Senate and the speaker of the House.

(5) Each oversight committee member shall receive per diem and travel expenses in the same manner as provided for attendance at interim committee meetings.

History: C. 1953, 63-76-7, enacted by L. 1989 (1st S.S.), ch. 1, § 7; renumbered by L. 1992, ch. 241, § 76.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered

this section, which formerly appeared as § 63-76-7.

Effective Dates. — Laws 1989 (1st S.S.), ch. 1, § 11 makes the act effective on April 19, 1989.

9-2-808. Committee duties.

(1) The oversight committee shall review and make recommendations to the advisory council concerning the allocation of moneys by the advisory council and all other allocations, expenditures, processes, and procedures of the advisory council provided in Section 9-2-804.

(2) The oversight committee shall also review and make recommendations concerning:

(a) the programs and proposals of the Fusion/Energy Steering Council established by the University of Utah;

(b) the allocation of human resources in verifying and developing the fusion/energy technology, including the use of all research universities and other research personnel from throughout the state;

(c) any related scientific and engineering research and development;

(d) patents, royalties, licensing, and other legal and scientific matters related to fusion/energy technology, where appropriate; and

(e) interdisciplinary and inter-institutional cooperation in research related to fusion/energy technology.

History: C. 1953, 63-76-8, enacted by L. 1989 (1st S.S.), ch. 1, § 8; renumbered by L. 1992, ch. 241, § 77.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered this section, which formerly appeared as

§ 63-76-8, and made a corresponding reference change.

Effective Dates. — Laws 1989 (1st S.S.), ch. 1, § 11 makes the act effective on April 19, 1989.

9-2-809. State's share in moneys from technology and applications.

The Legislature reserves the right, on behalf of the state of Utah, to share in any moneys obtained by and due only to the University of Utah, any of its departments, subdivisions, or affiliated organizations from fusion/energy technology, related technologies, and practical applications.

History: C. 1953, 63-76-9, enacted by L. 1989 (1st S.S.), ch. 1, § 9; renumbered by L. 1992, ch. 241, § 78.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered

this section, which formerly appeared as § 63-76-9.

Effective Dates. — Laws 1989 (1st S.S.), ch. 1, § 11 makes the act effective on April 19, 1989.

9-2-810. Sunset review by Legislative Auditor General.

By July 1, 1994, the Office of the Legislative Auditor General shall conduct a performance audit of the advisory council according to standards of sunset review and make a recommendation to the Legislature concerning the continued existence of the advisory council and appropriate changes in procedure, structure, funding, and legislation.

History: C. 1953, 63-76-10, enacted by L. 1989 (1st S.S.), ch. 1, § 10; renumbered by L. 1992, ch. 241, § 79.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered this section, which formerly appeared as § 63-76-10.

Effective Dates. — Laws 1989 (1st S.S.), ch. 1, § 11 makes the act effective on April 19, 1989.

Cross-References. — Legislative auditor general, § 36-12-15.

PART 9

SHARED FOREIGN SALES CORPORATIONS

9-2-901. Creation of shared foreign sales corporations.

The department may create one or more shared foreign sales corporations, qualifying as such under Section 927(g), Internal Revenue Code of 1986, and may name directors or managers of these corporations at its discretion.

History: C. 1953, 63-33-13, enacted by L. 1990, ch. 248, § 1; renumbered by L. 1992, ch. 241, § 80.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered this section, which formerly appeared as

§ 63-33-13, and made a stylistic change.

Federal Law. — The Internal Revenue Code is Title 26 of the U.S. Code.

Effective Dates. — Laws 1990, ch. 248, § 3 makes the act effective on July 1, 1990.

9-2-902. Management fees.

(1) All expenses incurred in establishing and maintaining shared foreign sales corporations shall be initially paid for by the department but shall be reimbursed to the department by the participants in each shared foreign sales corporation created under Section 9-2-901 on a pro rata basis determined by the department.

(2) The department may charge the participants management fees that are reasonable to maintain and manage each of the shared foreign sales corporations.

(3) All monies obtained by the department in excess of department expenditures in connection with the management of shared foreign sales corporations may be used at the discretion of the department for the department's other activities in promoting exporting.

(4) The fees collected and the expenditures made shall be reported to the Legislature each year.

History: C. 1953, 63-33-14, enacted by L. 1990, ch. 248, § 2; renumbered by L. 1992, ch. 241, § 81.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered

this section, which formerly appeared as § 63-33-14, and made a corresponding reference change and a stylistic change.

Effective Dates. — Laws 1990, ch. 248, § 3 makes the act effective on July 1, 1990.

PART 10

UTAH INTERMOUNTAIN PORT AUTHORITY

Sunset. — Section 9-2-1009 provides that this part expires July 1, 1993.

9-2-1001. Policy and public purpose.

(1) It is declared that the policy of the state of Utah is to:

(a) promote the retention, improvement, and expansion of transportation and transportation-related services and facilities;

(b) support the agricultural and industrial development of the state, particularly freight transportation;

(c) promote rail, truck, and airborne transportation; and

(d) promote trade-related opportunities to increase the domestic and international markets for Utah products.

(2) It is declared that these are state public purposes and uses for which monies may be borrowed, expended, advanced, loaned, or granted.

History: C. 1953, 9-2-1001, enacted by L. 1991, ch. 148, § 1.

Sunset. — See § 9-2-1009.

Effective Dates. — Laws 1991, ch. 148, § 11 makes the act effective on March 16, 1991.

9-2-1002. Definitions.

As used in this part:

- (1) "Authority" means the Utah Intermountain Port Authority created under Section 9-2-1003.
- (2) "Board" means the board created under Section 9-2-1003 to govern the authority.

History: C. 1953, 9-2-1002, enacted by L.
1991, ch. 148, § 2.
Sunset. — See § 9-2-1009.

Effective Dates. — Laws 1991, ch. 148,
 § 11 makes the act effective on March 16,
 1991.

9-2-1003. Creation of authority and board — Members — Terms — Quorum — Per diem and expenses.

(1) There is created an independent state agency and a body corporate and politic known as the "Utah Intermountain Port Authority."

(2) (a) The policy of the authority shall be determined by an authority board consisting of 19 members as follows:

- (i) a representative of the trucking industry;
- (ii) a representative of the railroad industry;
- (iii) a representative of the air freight carriers industry;
- (iv) a representative of the freight forwarding industry;
- (v) a representative of the agriculture industry;
- (vi) a representative of the manufacturing industry;
- (vii) a representative of the Freeport Center;
- (viii) a representative of the World Trade Association;
- (ix) a representative of Salt Lake County;
- (x) a representative of the Utah Association of Counties;
- (xi) a representative of the Utah League of Cities and Towns;
- (xii) a representative of the district export council;
- (xiii) the executive director of the Department of Community and Economic Development;
- (xiv) the executive director of the Department of Agriculture;
- (xv) the executive director of the Department of Transportation;
- (xvi) three representatives of employee organizations from affected industries; and
- (xvii) the director of the Salt Lake Airport Authority.

(b) Except for the executive directors of the Departments of Community and Economic Development, Transportation, and Agriculture, and the director of the Salt Lake Airport Authority, all members shall be appointed by the governor with the advice and consent of the Senate.

(3) No more than ten members may belong to the same political party.

(4) Each member shall be a resident of the state and shall be a qualified voter in the state.

(5) Each member shall serve for a term of four years and until their respective successors are appointed and qualified, except that those members first appointed by the governor shall continue in office for terms expiring, in the case of four members on July 1, 1993, in the case of four other members on July 1, 1994, and in the case of four members on July 1, 1995. The term of

each member of the authority board first appointed in this manner shall be designated by the governor.

(6) Vacancies shall be filled in the same manner as the original appointment and the person appointed to fill the vacancy shall be appointed to serve only for the unexpired term.

(7) Any member is eligible for reappointment but may not serve more than two full consecutive terms.

(8) The authority board shall elect one of its members as chairman and may employ an executive director who is not a member of the authority board.

(9) Eleven members of the authority board constitute a quorum and the affirmative vote of at least ten members is necessary for any official action to be taken by the authority board.

(10) Except members who are state employees, each member of the authority board may receive travel expenses at the same rate established by Sections 63-1-14.5 and 63-1-15.

History: C. 1953, 9-2-1003, enacted by L. 1991, ch. 148, § 3.

Sunset. — See § 9-2-1009.

Effective Dates. — Laws 1991, ch. 148, § 11 makes the act effective on March 16, 1991.

9-2-1004. Authority duties and powers.

(1) The authority shall prepare a study of the feasibility of accomplishing the purposes of this part and a business plan for the implementation, if feasible, of those purposes.

(2) The authority may:

(a) adopt, amend, and repeal rules, policies, procedures, and by-laws for the regulation of its affairs and the conduct of its business;

(b) sue and be sued in its own name;

(c) maintain a principal office and branch offices at a place or places within the state it may designate;

(d) make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of its duties and the execution of its powers under this part;

(e) employ and retain independent legal counsel, employ financial and other experts, and employ advisers, consultants, agents, and other staff it considers necessary;

(f) receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the grants and contributions are made;

(g) invest any funds not required for immediate disbursement, including funds held in reserve, in accordance with applicable provisions of Title 51, Chapter 7, State Money Management Act of 1974;

(h) hold, use, administer, and expend monies as may be appropriated or transferred to it;

(i) prepare sketches, plans, literature, and other material relating to the purposes of this part and compile and analyze data, as to the necessity or feasibility of any proposals made by the authority board;

(j) promote the purposes of this part; and

(k) do all other acts necessary or proper to carry out the powers expressly granted in this part.

History: C. 1953, 9-2-1004, enacted by L.
1991, ch. 148, § 4.
Sunset. — See § 9-2-1009.

Effective Dates. — Laws 1991, ch. 148,
§ 11 makes the act effective on March 16,
1991.

9-2-1005. Rules.

The authority may make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for the purposes of this part.

History: C. 1953, 9-2-1005, enacted by L.
1991, ch. 148, § 5.
Sunset. — See § 9-2-1009.

Effective Dates. — Laws 1991, ch. 148,
§ 11 makes the act effective on March 16,
1991.

9-2-1006. Utah Intermountain Port Authority Fund.

- (1) There is created an enterprise fund known as the "Utah Intermountain Port Authority Fund."
- (2) Expenditures from the fund shall be made only for:
 - (a) administrative expenses of the authority; and
 - (b) all other expenses necessary and proper to carry out the purposes of this part.
- (3) No transfers from this fund to any other fund of the state may be made except pursuant to legislative action.

History: C. 1953, 9-2-1006, enacted by L.
1991, ch. 148, § 6.
Sunset. — See § 9-2-1009.

Effective Dates. — Laws 1991, ch. 148,
§ 11 makes the act effective on March 16,
1991.

9-2-1007. Trust funds.

All monies received by the authority under this part shall be considered to be trust funds to be held and applied solely as provided in this part, but prior to the time when needed for use may be invested to the extent and in the manner provided by Title 51, Chapter 7, State Money Management Act of 1974.

History: C. 1953, 9-2-1007, enacted by L.
1991, ch. 148, § 7.
Sunset. — See § 9-2-1009.

Effective Dates. — Laws 1991, ch. 148,
§ 11 makes the act effective on March 16,
1991.

9-2-1008. Annual report — Annual audit.

(1) On or before the first day of October each year, the authority shall make an annual report of its activities for the preceding calendar year to the governor and the Legislature. Each report shall set forth a complete operating and financial statement covering its operations during the year.

(2) The authority shall cause an audit of its books and accounts to be made at least once each year by the state auditor or by certified public accountants approved by the state auditor.

History: C. 1953, 9-2-1008, enacted by L.
1991, ch. 148, § 8.
Sunset. — See § 9-2-1009.

Effective Dates. — Laws 1991, ch. 148,
§ 11 makes the act effective on March 16,
1991.

9-2-1009. Sunset date.

This part expires July 1, 1993.

History: C. 1953, 9-2-1009, enacted by L. 1991, ch. 148, § 9.

§ 11 makes the act effective on March 16, 1991.

Effective Dates. — Laws 1991, ch. 148,

PART 11**JOB TRAINING COORDINATION ACT**

Compiler's Notes. — Laws 1992, ch. 153, §§ 1 to 3 also enacted a Part 11 in this chapter; that part has been renumbered as Part 14 of this chapter by the Office of Legislative Research and General Counsel.

9-2-1101. Short title.

This part is known as the "Job Training Coordination Act."

History: C. 1953, 55-17-6, enacted by L. 1985, ch. 137, § 1; renumbered by L. 1992, ch. 241, § 82.

ment, effective March 13, 1992, renumbered this section, which formerly appeared as § 55-17-6, and substituted "part" for "act."

Amendment Notes. — The 1992 amend-

COLLATERAL REFERENCES

Am. Jur. 2d. — 79 Am. Jur. 2d Welfare Laws §§ 42, 43.

9-2-1102. Definitions.

As used in this part:

(1) "Council" means the Job Training Coordinating Council created by executive order in compliance with the Job Training Partnership Act.

(2) "Job Training Partnership Act" means the federal law enacted in 29 U.S.C. Section 1501, et seq.

(3) "Office" means the Office of Occupational Education created within the department under Section 9-2-1105.

History: C. 1953, 55-17-7, enacted by L. 1985, ch. 137, § 2; renumbered by L. 1992, ch. 241, § 83.

ment, effective March 13, 1992, renumbered this section, which formerly appeared as § 55-17-7, and made corresponding reference changes and stylistic changes.

Amendment Notes. — The 1992 amend-

9-2-1103. Creation of Job Training Coordinating Council.

A Job Training Coordinating Council is created to advise the governor on the effective coordination and use of state and federal funds for employment and training as required by the Job Training Partnership Act. In carrying out these purposes, the council shall work with the private industry councils in their planning and operation of local job training programs.

History: C. 1953, 55-17-8, enacted by L. 1985, ch. 137, § 3; renumbered by L. 1992, ch. 241, § 84.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered

this section, which formerly appeared as § 55-17-8.

Job Training Partnership Act. — See § 9-2-1102(2).

9-2-1104. Membership of council.

(1) The council shall be appointed by the governor and shall include 20 voting members and consist of representation from the following areas:

(a) business and industry shall be represented by six positions including business people who either own their own businesses or who hold executive-level positions within their firms, one of whom shall be a member of the Legislature, and one of whom shall be the sitting president of the Utah Association of Private Industry Councils;

(b) the Legislature, state agencies, and general local government shall be represented by six positions including:

(i) the administrator of the Department of Employment Security;

(ii) the superintendent of public instruction;

(iii) the commissioner of higher education; and

(iv) the executive director of the Department of Human Services;

(c) community-based organizations and organized labor shall be represented by six positions; and

(d) two members shall represent the public at large.

(2) The executive director of the department may also participate in council meetings.

(3) The governor shall appoint one nongovernmental member to be the chairman.

(4) The chairman shall serve at the pleasure of the governor.

(5) Members appointed by the governor shall serve a term of two years and may be reappointed to three additional terms.

(6) Members may be entitled to per diem compensation and reimbursement for travel expenses as established by the Division of Finance.

History: C. 1953, 55-17-9, enacted by L. 1985, ch. 137, § 4; 1989, ch. 134, § 1; 1990, ch. 183, § 21; renumbered by L. 1992, ch. 241, § 85.

Amendment Notes. — The 1989 amendment, effective April 24, 1989, substituted "20" for "15" and "representation from the following areas" for "at least the following members" in the introductory paragraph of Subsection (1); rewrote Subsection (1)(a), which read "five business people who either own their businesses or who hold executive-level positions within their firms, one of whom shall be a member of the Utah Legislature"; rewrote former Subsection (1)(b), which read "three local elected officials"; rewrote former Subsection (1)(c), which read "the president of the Utah Association of Private Industry Councils"; designated former Subsection (1)(d) as Subsection (1)(c) and rewrote the provision which read "a representative of a community-based organization"; deleted former Subsections (1)(f) to (i),

which listed the administrator of the Utah Department of Employment Security, the superintendent of public instruction, the commissioner of higher education, and the executive director of the state Department of Social Services; added present Subsection (1)(d); and substituted "three additional terms" for "one additional term" in Subsection (3).

The 1990 amendment, effective April 23, 1990, substituted "Human" for "Social" in Subsection (1)(b)(iv).

The 1992 amendment, effective March 13, 1992, renumbered this section, which formerly appeared as § 55-17-9; substituted "established by the Division of Finance" for "provided by law" at the end of Subsection (6); and made stylistic changes.

Cross-References. — Administrator of Department of Employment Security, § 35-4-11. Commissioner of higher education, § 53B-1-105.

Executive director of Department of Human Services, § 62A-1-108.

Superintendent of public instruction, § 53A-1-301.

9-2-1105. Creation of Office of Occupational Education.

(1) There is created an Office of Occupational Education within the department.

(2) The director of the office shall be selected subject to the review and recommendation of the council.

(3) The director may hire, contract for, and direct secretarial, clerical, administrative, and research staff as necessary to carry out the functions of the council within approved budgets. Subordinate staff members shall, where possible, be covered by provisions of the Utah state merit system.

History: C. 1953, 55-17-10, enacted by L. 1985, ch. 137, § 5; renumbered by L. 1992, ch. 241, § 86.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered this section, which formerly appeared as § 55-17-10; inserted the subsection designa-

tions; substituted "Office of Occupational Education" for "Office of Job Training for Economic Development" in Subsection (1); and made stylistic changes.

Cross-References. — Personnel management, Title 67, Chapter 19.

9-2-1106. Duties of Job Training Coordinating Council.

The Council shall:

(1) develop and recommend to the governor an employment and training coordination and special services plan;

(2) recommend to the governor substate service delivery areas, plan resource allocations not subject to Section 202(a) of the Job Training Partnership Act, provide management guidance and review for employment and training programs in the state, develop appropriate linkages with other programs, coordinate activities with private industry councils, and recommend variations in performance standards;

(3) advise the governor and local entities on job training plans and certify to the governor the consistency of these plans with criteria under the governor's coordination and special services plan for coordination of activities under the Job Training Partnership Act with other federal, state, and local employment and training-related programs;

(4) review the operation of and evaluate the results of programs conducted in each service delivery area, and the availability, responsiveness, and adequacy of state services, and make recommendations to the governor, appropriate chief elected officials, private industry councils, service providers, the Legislature, and the general public on ways to improve the effectiveness of those programs or services;

(5) review and comment on the state employment service plan developed for the Utah Department of Employment Security;

(6) make an annual report of accomplishments to the governor related to employment and training programs coordinated by the council, and issue any other studies, reports, or documents the council considers advisable to assist service delivery areas in carrying out the purposes of the Job Training Partnership Act;

(7) (a) coordinate efforts to identify the employment and training, and applied technology education needs, and assess the extent to which

employment and training, applied technology education, rehabilitation services, public assistance, economic development, and other federal, state, and local programs and services represent a consistent, integrated, and coordinated approach to meeting those needs;

(b) comment at least once annually on the reports required by Section 105 (d)(3) of the Vocational Education Act of 1963;

(c) review and advise on the State Job Opportunities and Basic Skills Training Program, Family Support Act, plan developed for the Department of Human Services;

(8) review plans of all state agencies providing employment and training and related services, and provide comments and recommendations to the governor, the Legislature, the state agencies, the general public, and the appropriate federal agencies on the relevancy and effectiveness of employment and training and related service delivery systems in the state;

(9) conduct public hearings on the operation of job training programs; and

(10) perform other duties and functions as may be required by the Job Training Partnership Act as it is amended, or by other federal laws.

History: C. 1953, 55-17-11, enacted by L. 1985, ch. 137, § 6; 1987, ch. 92, § 76; 1989, ch. 134, § 2; 1990, ch. 183, § 22; 1992, ch. 53, § 49; renumbered by L. 1992, ch. 241, § 87.

Amendment Notes. — The 1989 amendment, effective April 24, 1989, added Subsection (7)(c) and inserted "the general public" in Subsection (8).

The 1990 amendment, effective April 23, 1990, substituted "Human" for "Social" in Subsection (7)(c).

The 1992 amendment by ch. 241, effective March 13, 1992, renumbered this section, which formerly appeared as § 55-17-11, and made stylistic changes.

The 1992 amendment by ch. 53, effective

July 1, 1992, substituted "applied technology" for "vocational" in Subsection (7)(a).

This section is set out as reconciled by the Office of Legislative Research and General Counsel.

Federal Law. — For citation to Job Training Partnership Act, see § 9-2-1102(2). Section 202(a) of the act, cited in Subsection (2), is 29 U.S.C. § 1602(a).

Section 105(d)(3) of the federal Vocational Education Act of 1963, cited in Subsection (7)(b), was codified as 20 U.S.C. § 2305(d)(3) and repealed in 1984.

Cross-References. — Department of Employment Security, § 35-4-11.

9-2-1107. Limitations on council.

The council may not operate programs or provide services directly to eligible participants. It shall function solely to plan, coordinate, and monitor those programs and services. All recommendations of the council are subject to the approval of the governor.

History: C. 1953, 55-17-12, enacted by L. 1985, ch. 137, § 7; renumbered by L. 1992, ch. 241, § 88.

Amendment Notes. — The 1992 amend-

ment, effective March 13, 1992, renumbered this section, which formerly appeared as § 55-17-12, and made a stylistic change.

9-2-1108. Private industry councils.

A private industry council shall function within each service delivery area to provide policy guidance and oversight for programs delivered under the Job Training Partnership Act and to coordinate all job training programs operating within the area. Specific functions include:

- (1) preparing the local job training plan;
- (2) reviewing plans and operations of other agencies involved in job training or placement activities;
- (3) determining administrative structure and selecting administrative, training, and other service providers;
- (4) providing program oversight;
- (5) assessing needs and problems in the labor market;
- (6) determining services to be provided;
- (7) assisting in economic development efforts for the purpose of creating new jobs in the area;
- (8) coordinating with agencies involved in job training and placement activities; and
- (9) monitoring and evaluating performance of the job training system within the area.

History: C. 1953, 55-17-13, enacted by L. 1985, ch. 137, § 8; renumbered by L. 1992, ch. 241, § 89.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered

this section, which formerly appeared as § 55-17-13, and inserted "with" in Subsection (8).

Job Training Partnership Act. — See § 9-2-1102(2).

PART 12**INDUSTRIAL ASSISTANCE FUND****9-2-1201. Purpose statement.**

The Legislature finds and declares that the fostering and development of industry in Utah is a state public purpose necessary to assure the welfare of its citizens, the growth of its economy, and adequate employment for its citizens.

History: C. 1953, 63-80-1, enacted by L. 1991, ch. 231, § 1; renumbered by L. 1992, ch. 241, § 90.

Amendment Notes. — The 1992 amendment, effective March 13, 1992, renumbered this section, which formerly appeared as § 63-80-1.

Effective Dates. — Laws 1991, ch. 231 be-

came effective on March 18, 1991, pursuant to Utah Const., Art. VI, Sec. 25.

Appropriations. — Laws 1992, ch. 145, § 2 appropriates \$443,000 from the General Fund to the Industrial Assistance Fund for fiscal year 1991-92 for use by the Department of Community and Economic Development for the purposes provided in this part.