

Senator Ann Millner proposes the following substitute bill:

ECONOMIC AND WORKFORCE DEVELOPMENT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Timothy D. Hawkes

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill modifies provisions related to economic and workforce development.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ transfers the Pete Suazo Utah Athletic Commission and the Utah Main Street Program from the Governor's Office of Economic Opportunity (GO Utah office) to the Department of Cultural and Community Engagement;
- ▶ modifies the membership of the Main Street Program Advisory Committee;
- ▶ transfers the Talent, Education, and Industry Alignment Board (talent board), formerly the Talent, Education, and Industry Alignment Subcommittee, the Talent Ready Utah Program (talent program), the Utah Works Program, and certain workforce development and education programs from the GO Utah office to the Utah System of Higher Education;
- ▶ modifies the membership and duties of the talent board;
- ▶ requires the talent program to report annually on the talent program's operations to the Utah Board of Higher Education;
- ▶ allows the talent program to award grants to business entities offering employee



- 26 return to work programs;
- 27 ▶ establishes the Women in the Economy Subcommittee, formerly the Women in the
28 Economy Commission within the Department of Workforce Services, as a
29 subcommittee of the GO Utah office's Unified Economic Opportunity Commission;
- 30 ▶ allows the GO Utah office's Unified Economic Opportunity Commission to
31 establish working groups to assist and advise the commission;
- 32 ▶ allows the executive director of the GO Utah office to make rules to administer
33 certain programs established in law;
- 34 ▶ prohibits the GO Utah office from distributing pass through funding unless the
35 office follows the standards or criteria described in the appropriation item;
- 36 ▶ requires pass through funding appropriated to the GO Utah office to lapse at the end
37 of the fiscal year if the item of appropriation does not include any standards or
38 criteria for distributing the pass through funding;
- 39 ▶ modifies the duties of the GO Utah office's Board of Economic Opportunity,
40 formerly the Business and Economic Development Subcommittee;
- 41 ▶ allows the GO Utah office to issue economic development tax credits for certain
42 projects for which other tax credits are claimed;
- 43 ▶ modifies requirements for the GO Utah office to award grants and loans under the
44 Utah Technology Innovation Funding Program, formerly the Technology
45 Commercialization and Innovation Program;
- 46 ▶ establishes the Economic Assistance Grant Program within the GO Utah office, for
47 awarding grants to business entities implementing projects that promote economic
48 opportunities in the state or provide certain services in the state;
- 49 ▶ expands the GO Utah office's Rural Opportunity Program, formerly the Rural
50 County Grant Program, by allowing the office to award grants and loans to certain
51 counties, municipalities, and business entities;
- 52 ▶ requires the GO Utah office to report annually on the Rural Opportunity Program;
- 53 ▶ creates the Rural Opportunity Advisory Committee within the GO Utah office, for
54 advising and making recommendations to the GO Utah office on grant and loan
55 awards under the Rural Opportunity Program;
- 56 ▶ creates the Rural Opportunity Fund, to be used by the GO Utah office for awarding

57 grants and loans under certain rural programs;

58 ▶ creates the Utah Office of Tourism within the GO Utah office and describes the
59 duties of the office;

60 ▶ modifies the membership and duties of the GO Utah office's Board of Tourism
61 Development;

62 ▶ creates the Center for International Business and Diplomacy within the GO Utah
63 office and describes the duties of the center;

64 ▶ repeals certain education coordinating groups within the Utah System of Higher
65 Education;

66 ▶ repeals the Utah Board of Higher Education's industry advisory council;

67 ▶ repeals the GO Utah office's business development grant program for disadvantaged
68 rural communities;

69 ▶ repeals the GO Utah office's Rural Rapid Manufacturing Grant Program;

70 ▶ repeals the GO Utah office's Rural Speculative Industrial Building Program; and

71 ▶ makes technical and conforming changes.

72 **Money Appropriated in this Bill:**

73 This bill appropriates in fiscal year 2023:

74 ▶ to Governor's Office of Economic Opportunity - Rural Coworking and Innovation
75 Center Grant Program, as an ongoing appropriation:

76 • from the General Fund, (\$750,000); and

77 ▶ to Governor's Office of Economic Opportunity - Rural Employment Expansion
78 Program, as an ongoing appropriation:

79 • from the General Fund, (\$1,500,000).

80 This bill appropriates \$2,250,000 in business-like activities in fiscal year 2023.

81 **Other Special Clauses:**

82 This bill provides a special effective date.

83 This bill provides coordination clauses.

84 **Utah Code Sections Affected:**

85 AMENDS:

86 **35A-1-109**, as last amended by Laws of Utah 2021, Chapters 282 and 382

87 **53B-1-404**, as last amended by Laws of Utah 2020, Chapters 352, 373 and renumbered

88 and amended by Laws of Utah 2020, Chapter 365 and last amended by Coordination Clause,
89 Laws of Utah 2020, Chapters 352, and 373

90 **63B-1b-202**, as last amended by Laws of Utah 2017, Chapter 345

91 **63I-1-235**, as last amended by Laws of Utah 2021, Chapters 28 and 282

92 **63I-1-263**, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196,
93 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws
94 of Utah 2021, Chapter 382

95 **63L-2-301**, as last amended by Laws of Utah 2021, Chapters 280, 282, and 382

96 **63N-1a-102**, as last amended by Laws of Utah 2021, Chapter 381 and renumbered and
97 amended by Laws of Utah 2021, Chapter 282

98 **63N-1a-201**, as enacted by Laws of Utah 2021, Chapter 282

99 **63N-1a-202**, as enacted by Laws of Utah 2021, Chapter 282

100 **63N-1a-303**, as last amended by Laws of Utah 2021, Chapter 382 and renumbered and
101 amended by Laws of Utah 2021, Chapter 282

102 **63N-1a-306**, as last amended by Laws of Utah 2021, Chapter 382 and renumbered and
103 amended by Laws of Utah 2021, Chapter 282

104 **63N-2-104**, as last amended by Laws of Utah 2021, Chapters 282, 381 and last
105 amended by Coordination Clause, Laws of Utah 2021, Chapter 282

106 **63N-2-511**, as last amended by Laws of Utah 2015, Chapter 417 and renumbered and
107 amended by Laws of Utah 2015, Chapter 283

108 **63N-2-810**, as last amended by Laws of Utah 2021, Chapter 282

109 **63N-3-105**, as last amended by Laws of Utah 2021, Chapter 282

110 **63N-3-109**, as last amended by Laws of Utah 2021, Chapter 282

111 **63N-3-112**, as enacted by Laws of Utah 2021, Chapter 282

112 **63N-3-204**, as last amended by Laws of Utah 2021, Chapter 282

113 **63N-4-104**, as last amended by Laws of Utah 2021, Chapter 282

114 **63N-4-402**, as last amended by Laws of Utah 2019, Chapters 45 and 465

115 **63N-4-403**, as last amended by Laws of Utah 2021, Chapter 282

116 **63N-4-404**, as last amended by Laws of Utah 2020, Chapter 369

117 **63N-6-301**, as last amended by Laws of Utah 2021, Chapter 438

118 **63N-7-301**, as last amended by Laws of Utah 2020, Chapter 154

119 ENACTS:

- 120 **53B-33-109**, Utah Code Annotated 1953
- 121 **63N-1a-307**, Utah Code Annotated 1953
- 122 **63N-3-801**, Utah Code Annotated 1953
- 123 **63N-3-802**, Utah Code Annotated 1953
- 124 **63N-4-801**, Utah Code Annotated 1953
- 125 **63N-4-802**, Utah Code Annotated 1953
- 126 **63N-4-804**, Utah Code Annotated 1953
- 127 **63N-4-805**, Utah Code Annotated 1953
- 128 **63N-7-104**, Utah Code Annotated 1953
- 129 **63N-19-101**, Utah Code Annotated 1953
- 130 **63N-19-102**, Utah Code Annotated 1953
- 131 **63N-19-103**, Utah Code Annotated 1953
- 132 **63N-19-104**, Utah Code Annotated 1953

133 REPEALS AND REENACTS:

- 134 **63N-7-101**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 135 **63N-7-102**, as last amended by Laws of Utah 2020, Chapter 352
- 136 **63N-7-103**, as last amended by Laws of Utah 2020, Chapter 154
- 137 **63N-7-201**, as last amended by Laws of Utah 2021, Chapter 282
- 138 **63N-7-202**, as renumbered and amended by Laws of Utah 2015, Chapter 283

139 RENUMBERS AND AMENDS:

- 140 **9-23-101**, (Renumbered from 63N-10-102, as last amended by Laws of Utah 2019,
141 Chapter 349)
- 142 **9-23-201**, (Renumbered from 63N-10-201, as last amended by Laws of Utah 2018,
143 Chapter 466)
- 144 **9-23-202**, (Renumbered from 63N-10-203, as renumbered and amended by Laws of
145 Utah 2015, Chapter 283)
- 146 **9-23-204**, (Renumbered from 63N-10-204, as renumbered and amended by Laws of
147 Utah 2015, Chapter 283)
- 148 **9-23-205**, (Renumbered from 63N-10-205, as renumbered and amended by Laws of
149 Utah 2015, Chapter 283)

- 150 **9-23-301**, (Renumbered from 63N-10-301, as last amended by Laws of Utah 2019,
151 Chapter 349)
- 152 **9-23-302**, (Renumbered from 63N-10-302, as renumbered and amended by Laws of
153 Utah 2015, Chapter 283)
- 154 **9-23-303**, (Renumbered from 63N-10-303, as renumbered and amended by Laws of
155 Utah 2015, Chapter 283)
- 156 **9-23-304**, (Renumbered from 63N-10-304, as renumbered and amended by Laws of
157 Utah 2015, Chapter 283)
- 158 **9-23-305**, (Renumbered from 63N-10-305, as renumbered and amended by Laws of
159 Utah 2015, Chapter 283)
- 160 **9-23-306**, (Renumbered from 63N-10-306, as renumbered and amended by Laws of
161 Utah 2015, Chapter 283)
- 162 **9-23-307**, (Renumbered from 63N-10-307, as renumbered and amended by Laws of
163 Utah 2015, Chapter 283)
- 164 **9-23-308**, (Renumbered from 63N-10-308, as renumbered and amended by Laws of
165 Utah 2015, Chapter 283)
- 166 **9-23-309**, (Renumbered from 63N-10-309, as renumbered and amended by Laws of
167 Utah 2015, Chapter 283)
- 168 **9-23-310**, (Renumbered from 63N-10-310, as renumbered and amended by Laws of
169 Utah 2015, Chapter 283)
- 170 **9-23-311**, (Renumbered from 63N-10-311, as renumbered and amended by Laws of
171 Utah 2015, Chapter 283)
- 172 **9-23-312**, (Renumbered from 63N-10-312, as renumbered and amended by Laws of
173 Utah 2015, Chapter 283)
- 174 **9-23-313**, (Renumbered from 63N-10-313, as renumbered and amended by Laws of
175 Utah 2015, Chapter 283)
- 176 **9-23-314**, (Renumbered from 63N-10-314, as renumbered and amended by Laws of
177 Utah 2015, Chapter 283)
- 178 **9-23-315**, (Renumbered from 63N-10-315, as renumbered and amended by Laws of
179 Utah 2015, Chapter 283)
- 180 **9-23-316**, (Renumbered from 63N-10-316, as renumbered and amended by Laws of

181 Utah 2015, Chapter 283)
182 **9-23-317**, (Renumbered from 63N-10-317, as renumbered and amended by Laws of
183 Utah 2015, Chapter 283)
184 **9-23-318**, (Renumbered from 63N-10-318, as renumbered and amended by Laws of
185 Utah 2015, Chapter 283)
186 **9-24-101**, (Renumbered from 63N-3-701, as enacted by Laws of Utah 2021, Chapter
187 407)
188 **9-24-102**, (Renumbered from 63N-3-702, as enacted by Laws of Utah 2021, Chapter
189 407)
190 **9-24-103**, (Renumbered from 63N-3-703, as enacted by Laws of Utah 2021, Chapter
191 407)
192 **53B-33-101 (Effective 07/01/22)**, (Renumbered from 63N-1b-101 (Effective 07/01/22),
193 as last amended by Laws of Utah 2021, Second Special Session, Chapter 1)
194 **53B-33-102**, (Renumbered from 63N-1b-301, as renumbered and amended by Laws of
195 Utah 2021, Chapter 282)
196 **53B-33-103**, (Renumbered from 63N-1b-302, as renumbered and amended by Laws of
197 Utah 2021, Chapter 282)
198 **53B-33-104**, (Renumbered from 63N-1b-303, as renumbered and amended by Laws of
199 Utah 2021, Chapter 282)
200 **53B-33-105**, (Renumbered from 63N-1b-304, as renumbered and amended by Laws of
201 Utah 2021, Chapter 282)
202 **53B-33-106**, (Renumbered from 63N-1b-305, as renumbered and amended by Laws of
203 Utah 2021, Chapter 282)
204 **53B-33-107**, (Renumbered from 63N-1b-306, as renumbered and amended by Laws of
205 Utah 2021, Chapter 282)
206 **53B-33-108**, (Renumbered from 63N-1b-307, as last amended by Laws of Utah 2021,
207 First Special Session, Chapter 4)
208 **63N-1a-401**, (Renumbered from 63N-1b-201, as renumbered and amended by Laws of
209 Utah 2021, Chapter 282)
210 **63N-1a-402**, (Renumbered from 63N-1b-202, as renumbered and amended by Laws of
211 Utah 2021, Chapter 282)

212 **63N-1b-401**, (Renumbered from 35A-11-102, as last amended by Laws of Utah 2016,
213 Chapter 43)

214 **63N-1b-402**, (Renumbered from 35A-11-201, as enacted by Laws of Utah 2014,
215 Chapter 127)

216 **63N-1b-403**, (Renumbered from 35A-11-202, as enacted by Laws of Utah 2014,
217 Chapter 127)

218 **63N-1b-404**, (Renumbered from 35A-11-203, as last amended by Laws of Utah 2016,
219 Chapters 43, 222, and 296)

220 **63N-4-803**, (Renumbered from 17-54-104, as enacted by Laws of Utah 2020, Chapter
221 360)

222 REPEALS:

223 **17-54-101**, as enacted by Laws of Utah 2020, Chapter 360

224 **17-54-102**, as last amended by Laws of Utah 2021, Chapter 282

225 **17-54-103**, as last amended by Laws of Utah 2021, Chapter 282

226 **35A-11-101**, as enacted by Laws of Utah 2014, Chapter 127

227 **53B-1-114**, as last amended by Laws of Utah 2021, Chapters 187 and 282

228 **53B-1-407**, as enacted by Laws of Utah 2020, Chapter 365

229 **63N-4-201**, as renumbered and amended by Laws of Utah 2015, Chapter 283

230 **63N-4-202**, as renumbered and amended by Laws of Utah 2015, Chapter 283

231 **63N-4-203**, as renumbered and amended by Laws of Utah 2015, Chapter 283

232 **63N-4-204**, as renumbered and amended by Laws of Utah 2015, Chapter 283

233 **63N-4-205**, as last amended by Laws of Utah 2021, Chapter 282

234 **63N-4-601**, as enacted by Laws of Utah 2019, Chapter 503

235 **63N-4-602**, as enacted by Laws of Utah 2019, Chapter 503

236 **63N-4-603**, as enacted by Laws of Utah 2019, Chapter 503

237 **63N-4-604**, as enacted by Laws of Utah 2019, Chapter 503

238 **63N-4-701**, as enacted by Laws of Utah 2020, Chapter 360

239 **63N-4-702**, as enacted by Laws of Utah 2020, Chapter 360

240 **63N-4-703**, as enacted by Laws of Utah 2020, Chapter 360

241 **63N-4-704**, as last amended by Laws of Utah 2021, Chapter 282

242 **63N-10-101**, as renumbered and amended by Laws of Utah 2015, Chapter 283

243 **Utah Code Sections Affected by Coordination Clause:**

244 [63N-2-104.1](#), Utah Code Annotated 1953

245 [63N-7-301](#), as last amended by Laws of Utah 2020, Chapter 154



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

248 Section 1. Section **9-23-101**, which is renumbered from Section 63N-10-102 is
249 renumbered and amended to read:

250 **CHAPTER 23. PETE SUAZO UTAH ATHLETIC COMMISSION ACT**

251 **Part 1. General Provisions**

252 ~~[63N-10-102]~~. **9-23-101. Definitions.**

253 As used in this chapter:

254 (1) "Bodily injury" has the same meaning as defined in Section [76-1-601](#).

255 (2) "Boxing" means the sport of attack and defense using the fist, which is covered by
256 an approved boxing glove.

257 (3) (a) "Club fighting" means any contest of unarmed combat, whether admission is
258 charged or not, where:

259 (i) the rules of the contest are not approved by the commission;

260 (ii) a licensed physician, osteopath, or physician assistant approved by the commission
261 is not in attendance;

262 (iii) a correct HIV negative test regarding each contestant has not been provided to the
263 commission;

264 (iv) the contest is not conducted in accordance with commission rules; or

265 (v) the contestants are not matched by the weight standards established in accordance
266 with Section ~~[63N-10-316]~~ [9-23-31](#).

267 (b) "Club fighting" does not include sparring if:

268 (i) it is conducted for training purposes;

269 (ii) no tickets are sold to spectators;

270 (iii) no concessions are available for spectators;

271 (iv) protective clothing, including protective headgear, a mouthguard, and a protective
272 cup, is worn; and

273 (v) for boxing, 16 ounce boxing gloves are worn.

274 (4) "Commission" means the Pete Suazo Utah Athletic Commission created by this
275 chapter.

276 (5) "Contest" means a live match, performance, or exhibition involving two or more
277 persons engaged in unarmed combat.

278 (6) "Contestant" means an individual who participates in a contest.

279 (7) "Designated commission member" means a member of the commission designated
280 to:

281 (a) attend and supervise a particular contest; and

282 (b) act on the behalf of the commission at a contest venue.

283 (8) "Director" means the director appointed by the commission.

284 (9) "Elimination unarmed combat contest" means a contest where:

285 (a) a number of contestants participate in a tournament;

286 (b) the duration is not more than 48 hours; and

287 (c) the loser of each contest is eliminated from further competition.

288 (10) "Exhibition" means an engagement in which the participants show or display their
289 skills without necessarily striving to win.

290 (11) "Judge" means an individual qualified by training or experience to:

291 (a) rate the performance of contestants;

292 (b) score a contest; and

293 (c) determine with other judges whether there is a winner of the contest or whether the
294 contestants performed equally, resulting in a draw.

295 (12) "Licensee" means an individual licensed by the commission to act as a:

296 (a) contestant;

297 (b) judge;

298 (c) manager;

299 (d) promoter;

300 (e) referee;

301 (f) second; or

302 (g) other official established by the commission by rule.

303 (13) "Manager" means an individual who represents a contestant for the purpose of:

304 (a) obtaining a contest for a contestant;

305 (b) negotiating terms and conditions of the contract under which the contestant will
306 engage in a contest; or

307 (c) arranging for a second for the contestant at a contest.

308 (14) "Promoter" means a person who engages in producing or staging contests and
309 promotions.

310 (15) "Promotion" means a single contest or a combination of contests that:

311 (a) occur during the same time and at the same location; and

312 (b) is produced or staged by a promoter.

313 (16) "Purse" means any money, prize, remuneration, or any other valuable
314 consideration a contestant receives or may receive for participation in a contest.

315 (17) "Referee" means an individual qualified by training or experience to act as the
316 official attending a contest at the point of contact between contestants for the purpose of:

317 (a) enforcing the rules relating to the contest;

318 (b) stopping the contest in the event the health, safety, and welfare of a contestant or
319 any other person in attendance at the contest is in jeopardy; and

320 (c) acting as a judge if so designated by the commission.

321 (18) "Round" means one of a number of individual time periods that, taken together,
322 constitute a contest during which contestants are engaged in a form of unarmed combat.

323 (19) "Second" means an individual who attends a contestant at the site of the contest
324 before, during, and after the contest in accordance with contest rules.

325 (20) "Serious bodily injury" has the same meaning as defined in Section [76-1-601](#).

326 (21) "Total gross receipts" means the amount of the face value of all tickets sold to a
327 particular contest plus any sums received as consideration for holding the contest at a particular
328 location.

329 (22) "Ultimate fighting" means a live contest, whether or not an admission fee is
330 charged, in which:

331 (a) contest rules permit contestants to use a combination of boxing, kicking, wrestling,
332 hitting, punching, or other combative contact techniques;

333 (b) contest rules incorporate a formalized system of combative techniques against
334 which a contestant's performance is judged to determine the prevailing contestant;

335 (c) contest rules divide nonchampionship contests into three equal and specified rounds

336 of no more than five minutes per round with a rest period of one minute between each round;
337 (d) contest rules divide championship contests into five equal and specified rounds of
338 no more than five minutes per round with a rest period of one minute between each round; and

339 (e) contest rules prohibit contestants from:

340 (i) using anything that is not part of the human body, except for boxing gloves, to
341 intentionally inflict serious bodily injury upon an opponent through direct contact or the
342 expulsion of a projectile;

343 (ii) striking a person who demonstrates an inability to protect himself from the
344 advances of an opponent;

345 (iii) biting; or

346 (iv) direct, intentional, and forceful strikes to the eyes, groin area, Adam's apple area of
347 the neck, and the rear area of the head and neck.

348 (23) (a) "Unarmed combat" means boxing or any other form of competition in which a
349 blow is usually struck which may reasonably be expected to inflict bodily injury.

350 (b) "Unarmed combat" does not include a competition or exhibition between
351 participants in which the participants engage in simulated combat for entertainment purposes.

352 (24) "Unlawful conduct" means organizing, promoting, or participating in a contest
353 which involves contestants that are not licensed under this chapter.

354 (25) "Unprofessional conduct" means:

355 (a) entering into a contract for a contest in bad faith;

356 (b) participating in any sham or fake contest;

357 (c) participating in a contest pursuant to a collusive understanding or agreement in
358 which the contestant competes in or terminates the contest in a manner that is not based upon
359 honest competition or the honest exhibition of the skill of the contestant;

360 (d) engaging in an act or conduct that is detrimental to a contest, including any foul or
361 unsportsmanlike conduct in connection with a contest;

362 (e) failing to comply with any limitation, restriction, or condition placed on a license;

363 (f) striking of a downed opponent by a contestant while the contestant remains on the
364 contestant's feet, unless the designated commission member or director has exempted the
365 contest and each contestant from the prohibition on striking a downed opponent before the start
366 of the contest;

367 (g) after entering the ring or contest area, penetrating an area within four feet of an
368 opponent by a contestant, manager, or second before the commencement of the contest; or

369 (h) as further defined by rules made by the commission under Title 63G, Chapter 3,
370 Utah Administrative Rulemaking Act.

371 (26) "White-collar contest" means a contest conducted at a training facility where no
372 alcohol is served in which:

373 (a) for boxing:

374 (i) neither contestant is or has been a licensed contestant in any state or an amateur
375 registered with USA Boxing, Inc.;

376 (ii) no cash prize, or other prize valued at greater than \$35, is awarded;

377 (iii) protective clothing, including protective headgear, a mouthguard, a protective cup,
378 and for a female contestant a chestguard, is worn;

379 (iv) 16 ounce boxing gloves are worn;

380 (v) the contest is no longer than three rounds of no longer than three minutes each;

381 (vi) no winner or loser is declared or recorded; and

382 (vii) the contestants do not compete in a cage; and

383 (b) for ultimate fighting:

384 (i) neither contestant is or has been a licensed contestant in any state or an amateur
385 registered with USA Boxing, Inc.;

386 (ii) no cash prize, or other prize valued at greater than \$35, is awarded;

387 (iii) protective clothing, including a protective mouthguard and a protective cup, is
388 worn;

389 (iv) downward elbow strikes are not allowed;

390 (v) a contestant is not allowed to stand and strike a downed opponent;

391 (vi) a closed-hand blow to the head is not allowed while either contestant is on the
392 ground;

393 (vii) the contest is no longer than three rounds of no longer than three minutes each;

394 and

395 (viii) no winner or loser is declared or recorded.

396 Section 2. Section **9-23-201**, which is renumbered from Section 63N-10-201 is
397 renumbered and amended to read:

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Part 2. Pete Suazo Utah Athletic Commission

~~[63N-10-201].~~ 9-23-201. **Commission -- Creation -- Appointments -- Terms -- Expenses -- Quorum.**

(1) There is created within the ~~[office]~~ department the Pete Suazo Utah Athletic Commission consisting of five members.

(2) (a) The governor shall appoint three commission members.

(b) The president of the Senate and the speaker of the House of Representatives shall each appoint one commission member.

(c) The commission members may not be licensees under this chapter.

(3) (a) Except as required by Subsection (3)(b), as terms of current members expire, the governor, president, or speaker, respectively, shall appoint each new member or reappointed member to a four-year term.

(b) The governor shall, at the time of appointment or reappointment, adjust the length of the governor's appointees' terms to ensure that the terms of members are staggered so that approximately half of the commission is appointed every two years.

(c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(d) A commission member may be removed for any reason and replaced in accordance with this section by:

(i) the governor, for a commission member appointed by the governor;

(ii) the president of the Senate, for a commission member appointed by the president of the Senate; or

(iii) the speaker of the House of Representatives, for a commission member appointed by the speaker of the House of Representatives.

(4) (a) A majority of the commission members constitutes a quorum.

(b) A majority of a quorum is sufficient authority for the commission to act.

(5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section [63A-3-106](#);

(b) Section [63A-3-107](#); and

(c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

429 (6) The commission shall annually designate one of its members to serve as chair for a
430 one-year period.

431 Section 3. Section **9-23-202**, which is renumbered from Section 63N-10-203 is
432 renumbered and amended to read:

433 ~~[63N-10-203]~~. **9-23-202. Commission director.**

434 (1) The commission shall employ a director, who may not be a member of the
435 commission, to conduct the commission's business.

436 (2) The director serves at the pleasure of the commission.

437 Section 4. Section **9-23-204**, which is renumbered from Section 63N-10-204 is
438 renumbered and amended to read:

439 ~~[63N-10-204]~~. **9-23-204. Inspectors.**

440 (1) The commission may appoint one or more official representatives to be designated
441 as inspectors, who shall serve at the pleasure of the commission.

442 (2) Each inspector must receive from the commission a card authorizing that inspector
443 to act as an inspector for the commission.

444 (3) An inspector may not promote or sponsor any contest.

445 (4) Each inspector may receive a fee approved by the commission for the performance
446 of duties under this chapter.

447 Section 5. Section **9-23-205**, which is renumbered from Section 63N-10-205 is
448 renumbered and amended to read:

449 ~~[63N-10-205]~~. **9-23-205. Affiliation with other commissions.**

450 The commission may affiliate with any other state, tribal, or national boxing
451 commission or athletic authority.

452 Section 6. Section **9-23-301**, which is renumbered from Section 63N-10-301 is
453 renumbered and amended to read:

454 **Part 3. Licensing**

455 ~~[63N-10-301]~~. **9-23-301. Licensing.**

456 (1) A license is required for a person to act as or to represent that the person is:

457 (a) a promoter;

458 (b) a manager;

459 (c) a contestant;

- 460 (d) a second;
- 461 (e) a referee;
- 462 (f) a judge; or
- 463 (g) another official established by the commission by rule.
- 464 (2) The commission shall issue to a person who qualifies under this chapter a license in
- 465 the classifications of:
 - 466 (a) promoter;
 - 467 (b) manager;
 - 468 (c) contestant;
 - 469 (d) second;
 - 470 (e) referee;
 - 471 (f) judge; or
 - 472 (g) another official who meets the requirements established by rule under Subsection
 - 473 (1)(g).
- 474 (3) All money collected under this section and Sections [~~63N-10-304, 63N-10-307,~~
- 475 ~~63N-10-310, and 63N-10-313~~] 9-23-304, 9-23-307, 9-23-310, and 9-23-313 shall be retained
- 476 as dedicated credits to pay for commission expenses.
- 477 (4) Each applicant for licensure as a promoter shall:
 - 478 (a) submit an application in a form prescribed by the commission;
 - 479 (b) pay the fee determined by the commission under Section 63J-1-504;
 - 480 (c) provide to the commission evidence of financial responsibility, which shall include
 - 481 financial statements and other information that the commission may reasonably require to
 - 482 determine that the applicant or licensee is able to competently perform as and meet the
 - 483 obligations of a promoter in this state;
 - 484 (d) make assurances that the applicant:
 - 485 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
 - 486 respect to the promotions the applicant is promoting;
 - 487 (ii) has not been found in a criminal or civil proceeding to have engaged in or
 - 488 attempted to engage in any fraud or misrepresentation in connection with a contest or any other
 - 489 sporting event; and
 - 490 (iii) has not been found in a criminal or civil proceeding to have violated or attempted

491 to violate any law with respect to a contest in any jurisdiction or any law, rule, or order relating
492 to the regulation of contests in this state or any other jurisdiction;

493 (e) acknowledge in writing to the commission receipt, understanding, and intent to
494 comply with this chapter and the rules made under this chapter; and

495 (f) if requested by the commission or the director, meet with the commission or the
496 director to examine the applicant's qualifications for licensure.

497 (5) Each applicant for licensure as a contestant shall:

498 (a) be not less than 18 years of age at the time the application is submitted to the
499 commission;

500 (b) submit an application in a form prescribed by the commission;

501 (c) pay the fee established by the commission under Section [63J-1-504](#);

502 (d) provide a certificate of physical examination, dated not more than 60 days prior to
503 the date of application for licensure, in a form provided by the commission, completed by a
504 licensed physician and surgeon or physician assistant certifying that the applicant is free from
505 any physical or mental condition that indicates the applicant should not engage in activity as a
506 contestant;

507 (e) make assurances that the applicant:

508 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
509 respect to a contest in which the applicant will participate;

510 (ii) has not been found in a criminal or civil proceeding to have engaged in or
511 attempted to have engaged in any fraud or misrepresentation in connection with a contest or
512 any other sporting event; and

513 (iii) has not been found in a criminal or civil proceeding to have violated or attempted
514 to violate any law with respect to contests in any jurisdiction or any law, rule, or order relating
515 to the regulation of contests in this state or any other jurisdiction;

516 (f) acknowledge in writing to the commission receipt, understanding, and intent to
517 comply with this chapter and the rules made under this chapter; and

518 (g) if requested by the commission or the director, meet with the commission or the
519 director to examine the applicant's qualifications for licensure.

520 (6) Each applicant for licensure as a manager or second shall:

521 (a) submit an application in a form prescribed by the commission;

- 522 (b) pay a fee determined by the commission under Section [63J-1-504](#);
- 523 (c) make assurances that the applicant:
 - 524 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
 - 525 respect to a contest in which the applicant is participating;
 - 526 (ii) has not been found in a criminal or civil proceeding to have engaged in or
 - 527 attempted to have engaged in any fraud or misrepresentation in connection with a contest or
 - 528 any other sporting event; and
 - 529 (iii) has not been found in a criminal or civil proceeding to have violated or attempted
 - 530 to violate any law with respect to a contest in any jurisdiction or any law, rule, or order relating
 - 531 to the regulation of contests in this state or any other jurisdiction;
- 532 (d) acknowledge in writing to the commission receipt, understanding, and intent to
- 533 comply with this chapter and the rules made under this chapter; and
- 534 (e) if requested by the commission or director, meet with the commission or the
- 535 director to examine the applicant's qualifications for licensure.
- 536 (7) Each applicant for licensure as a referee or judge shall:
 - 537 (a) submit an application in a form prescribed by the commission;
 - 538 (b) pay a fee determined by the commission under Section [63J-1-504](#);
 - 539 (c) make assurances that the applicant:
 - 540 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
 - 541 respect to a contest in which the applicant is participating;
 - 542 (ii) has not been found in a criminal or civil proceeding to have engaged in or
 - 543 attempted to have engaged in any fraud or misrepresentation in connection with a contest or
 - 544 any other sporting event; and
 - 545 (iii) has not been found in a criminal or civil proceeding to have violated or attempted
 - 546 to violate any law with respect to contests in any jurisdiction or any law, rule, or order relating
 - 547 to the regulation of contests in this state or any other jurisdiction;
 - 548 (d) acknowledge in writing to the commission receipt, understanding, and intent to
 - 549 comply with this chapter and the rules made under this chapter;
 - 550 (e) provide evidence satisfactory to the commission that the applicant is qualified by
 - 551 training and experience to competently act as a referee or judge in a contest; and
 - 552 (f) if requested by the commission or the director, meet with the commission or the

553 director to examine the applicant's qualifications for licensure.

554 (8) The commission may make rules concerning the requirements for a license under
555 this chapter, that deny a license to an applicant for the violation of a crime that, in the
556 commission's determination, would have a material affect on the integrity of a contest held
557 under this chapter.

558 (9) (a) A licensee serves at the pleasure, and under the direction, of the commission
559 while participating in any way at a contest.

560 (b) A licensee's license may be suspended, or a fine imposed, if the licensee does not
561 follow the commission's direction at an event or contest.

562 Section 7. Section **9-23-302**, which is renumbered from Section 63N-10-302 is
563 renumbered and amended to read:

564 ~~[63N-10-302].~~ **9-23-302. Term of license -- Expiration -- Renewal.**

565 (1) The commission shall issue each license under this chapter in accordance with a
566 renewal cycle established by rule.

567 (2) At the time of renewal, the licensee shall show satisfactory evidence of compliance
568 with renewal requirements established by rule by the commission.

569 (3) Each license automatically expires on the expiration date shown on the license
570 unless the licensee renews it in accordance with the rules established by the commission.

571 Section 8. Section **9-23-303**, which is renumbered from Section 63N-10-303 is
572 renumbered and amended to read:

573 ~~[63N-10-303].~~ **9-23-303. Grounds for denial of license -- Disciplinary**
574 **proceedings -- Reinstatement.**

575 (1) The commission shall refuse to issue a license to an applicant and shall refuse to
576 renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of
577 a licensee who does not meet the qualifications for licensure under this chapter.

578 (2) The commission may refuse to issue a license to an applicant and may refuse to
579 renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand
580 to, or otherwise act upon the license of any licensee if:

581 (a) the applicant or licensee has engaged in unlawful or unprofessional conduct, as
582 defined by statute or rule under this chapter;

583 (b) the applicant or licensee has been determined to be mentally incompetent for any

584 reason by a court of competent jurisdiction; or

585 (c) the applicant or licensee is unable to practice the occupation or profession with
586 reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics,
587 chemicals, or any other type of material, or as a result of any other mental or physical
588 condition, when the licensee's condition demonstrates a threat or potential threat to the public
589 health, safety, or welfare, as determined by a ringside physician or the commission.

590 (3) Any licensee whose license under this chapter has been suspended, revoked, or
591 restricted may apply for reinstatement of the license at reasonable intervals and upon
592 compliance with any conditions imposed upon the licensee by statute, rule, or terms of the
593 license suspension, revocation, or restriction.

594 (4) The commission may issue cease and desist orders:

595 (a) to a licensee or applicant who may be disciplined under Subsection (1) or (2); and

596 (b) to any person who otherwise violates this chapter or any rules adopted under this
597 chapter.

598 (5) (a) The commission may impose an administrative fine for acts of unprofessional or
599 unlawful conduct under this chapter.

600 (b) An administrative fine under this Subsection (5) may not exceed \$2,500 for each
601 separate act of unprofessional or unlawful conduct.

602 (c) The commission shall comply with Title 63G, Chapter 4, Administrative
603 Procedures Act, in any action to impose an administrative fine under this chapter.

604 (d) The imposition of a fine under this Subsection (5) does not affect any other action
605 the commission or department may take concerning a license issued under this chapter.

606 (6) (a) The commission may not take disciplinary action against any person for
607 unlawful or unprofessional conduct under this chapter, unless the commission initiates an
608 adjudicative proceeding regarding the conduct within four years after the conduct is reported to
609 the commission, except under Subsection (6)(b).

610 (b) The commission may not take disciplinary action against any person for unlawful
611 or unprofessional conduct more than 10 years after the occurrence of the conduct, unless the
612 proceeding is in response to a civil or criminal judgment or settlement and the proceeding is
613 initiated within one year following the judgment or settlement.

614 (7) (a) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, the

615 following may immediately suspend the license of a licensee at such time and for such period
616 that the following believes is necessary to protect the health, safety, and welfare of the licensee,
617 another licensee, or the public:

- 618 (i) the commission;
- 619 (ii) a designated commission member; or
- 620 (iii) if a designated commission member is not present, the director.

621 (b) The commission shall establish by rule appropriate procedures to invoke the
622 suspension and to provide a suspended licensee a right to a hearing before the commission with
623 respect to the suspension within a reasonable time after the suspension.

624 Section 9. Section **9-23-304**, which is renumbered from Section 63N-10-304 is
625 renumbered and amended to read:

626 ~~[63N-10-304].~~ **9-23-304. Additional fees for license of promoter --**
627 **Dedicated credits -- Promotion of contests -- Annual exemption of showcase event.**

628 (1) In addition to the payment of any other fees and money due under this chapter,
629 every promoter shall pay a license fee determined by the commission and established in rule.

630 (2) License fees collected under this Subsection (2) from professional boxing contests
631 or exhibitions shall be retained by the commission as a dedicated credit to be used by the
632 commission to award grants to organizations that promote amateur boxing in the state and
633 cover commission expenses.

634 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
635 commission shall adopt rules:

636 (a) governing the manner in which applications for grants under Subsection (2) may be
637 submitted to the commission; and

638 (b) establishing standards for awarding grants under Subsection (2) to organizations
639 which promote amateur boxing in the state.

640 (4) (a) For the purpose of creating a greater interest in contests in the state, the
641 commission may exempt from the payment of license fees under this section one contest or
642 exhibition in each calendar year, intended as a showcase event.

643 (b) The commission shall select the contest or exhibition to be exempted based on
644 factors which include:

- 645 (i) attraction of the optimum number of spectators;

- 646 (ii) costs of promoting and producing the contest or exhibition;
- 647 (iii) ticket pricing;
- 648 (iv) committed promotions and advertising of the contest or exhibition;
- 649 (v) rankings and quality of the contestants; and
- 650 (vi) committed television and other media coverage of the contest or exhibition.

651 Section 10. Section **9-23-305**, which is renumbered from Section 63N-10-305 is
652 renumbered and amended to read:

653 ~~**[63N-10-305].**~~ **9-23-305. Jurisdiction of commission.**

654 (1) (a) The commission has the sole authority concerning direction, management,
655 control, and jurisdiction over all contests or exhibitions of unarmed combat to be conducted,
656 held, or given within this state.

657 (b) A contest or exhibition may not be conducted, held, or given within this state
658 except in accordance with this chapter.

659 (2) Any contest involving a form of unarmed self-defense must be conducted pursuant
660 to rules for that form which are approved by the commission before the contest is conducted,
661 held, or given.

662 (3) (a) An area not less than six feet from the perimeter of the ring shall be reserved for
663 the use of:

- 664 (i) the designated commission member;
- 665 (ii) other commission members in attendance;
- 666 (iii) the director;
- 667 (iv) commission employees;
- 668 (v) officials;
- 669 (vi) licensees participating or assisting in the contest; and
- 670 (vii) others granted credentials by the commission.

671 (b) The promoter shall provide security at the direction of the commission or
672 designated commission member to secure the area described in Subsection (3)(a).

673 (4) The area described in Subsection (3), the area in the dressing rooms, and other
674 areas considered necessary by the designated commission member for the safety and welfare of
675 a licensee and the public shall be reserved for the use of:

- 676 (a) the designated commission member;

- 677 (b) other commission members in attendance;
 - 678 (c) the director;
 - 679 (d) commission employees;
 - 680 (e) officials;
 - 681 (f) licensees participating or assisting in the contest; and
 - 682 (g) others granted credentials by the commission.
- 683 (5) The promoter shall provide security at the direction of the commission or
- 684 designated commission member to secure the areas described in Subsections (3) and (4).
- 685 (6) (a) The designated commission member may direct the removal from the contest
- 686 venue and premises, of any individual whose actions:
- 687 (i) are disruptive to the safe conduct of the contest; or
 - 688 (ii) pose a danger to the safety and welfare of the licensees, the commission, or the
 - 689 public, as determined by the designated commission member.
- 690 (b) The promoter shall provide security at the direction of the commission or
- 691 designated commission member to effectuate a removal under Subsection (6)(a).

692 Section 11. Section **9-23-306**, which is renumbered from Section 63N-10-306 is

693 renumbered and amended to read:

694 ~~[63N-10-306].~~ **9-23-306. Club fighting prohibited.**

- 695 (1) Club fighting is prohibited.
- 696 (2) Any person who publicizes, promotes, conducts, or engages in a club fighting
- 697 match is:
 - 698 (a) guilty of a class A misdemeanor as provided in Section [76-9-705](#); and
 - 699 (b) subject to license revocation under this chapter.

700 Section 12. Section **9-23-307**, which is renumbered from Section 63N-10-307 is

701 renumbered and amended to read:

702 ~~[63N-10-307].~~ **9-23-307. Approval to hold contest or promotion -- Bond**

703 **required.**

- 704 (1) An application to hold a contest or multiple contests as part of a single promotion
- 705 shall be made by a licensed promoter to the commission on forms provided by the commission.
- 706 (2) The application shall be accompanied by a contest fee determined by the
- 707 commission under Section [63J-1-505](#).

708 (3) (a) The commission may approve or deny approval to hold a contest or promotion
709 permitted under this chapter.

710 (b) Provisional approval under Subsection (3)(a) shall be granted upon a determination
711 by the commission that:

712 (i) the promoter of the contest or promotion is properly licensed;

713 (ii) a bond meeting the requirements of Subsection (6) has been posted by the promoter
714 of the contest or promotion; and

715 (iii) the contest or promotion will be held in accordance with this chapter and rules
716 made under this chapter.

717 (4) (a) Final approval to hold a contest or promotion may not be granted unless the
718 commission receives, not less than seven days before the day of the contest with 10 or more
719 rounds:

720 (i) proof of a negative HIV test performed not more than 180 days before the day of the
721 contest for each contestant;

722 (ii) a copy of each contestant's federal identification card;

723 (iii) a copy of a signed contract between each contestant and the promoter for the
724 contest;

725 (iv) a statement specifying the maximum number of rounds of the contest;

726 (v) a statement specifying the site, date, and time of weigh-in; and

727 (vi) the name of the physician selected from among a list of registered and
728 commission-approved ringside physicians who shall act as ringside physician for the contest.

729 (b) Notwithstanding Subsection (4)(a), the commission may approve a contest or
730 promotion if the requirements under Subsection (4)(a) are not met because of unforeseen
731 circumstances beyond the promoter's control.

732 (5) Final approval for a contest under 10 rounds in duration may be granted as
733 determined by the commission after receiving the materials identified in Subsection (4) at a
734 time determined by the commission.

735 (6) An applicant shall post a surety bond or cashier's check with the commission in the
736 greater of \$10,000 or the amount of the purse, providing for forfeiture and disbursement of the
737 proceeds if the applicant fails to comply with:

738 (a) the requirements of this chapter; or

739 (b) rules made under this chapter relating to the promotion or conduct of the contest or
740 promotion.

741 Section 13. Section **9-23-308**, which is renumbered from Section 63N-10-308 is
742 renumbered and amended to read:

743 ~~[63N-10-308]~~. **9-23-308. Rules for the conduct of contests.**

744 (1) The commission shall adopt rules in accordance with Title 63G, Chapter 3, Utah
745 Administrative Rulemaking Act, for the conduct of contests in the state.

746 (2) The rules shall include:

747 (a) authority for:

748 (i) stopping contests; and

749 (ii) impounding purses with respect to contests when there is a question with respect to
750 the contest, contestants, or any other licensee associated with the contest; and

751 (b) reasonable and necessary provisions to ensure that all obligations of a promoter
752 with respect to any promotion or contest are paid in accordance with agreements made by the
753 promoter.

754 (3) (a) The commission may, in its discretion, exempt a contest and each contestant
755 from the definition of unprofessional conduct found in Subsection [~~63N-10-102(25)(f)~~]
756 9-23-101(25)(f) after:

757 (i) a promoter requests the exemption; and

758 (ii) the commission considers relevant factors, including:

759 (A) the experience of the contestants;

760 (B) the win and loss records of each contestant;

761 (C) each contestant's level of training; and

762 (D) any other evidence relevant to the contestants' professionalism and the ability to
763 safely conduct the contest.

764 (b) The commission's hearing of a request for an exemption under this Subsection (3)
765 is an informal adjudicative proceeding under Section 63G-4-202.

766 (c) The commission's decision to grant or deny a request for an exemption under this
767 Subsection (3) is not subject to agency review under Section 63G-4-301.

768 Section 14. Section **9-23-309**, which is renumbered from Section 63N-10-309 is
769 renumbered and amended to read:

770 ~~[63N-10-309]~~. 9-23-309. Medical examinations and drug tests.

771 (1) The commission shall adopt rules in accordance with Title 63G, Chapter 3, Utah
772 Administrative Rulemaking Act, for medical examinations and drug testing of contestants,
773 including provisions under which contestants shall:

774 (a) produce evidence based upon competent laboratory examination that they are HIV
775 negative as a condition of participating as a contestant in any contest;

776 (b) be subject to random drug testing before or after participation in a contest, and
777 sanctions, including barring participation in a contest or withholding a percentage of any purse,
778 that shall be placed against a contestant testing positive for alcohol or any other drug that in the
779 opinion of the commission is inconsistent with the safe and competent participation of that
780 contestant in a contest;

781 (c) be subject to a medical examination by the ringside physician not more than 30
782 hours before the contest to identify any physical ailment or communicable disease that, in the
783 opinion of the commission or designated commission member, are inconsistent with the safe
784 and competent participation of that contestant in the contest; and

785 (d) be subject to medical testing for communicable diseases as considered necessary by
786 the commission to protect the health, safety, and welfare of the licensees and the public.

787 (2) (a) Medical information concerning a contestant shall be provided by the contestant
788 or medical professional or laboratory.

789 (b) A promoter or manager may not provide to or receive from the commission medical
790 information concerning a contestant.

791 Section 15. Section **9-23-310**, which is renumbered from Section 63N-10-310 is
792 renumbered and amended to read:

793 ~~[63N-10-310]~~. 9-23-310. Contests.

794 (1) Except as provided in Section ~~[63N-10-317]~~ 9-23-317, a licensee may not
795 participate in an unarmed combat contest within a predetermined time after another unarmed
796 combat contest, as prescribed in rules made by the commission.

797 (2) During the period of time beginning 60 minutes before the beginning of a contest,
798 the promoter shall demonstrate the promoter's compliance with the commission's security
799 requirements to all commission members present at the contest.

800 (3) The commission shall establish fees in accordance with Section 63J-1-504 to be

801 paid by a promoter for the conduct of each contest or event composed of multiple contests
802 conducted under this chapter.

803 Section 16. Section **9-23-311**, which is renumbered from Section 63N-10-311 is
804 renumbered and amended to read:

805 ~~[63N-10-311]~~. **9-23-311. Ringside physician.**

806 (1) The commission shall maintain a list of ringside physicians who hold a Doctor of
807 Medicine (MD) degree and are registered with the commission as approved to act as a ringside
808 physician and meet the requirements of Subsection (2).

809 (2) (a) The commission shall appoint a registered ringside physician to perform the
810 duties of a ringside physician at each contest held under this chapter.

811 (b) The promoter of a contest shall pay a fee determined by the commission by rule to
812 the commission for a ringside physician.

813 (3) An applicant for registration as a ringside physician shall:

814 (a) submit an application for registration;

815 (b) provide the commission with evidence of the applicant's licensure to practice
816 medicine in the state; and

817 (c) satisfy minimum qualifications established by the department by rule.

818 (4) A ringside physician at attendance at a contest:

819 (a) may stop the contest at any point if the ringside physician determines that a
820 contestant's physical condition renders the contestant unable to safely continue the contest; and

821 (b) works under the direction of the commission.

822 Section 17. Section **9-23-312**, which is renumbered from Section 63N-10-312 is
823 renumbered and amended to read:

824 ~~[63N-10-312]~~. **9-23-312. Contracts.**

825 (1) Before a contest is held, a copy of the signed contract or agreement between the
826 promoter of the contest and each contestant shall be filed with the commission.

827 (2) Approval of the contract's terms and conditions shall be obtained from the
828 commission as a condition precedent to the contest.

829 Section 18. Section **9-23-313**, which is renumbered from Section 63N-10-313 is
830 renumbered and amended to read:

831 ~~[63N-10-313]~~. **9-23-313. Withholding of purse.**

832 (1) The commission, the director, or any other agent authorized by the commission
833 may order a promoter to withhold any part of a purse or other money belonging or payable to
834 any contestant, manager, or second if, in the judgment of the commission, director, or other
835 agent:

836 (a) the contestant is not competing honestly or to the best of the contestant's skill and
837 ability or the contestant otherwise violates any rules adopted by the commission or any of the
838 provisions of this chapter; or

839 (b) the manager or second violates any rules adopted by the commission or any of the
840 provisions of this chapter.

841 (2) This section does not apply to any contestant in a wrestling exhibition who appears
842 not to be competing honestly or to the best of the contestant's skill and ability.

843 (3) Upon the withholding of any part of a purse or other money pursuant to this section,
844 the commission shall immediately schedule a hearing on the matter, provide adequate notice to
845 all interested parties, and dispose of the matter as promptly as possible.

846 (4) If it is determined that a contestant, manager, or second is not entitled to any part of
847 that person's share of the purse or other money, the promoter shall pay the money over to the
848 commission.

849 Section 19. Section **9-23-314**, which is renumbered from Section 63N-10-314 is
850 renumbered and amended to read:

851 ~~[63N-10-314]~~. **9-23-314. Penalty for unlawful conduct.**

852 A person who engages in any act of unlawful conduct, as defined in Section
853 ~~[63N-10-102]~~ **9-23-101**, is guilty of a class A misdemeanor.

854 Section 20. Section **9-23-315**, which is renumbered from Section 63N-10-315 is
855 renumbered and amended to read:

856 ~~[63N-10-315]~~. **9-23-315. Exemptions.**

857 This chapter does not apply to:

858 (1) any amateur contest or exhibition of unarmed combat conducted by or participated
859 in exclusively by:

860 (a) a school accredited by the [Utah] Board of Education;

861 (b) a college or university accredited by the United States Department of Education; or

862 (c) any association or organization of a school, college, or university described in

863 Subsections (1)(a) and (b), when each participant in the contests or exhibitions is a bona fide
864 student in the school, college, or university;

865 (2) any contest or exhibition of unarmed combat conducted in accordance with the
866 standards and regulations of USA Boxing, Inc.; or

867 (3) a white-collar contest.

868 Section 21. Section **9-23-316**, which is renumbered from Section 63N-10-316 is
869 renumbered and amended to read:

870 ~~[63N-10-316]~~. **9-23-316. Contest weights and classes -- Matching**

871 **contestants.**

872 (1) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
873 Administrative Rulemaking Act, establishing boxing contest weights and classes consistent
874 with those adopted by the Association of Boxing Commissions.

875 (2) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
876 Administrative Rulemaking Act, establishing contest weights and classes for unarmed combat
877 that is not boxing.

878 (3) (a) As to any unarmed combat contest, a contestant may not fight another contestant
879 who is outside of the contestant's weight classification.

880 (b) Notwithstanding Subsection (3)(a), the commission may permit a contestant to
881 fight another contestant who is outside of the contestant's weight classification.

882 (4) Except as provided in Subsection (3)(b), as to any unarmed combat contest:

883 (a) a contestant who has contracted to participate in a given weight class may not be
884 permitted to compete if the contestant is not within that weight class at the weigh-in; and

885 (b) a contestant may have two hours to attempt to gain or lose not more than three
886 pounds in order to be reweighed.

887 (5) (a) As to any unarmed combat contest, the commission may not allow a contest in
888 which the contestants are not fairly matched.

889 (b) Factors in determining if contestants are fairly matched include:

890 (i) the win-loss record of the contestants;

891 (ii) the weight differential between the contestants;

892 (iii) the caliber of opponents for each contestant;

893 (iv) each contestant's number of fights; and

894 (v) previous suspensions or disciplinary actions of the contestants.

895 Section 22. Section **9-23-317**, which is renumbered from Section 63N-10-317 is
896 renumbered and amended to read:

897 ~~[63N-10-317]~~. **9-23-317. Elimination contests -- Conduct of contests --**
898 **Applicability of provisions -- Limitations on license -- Duration of contests -- Equipment**
899 **-- Limitations on contests.**

900 (1) An elimination unarmed combat contest shall be conducted under the supervision
901 and authority of the commission.

902 (2) Except as otherwise provided in this section and except as otherwise provided by
903 specific statute, the provisions of this chapter pertaining to boxing apply to an elimination
904 unarmed combat contest.

905 (3) (a) All contests in an elimination unarmed combat contest shall be no more than
906 three rounds in duration.

907 (b) A round of unarmed combat in an elimination unarmed combat contest shall:

908 (i) be no more than one minute in duration; or

909 (ii) be up to three minutes in duration if there is only a single round.

910 (c) A period of rest following a round shall be no more than one minute in duration.

911 (4) A contestant:

912 (a) shall wear gloves approved by the commission; and

913 (b) shall wear headgear approved by the commission, the designated commission
914 member, or the director if a designated commission member is not present.

915 (5) A contestant may participate in more than one contest, but may not participate in
916 more than a total of seven rounds in the entire tournament.

917 Section 23. Section **9-23-318**, which is renumbered from Section 63N-10-318 is
918 renumbered and amended to read:

919 ~~[63N-10-318]~~. **9-23-318. Commission rulemaking.**

920 The commission may make rules governing the conduct of a contest held under this
921 chapter to protect the health and safety of licensees and members of the public.

922 Section 24. Section **9-24-101**, which is renumbered from Section 63N-3-701 is
923 renumbered and amended to read:

924 **CHAPTER 24. UTAH MAIN STREET PROGRAM ACT**

925 ~~[63N-3-701]~~. **9-24-101. Definitions.**

926 As used in this ~~[part]~~ chapter:

927 (1) "Advisory committee" means the Utah Main Street Advisory Committee created in
928 Section ~~[63N-3-703]~~ 9-24-103.

929 (2) "Center" means the National Main Street Center.

930 (3) "Program" means the Utah Main Street Program created in Section ~~[63N-3-702]~~
931 9-24-102.

932 Section 25. Section **9-24-102**, which is renumbered from Section 63N-3-702 is
933 renumbered and amended to read:

934 ~~[63N-3-702]~~. **9-24-102. Utah Main Street Program.**

935 (1) The Utah Main Street Program is created within the ~~[office]~~ department to provide
936 resources for the revitalization of downtown or commercial district areas of municipalities in
937 the state.

938 (2) To implement the program, the ~~[office]~~ department may:

939 (a) become a member of the National Main Street Center and partner with the center to
940 become the statewide coordinating program for participating municipalities in the state;

941 (b) establish criteria for the designation of one or more local main street programs
942 administered by a county or municipality in the state;

943 (c) consider the recommendations of the advisory committee in designating and
944 implementing local main street programs;

945 (d) provide training and technical assistance to local governments, businesses, property
946 owners, or other organizations that participate in designated local main street programs;

947 (e) subject to appropriations from the Legislature or other funding, provide financial
948 assistance to designated local main street programs; and

949 (f) under the direction of the executive director, appoint full-time staff.

950 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
951 ~~[office]~~ department may make rules establishing the eligibility and reporting criteria for a
952 downtown area to receive a local main street program designation, including requirements for:

953 (a) local government support of the local main street program; and

954 (b) collecting data to measure economic development impact.

955 (4) The ~~[office]~~ department shall include in the annual written report described in

956 Section [~~63N-1a-306~~] 9-1-208, a report of the program's operations and details of which
957 municipalities have received:

- 958 (a) a local main street program designation; and
- 959 (b) financial support from the program.

960 Section 26. Section **9-24-103**, which is renumbered from Section 63N-3-703 is
961 renumbered and amended to read:

962 ~~[63N-3-703]~~. **9-24-103. Main Street Program Advisory Committee --**
963 **Membership -- Duties.**

964 (1) There is created [~~in~~] within the [~~office~~] department the Main Street Program
965 Advisory Committee.

966 (2) The advisory committee is composed of the following members appointed by the
967 executive director:

968 (a) a representative of the [~~office~~] department who provides administrative oversight of
969 the program;

970 (b) [~~a representative of the office~~] two representatives of the Governor's Office of
971 Economic Opportunity, one of whom is involved in tourism development;

972 [~~(c) a representative of the Department of Cultural and Community Engagement;~~]

973 [~~(d)~~] (c) a representative of the State Historic Preservation Office;

974 [~~(e)~~] (d) a representative of the [~~Utah~~] Department of Transportation;

975 [~~(f)~~] (e) a representative of the Housing and Community Development Division within
976 the Department of Workforce Services;

977 [~~(g)~~] (f) a representative from a local association of governments;

978 [~~(h)~~] (g) a representative from the private sector involved in a local main street
979 program;

980 [(i)] (h) a representative of a local main street program; and

981 [(j)] (i) three representatives from various entities that have an interest or expertise in
982 assisting local main street programs.

983 (3) The advisory committee shall advise and make recommendations to the [~~office~~]
984 department regarding:

985 (a) the eligibility of applicants for designation as a local main street program;

986 (b) financial assistance requests from designated local main street programs; and

987 (c) improving the effectiveness of the program.

988 (4) (a) Except as provided under Subsection (4)(b), each member of the advisory
989 committee appointed under Subsections [~~(2)(g)~~] (2)(f) through [~~(j)~~] (i) shall be appointed for a
990 four-year term.

991 (b) The executive director, at the time of appointment or reappointment, may adjust the
992 length of terms to ensure that the terms of approximately half of the members of the advisory
993 committee appointed under Subsections [~~(2)(g)~~] (2)(f) through [~~(j)~~] (i) end every two years.

994 (5) The representative of the [~~office~~] department appointed under Subsection (2)(a)
995 shall serve as chair of the advisory committee.

996 (6) When a vacancy occurs in the membership for any reason, the executive director
997 shall appoint a replacement member.

998 (7) A majority of the advisory committee constitutes a quorum for the purpose of
999 conducting advisory committee business and the action of a majority of a quorum constitutes
1000 the action of the advisory committee.

1001 (8) A member may not receive compensation or benefits for the member's service, but
1002 a member may receive per diem and travel expenses in accordance with:

1003 (a) Section 63A-3-106;

1004 (b) Section 63A-3-107; and

1005 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1006 63A-3-107.

1007 Section 27. Section 35A-1-109 is amended to read:

1008 **35A-1-109. Annual report -- Content -- Format.**

1009 (1) The department shall prepare and submit to the governor and the Legislature, by
1010 October 1 of each year, an annual written report of the operations, activities, programs, and
1011 services of the department, including its divisions, offices, boards, commissions, councils, and
1012 committees, for the preceding fiscal year.

1013 (2) For each operation, activity, program, or service provided by the department, the
1014 annual report shall include:

1015 (a) a description of the operation, activity, program, or service;

1016 (b) data and metrics:

1017 (i) selected and used by the department to measure progress, performance,

1018 effectiveness, and scope of the operation, activity, program, or service, including summary
1019 data; and

1020 (ii) that are consistent and comparable for each state operation, activity, program, or
1021 service that primarily involves employment training or placement as determined by the
1022 executive [~~directors of the department, the Governor's Office of Economic Opportunity~~]
1023 director, the commissioner of higher education, and the executive director of the Governor's
1024 Office of Planning and Budget;

1025 (c) budget data, including the amount and source of funding, expenses, and allocation
1026 of full-time employees for the operation, activity, program, or service;

1027 (d) historical data from previous years for comparison with data reported under
1028 Subsections (2)(b) and (c);

1029 (e) goals, challenges, and achievements related to the operation, activity, program, or
1030 service;

1031 (f) relevant federal and state statutory references and requirements;

1032 (g) contact information of officials knowledgeable and responsible for each operation,
1033 activity, program, or service; and

1034 (h) other information determined by the department that:

1035 (i) may be needed, useful, or of historical significance; or

1036 (ii) promotes accountability and transparency for each operation, activity, program, or
1037 service with the public and elected officials.

1038 (3) The annual report shall be designed to provide clear, accurate, and accessible
1039 information to the public, the governor, and the Legislature.

1040 (4) The department shall:

1041 (a) submit the annual report in accordance with Section [68-3-14](#);

1042 (b) make the annual report, and previous annual reports, accessible to the public by
1043 placing a link to the reports on the department's website; and

1044 (c) provide the data and metrics described in Subsection (2)(b) to the Talent,
1045 Education, and Industry Alignment [~~Subcommittee~~] Board created in Section [~~63N-1b-301~~]
1046 [53B-33-102](#).

1047 Section 28. Section **53B-1-404** is amended to read:

1048 **53B-1-404. Membership of the board -- Student appointee -- Terms -- Oath --**

1049 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation --**
1050 **Training.**

1051 (1) The board consists of 18 residents of the state appointed by the governor with the
1052 advice and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies,
1053 as follows:

1054 (a) subject to Subsections (2)(a), (3), and (6)(b)(ii), 16 members appointed from among
1055 candidates presented to the governor by a nominating committee; and

1056 (b) two student members appointed as described in Subsection (4).

1057 (2) (a) For an appointment of a member effective July 1, 2020, the governor shall
1058 appoint the member in accordance with Section 53B-1-501.

1059 (b) Unless appointed by the governor as described in Section 53B-1-501, the term of
1060 each individual who is a member of the State Board of Regents on May 12, 2020, expires on
1061 June 30, 2020.

1062 (3) If the governor is not satisfied with a sufficient number of the candidates presented
1063 by the nominating committee to make the required number of appointments, the governor may
1064 request that the committee nominate additional candidates.

1065 (4) (a) For the appointments described in Subsection (1)(b), the governor shall appoint:

1066 (i) one individual who is enrolled in a certificate program at a technical college at the
1067 time of the appointment; and

1068 (ii) one individual who:

1069 (A) is a fully matriculated student enrolled in a degree-granting institution; and

1070 (B) is not serving as a student body president at the time of the nomination.

1071 (b) The governor shall select:

1072 (i) an appointee described in Subsection (4)(a)(i) from among three nominees,
1073 presented to the governor by a committee consisting of eight students, one from each technical
1074 college, each of whom is recognized by the student's technical college; and

1075 (ii) an appointee described in Subsection (4)(a)(ii) from among three nominees
1076 presented to the governor by the student body presidents of degree-granting institutions.

1077 (c) An appointee described in Subsection (4)(a) is not subject to the public comment
1078 process described in Section 63G-24-204.

1079 (5) (a) All appointments to the board shall be made on a nonpartisan basis.

1080 (b) An individual may not serve simultaneously on the board and an institution board
1081 of trustees.

1082 (6) (a) (i) Except as provided in Subsection (6)(a)(ii) and Section 53B-1-501, members
1083 shall be appointed to six-year staggered terms, each of which begins on July 1 of the year of
1084 appointment.

1085 (ii) A member described in Subsection (1)(b) shall be appointed to a one-year term.

1086 (b) (i) A member described in Subsection (1)(a) may serve up to two consecutive full
1087 terms.

1088 (ii) The governor may appoint a member described in Subsection (1)(a) to a second
1089 consecutive full term without a recommendation from the nominating committee.

1090 (iii) A member described in Subsection (1)(b) may not serve more than one full term.

1091 (c) (i) The governor may remove a member for cause.

1092 (ii) The governor shall consult with the president of the Senate before removing a
1093 member.

1094 (7) (a) A member shall take the official oath of office before entering upon the duties of
1095 office.

1096 (b) The oath shall be filed with the Division of Archives and Records Services.

1097 (8) The board shall elect a chair and vice chair from among the board's members who
1098 shall serve terms of two years and until their successors are chosen and qualified.

1099 (9) (a) The board shall appoint a secretary from the commissioner's staff to serve at the
1100 board's discretion.

1101 (b) The secretary is a full-time employee.

1102 (c) The secretary shall record and maintain a record of all board meetings and perform
1103 other duties as the board directs.

1104 (10) (a) The board may establish advisory committees [~~in addition to the advisory~~
1105 ~~council described in Section 53B-1-407~~].

1106 (b) All matters requiring board determination shall be addressed in a properly
1107 convened meeting of the board or the board's executive committee.

1108 (11) (a) The board shall enact bylaws for the board's own government not inconsistent
1109 with the constitution or the laws of this state.

1110 (b) The board shall provide for an executive committee in the bylaws that:

- 1111 (i) has the full authority of the board to act upon routine matters during the interim
1112 between board meetings;
- 1113 (ii) may not act on nonroutine matters except under extraordinary and emergency
1114 circumstances; and
- 1115 (iii) shall report to the board at the board's next meeting following an action undertaken
1116 by the executive committee.
- 1117 (12) (a) The board shall meet regularly upon the board's own determination.
- 1118 (b) The board may also meet, in full or executive session, at the request of the chair,
1119 the commissioner, or at least five members of the board.
- 1120 (13) A quorum of the board is required to conduct the board's business and consists of
1121 10 members.
- 1122 (14) (a) A vacancy in the board occurring before the expiration of a member's full term
1123 shall be immediately filled through the nomination process described in Section 53B-1-406 and
1124 in this section.
- 1125 (b) An individual appointed under Subsection (14)(a) serves for the remainder of the
1126 unexpired term.
- 1127 (15) (a) (i) Subject to Subsection (15)(a)(ii), a member shall receive a daily salary for
1128 each calendar day that the member attends a board meeting that is the same as the daily salary
1129 for a member of the Legislature described in Section 36-2-3.
- 1130 (ii) A member may receive a salary for up to 10 calendar days per calendar year.
- 1131 (b) A member may receive per diem and travel expenses in accordance with:
- 1132 (i) Section 63A-3-106;
- 1133 (ii) Section 63A-3-107; and
- 1134 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1135 63A-3-107.
- 1136 (16) The commissioner shall provide to each member:
- 1137 (a) initial training when the member joins the board; and
- 1138 (b) ongoing annual training.
- 1139 (17) A board member shall comply with the conflict of interest provisions described in
1140 Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- 1141 Section 29. Section 53B-33-101 (Effective 07/01/22), which is renumbered from

1142 Section 63N-1b-101 (Effective 07/01/22) is renumbered and amended to read:

1143 **CHAPTER 33. TALENT, EDUCATION, AND INDUSTRY ALIGNMENT**

1144 [~~63N-1b-101 (Effective 07/01/22)~~]. 53B-33-101 (Effective

1145 07/01/22). **Definitions.**

1146 As used in this chapter:

1147 (1) "Apprenticeship program" means a program that:

1148 (a) combines paid on-the-job learning with formal classroom instruction to prepare
1149 students for careers; and

1150 (b) includes:

1151 (i) structured on-the-job learning for students under the supervision of a skilled
1152 employee;

1153 (ii) classroom instruction for students related to the on-the-job learning;

1154 (iii) ongoing student assessments using established competency and skills standards;
1155 and

1156 (iv) the student receiving an industry-recognized credential or degree upon completion
1157 of the program.

1158 (2) "Career and technical education region" means an economic service area created in
1159 Section [35A-2-101](#).

1160 (3) "Commission" means the Unified Economic Opportunity Commission created in
1161 Section [63N-1a-201](#).

1162 [~~3~~] (4) "High quality professional learning" means the professional learning standards
1163 for teachers and principals described in Section [53G-11-303](#).

1164 [~~4~~] (5) "Institution of higher education" means the University of Utah, Utah State
1165 University, Southern Utah University, Weber State University, Snow College, Utah Tech
1166 University, Utah Valley University, or Salt Lake Community College.

1167 [~~5~~] (6) "Local education agency" means a school district, a charter school, or the Utah
1168 Schools for the Deaf and the Blind.

1169 [~~6~~] (7) "Master plan" means the computer science education master plan described in
1170 Section [~~63N-1b-304~~] [53B-33-105](#).

1171 [~~7~~] (8) "Participating employer" means an employer that:

1172 (a) partners with an educational institution on a curriculum for an apprenticeship

1173 program or work-based learning program; and

1174 (b) provides an apprenticeship or work-based learning program for students.

1175 [(8)] (9) "State board" means the State Board of Education.

1176 [(9) "Talent program" means the Talent Ready Utah Program created in Section
1177 ~~63N-1b-302~~.]

1178 (10) "Talent [~~subcommittee~~] board" means the Talent, Education, and Industry
1179 Alignment [~~Subcommittee~~] Board created in Section [~~63N-1b-301~~] 53B-33-102.

1180 (11) "Talent program" means the Talent Ready Utah Program created in Section
1181 53B-33-103.

1182 (12) "Targeted industry" means an industry or group of industries targeted by the
1183 commission for economic development in the state.

1184 [(11)] (13) "Technical college" means:

1185 (a) the same as that term is defined in Section 53B-1-101.5; and

1186 (b) a degree-granting institution acting in the degree-granting institution's technical
1187 education role described in Section 53B-2a-201.

1188 [(12)] (14) (a) "Work-based learning program" means a program that combines
1189 structured and supervised learning activities with authentic work experiences and that is
1190 implemented through industry and education partnerships.

1191 (b) "Work-based learning program" includes the following objectives:

1192 (i) providing students an applied workplace experience using knowledge and skills
1193 attained in a program of study that includes an internship, externship, or work experience;

1194 (ii) providing an educational institution with objective input from a participating
1195 employer regarding the education requirements of the current workforce; and

1196 (iii) providing funding for programs that are associated with high-wage, in-demand, or
1197 emerging occupations.

1198 [(13)] (15) "Workforce programs" means education or industry programs that facilitate
1199 training the state's workforce to meet industry demand.

1200 Section 30. Section 53B-33-102, which is renumbered from Section 63N-1b-301 is
1201 renumbered and amended to read:

1202 [~~63N-1b-301~~]. 53B-33-102. Talent, Education, and Industry Alignment
1203 Board -- Creation -- Membership -- Expenses -- Duties.

- 1204 (1) There is created [~~a subcommittee of the commission called~~] the Talent, Education,
1205 and Industry Alignment [~~Subcommittee~~] Board composed of the following members:
- 1206 (a) the state superintendent of public instruction or the superintendent's designee;
- 1207 (b) the commissioner [~~of higher education~~] or the [~~commissioner of higher education's~~]
1208 commissioner's designee;
- 1209 (c) the chair of the State Board of Education or the chair's designee;
- 1210 (d) the executive director of the Department of Workforce Services or the executive
1211 [~~director of the department's~~] director's designee;
- 1212 (e) the executive director of the [~~GO Utah office~~] Governor's Office of Economic
1213 Opportunity or the executive director's designee;
- 1214 (f) the director of the Division of Occupational and Professional Licensing or the
1215 director's designee;
- 1216 (g) the governor's education advisor or the advisor's designee;
- 1217 (h) one member of the Senate, appointed by the president of the Senate;
- 1218 (i) one member of the House of Representatives, appointed by the speaker of the House
1219 of Representatives;
- 1220 (j) the president of the Salt Lake Chamber or the president's designee;
- 1221 (k) [~~three~~] six representatives of private industry chosen to represent targeted
1222 industries, appointed by the commission;
- 1223 [~~(l) a representative of the technology industry chosen by the commission;~~]
1224 [~~(m)~~] (l) the lieutenant governor or the lieutenant governor's designee; and
1225 [~~(n)~~] (m) any additional individuals appointed by the commission who represent:
- 1226 (i) one or more individual educational institutions; or
1227 (ii) education or industry professionals.
- 1228 (2) The [~~commission~~] talent board shall select a chair and vice chair from among the
1229 members of the talent [~~subcommittee~~] board.
- 1230 (3) The talent [~~subcommittee~~] board shall meet at least quarterly.
- 1231 (4) Attendance of a majority of the members of the talent [~~subcommittee~~] board
1232 constitutes a quorum for the transaction of official talent [~~subcommittee~~] board business.
- 1233 (5) Formal action by the talent [~~subcommittee~~] board requires the majority vote of a
1234 quorum.

- 1235 (6) A member of the talent [subcommittee] board:
1236 (a) may not receive compensation or benefits for the member's service; and
1237 (b) who is not a legislator may receive per diem and travel expenses in accordance
1238 with:
1239 (i) Section [63A-3-106](#);
1240 (ii) Section [63A-3-107](#); and
1241 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1242 [63A-3-107](#).
1243 (7) The talent [subcommittee] board shall:
1244 (a) (i) review and develop metrics to measure the progress, performance, effectiveness,
1245 and scope of any state operation, activity, program, or service that primarily involves
1246 employment training or placement; and
1247 (ii) ensure that the metrics described in Subsection (7)(a) are consistent and
1248 comparable for each state operation, activity, program, or service that primarily involves
1249 employment training or placement;
1250 (b) make recommendations to the board and the commission regarding how to better
1251 align training and education in the state with industry demand;
1252 (c) make recommendations to the board and the commission regarding how to better
1253 align technical education with current and future workforce needs; ~~[and]~~
1254 (d) coordinate with the [commission] talent program to meet the responsibilities
1255 described in Subsection ~~[[63N-1b-302\(4\)](#)];~~ [53B-33-103\(4\)](#);
1256 (e) develop a computer science education master plan in accordance with Section
1257 [53B-33-105](#);
1258 (f) coordinate with the talent program to meet the responsibilities described in Section
1259 [53B-33-107](#); and
1260 (g) administer the Utah Works Program in accordance with Section [53B-33-108](#).
1261 (8) Nothing in this section prohibits an individual who, on June 30, 2022, is a member
1262 of a subcommittee within the Governor's Office of Economic Opportunity known as the Talent,
1263 Education, and Industry Alignment Subcommittee from serving as a member of the talent
1264 board.
1265 Section 31. Section **53B-33-103**, which is renumbered from Section 63N-1b-302 is

1266 renumbered and amended to read:

1267 ~~[63N-1b-302].~~ **53B-33-103. Talent Ready Utah Program.**

1268 (1) There is created ~~[within the office]~~ the Talent Ready Utah Program administered by
1269 the commissioner.

1270 (2) The ~~[executive director]~~ commissioner, with the approval of the board, shall
1271 appoint a director of the talent program.

1272 (3) The director of the talent program may appoint staff with the approval of the
1273 ~~[executive director]~~ commissioner.

1274 (4) The talent program shall coordinate with the talent ~~[subcommittee]~~ board to:

1275 (a) further education and industry alignment in the state;

1276 (b) coordinate the development of new education programs that align with industry
1277 demand;

1278 (c) coordinate or partner with other state agencies to administer grant programs;

1279 (d) promote the inclusion of industry partners in education;

1280 (e) provide outreach and information to employers regarding workforce programs and
1281 initiatives;

1282 (f) develop and analyze stackable credential programs;

1283 (g) determine efficiencies among workforce providers;

1284 (h) map available workforce programs focusing on programs that successfully create
1285 high-paying jobs; and

1286 (i) support initiatives of the talent ~~[subcommittee]~~ board.

1287 Section 32. Section **53B-33-104**, which is renumbered from Section 63N-1b-303 is
1288 renumbered and amended to read:

1289 ~~[63N-1b-303].~~ **53B-33-104. Talent program report to board.**

1290 The talent program shall ~~[prepare an annual report describing]~~ annually report to the
1291 board on the talent program's operations and recommendations ~~[for inclusion in the office's~~
1292 ~~annual written report described in Section 63N-1a-306]~~, including the results of the
1293 apprenticeship pilot program described in Section ~~[63N-1b-306]~~ 53B-33-107.

1294 Section 33. Section **53B-33-105**, which is renumbered from Section 63N-1b-304 is
1295 renumbered and amended to read:

1296 ~~[63N-1b-304].~~ **53B-33-105. Computer science education master plan.**

1297 The talent [~~subcommittee~~] board, in consultation with the state board and the talent
1298 program, shall develop a computer science education master plan that:

- 1299 (1) includes a statement of the objectives and goals of the master plan;
1300 (2) describes how the talent [~~subcommittee~~] board and the state board will administer
1301 the Computer Science for Utah Grant Program created in Section [~~63N-1b-305~~] [53B-33-106](#);
1302 (3) provides guidance for local education agencies in implementing computer science
1303 education opportunities for students in high school, middle school, and elementary school;
1304 (4) integrates recommendations and best practices from private and public entities that
1305 are seeking to improve and expand the opportunities for computer science education, including
1306 the Expanding Computer Education Pathways Alliance; and

1307 (5) makes recommendations to assist a local education agency in creating a local
1308 education agency computer science plan described in Subsection [~~63N-1b-305~~(7)]

1309 [53B-33-106](#)(6), including:

- 1310 (a) providing recommendations regarding course offerings in computer science;
1311 (b) providing recommendations regarding professional development opportunities in
1312 computer science for licensed teachers;
1313 (c) providing recommendations regarding curriculum software for computer science
1314 courses;
1315 (d) providing recommendations regarding assessment solutions to measure the learning
1316 outcomes of students in computer science courses; and
1317 (e) providing information regarding how a local education agency can receive technical
1318 support from the talent [~~subcommittee~~] board in providing computer science education
1319 opportunities for students.

1320 Section 34. Section **53B-33-106**, which is renumbered from Section 63N-1b-305 is
1321 renumbered and amended to read:

1322 [~~63N-1b-305~~]. **53B-33-106. Computer Science for Utah Grant Program.**

1323 (1) As used in this section, "grant program" means the Computer Science for Utah
1324 Grant Program created in Subsection (2).

1325 (2) The Computer Science for Utah Grant Program is created to provide grants to
1326 eligible local education agencies for improving computer science learning outcomes and course
1327 offerings as demonstrated by:

1328 (a) the creation and implementation of a local education agency computer science plan
1329 as described in Subsection ~~[(7)]~~ (6); and

1330 (b) the effective implementation of approved courses and the provision of effective
1331 training opportunities for licensed teachers.

1332 (3) Subject to appropriations from the Legislature, ~~[and subject to the approval of the~~
1333 ~~talent subcommittee,]~~ the state board, in consultation with the talent board, shall distribute to
1334 local education agencies money appropriated for the grant program in accordance with this
1335 section.

1336 ~~[(4) The state board shall:]~~

1337 ~~[(a) solicit applications from local education agency boards to receive grant money~~
1338 ~~under the grant program;]~~

1339 ~~[(b) make recommendations to the talent subcommittee regarding the awarding of grant~~
1340 ~~money to a local education agency board on behalf of a local education agency based on the~~
1341 ~~criteria described in Subsection (6); and]~~

1342 ~~[(c) obtain final approval from the talent subcommittee before awarding grant money.]~~

1343 ~~[(5)]~~ (4) In administering the Computer Science for Utah Grant Program, the state
1344 board ~~[and the office]~~, in consultation with the talent ~~[subcommittee]~~ board, may make rules, in
1345 accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

1346 (a) describe the form and deadlines for a grant application by a local education agency
1347 under this section; and

1348 (b) describe the reporting requirements required by a local education agency after
1349 receiving a grant under this section.

1350 ~~[(6)]~~ (5) In awarding a grant under Subsection (3), the state board shall consider the
1351 effectiveness of the local education agency in creating and implementing a local education
1352 agency computer science plan as described in Subsection ~~[(7)]~~ (6).

1353 ~~[(7)]~~ (6) Each local education agency that seeks a grant as described in this section
1354 shall submit a written computer science plan, in a form approved by the state board ~~[and the~~
1355 ~~talent subcommittee]~~, that:

1356 (a) covers at least four years;

1357 (b) addresses the recommendations of the talent ~~[subcommittee's]~~ board's computer
1358 science education master plan described in Section ~~[63N-1b-304]~~ 53B-33-105;

- 1359 (c) identifies targets for improved computer science offerings, student learning, and
1360 licensed teacher training;
- 1361 (d) describes a computer science professional development program and other
1362 opportunities for high quality professional learning for licensed teachers or individuals training
1363 to become licensed teachers;
- 1364 (e) provides a detailed budget, communications, and reporting structure for
1365 implementing the computer science plan;
- 1366 (f) commits to provide one computer science course offering, approved by the talent
1367 [~~subcommittee~~] board, in every middle and high school within the local education agency;
- 1368 (g) commits to integrate computer science education into the curriculum of each
1369 elementary school within the local education agency; and
- 1370 (h) includes any other requirement established by the state board [~~or the office~~] by rule,
1371 in consultation with the talent [~~subcommittee~~] board, in accordance with this part and Title
1372 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1373 [~~(8)~~] (7) Each local education agency that receives a grant as described in this section
1374 shall provide an annual written assessment to the state board and the talent [~~subcommittee~~]
1375 board for each year that the local education agency receives a grant or expends grant money
1376 that includes:
- 1377 (a) how the grant money was used;
- 1378 (b) any improvements in the number and quality of computer science offerings
1379 provided by the local education agency and any increase in the number of licensed teachers
1380 providing computer science teaching to students;
- 1381 (c) any difficulties encountered during implementation of the local education agency's
1382 written computer science plan and steps that will be taken to address the difficulties; and
- 1383 (d) any other requirement established by the state board [~~or the office~~] by rule, in
1384 consultation with the talent [~~subcommittee~~] board, in accordance with this part and Title 63G,
1385 Chapter 3, Utah Administrative Rulemaking Act.
- 1386 [~~(9)~~] (8) (a) The state board and the talent [~~subcommittee~~] board shall review each
1387 annual written assessment described in Subsection [~~(8)~~] (7).
- 1388 (b) As a result of the review described in Subsection [~~(9)~~] (8)(a):
- 1389 (i) the state board or the talent [~~subcommittee~~] board may provide recommendations to

1390 improve the progress of the local education agency in meeting the objectives of the written
1391 computer science plan;

1392 (ii) the state board may determine not to renew or extend a grant under this section; or

1393 (iii) the state board or the talent ~~[subcommittee]~~ board may take other action to assist
1394 the local education agency.

1395 Section 35. Section **53B-33-107**, which is renumbered from Section 63N-1b-306 is
1396 renumbered and amended to read:

1397 ~~[63N-1b-306]~~. **53B-33-107. Apprenticeships and work-based learning.**

1398 (1) The talent program, in collaboration with the talent ~~[subcommittee]~~ board, may
1399 partner with one or more of the following to facilitate and encourage apprenticeship
1400 opportunities and work-based learning opportunities for Utah students:

1401 (a) the ~~[state board]~~ State Board of Education;

1402 (b) the Utah system of higher education; ~~[and]~~ or

1403 (c) a participating employer in the state.

1404 (2) Subject to appropriations from the Legislature and in accordance with the proposal
1405 process and other provisions of this section, the talent ~~[subcommittee, with the concurrence of~~
1406 ~~the executive director]~~ board, in coordination with the talent program, may provide funding for
1407 approved apprenticeship opportunities and work-based learning opportunities.

1408 (3) To receive funding under this section, (3) an entity described in Subsection (1) seeking
1409 to partner with the talent program shall submit a proposal through the talent program, in a form
1410 approved by the talent program and in accordance with deadlines determined by the talent
1411 program, that contains the following elements:

1412 (a) the proposal shall include:

1413 (i) a description of the proposed apprenticeship program or work-based learning
1414 program that demonstrates the program will be:

1415 (A) responsive to the workforce needs of a high demand industry or occupation; and

1416 (B) a partnership between at least one participating employer and at least one public
1417 high school, technical college, or institution of higher education;

1418 (ii) an estimate of:

1419 (A) student enrollment in the program;

1420 (B) what school credit, credentials, certifications, or other workforce attainments will

- 1421 be provided by the program; and
- 1422 (C) job-placement rates for students who complete the program;
- 1423 (iii) a description of any financial contributions or in-kind contributions that will be
- 1424 provided by each participating employer in the program;
- 1425 (iv) if the program would require state board approval under the provisions of Section
- 1426 [53B-16-102](#), evidence that the state board has approved the program; and
- 1427 (v) the amount of funding requested for the program, including justification for the
- 1428 funding; and
- 1429 (b) while not required, a preference may be given to a proposal that includes:
- 1430 (i) a description of a stackable credentialing pathway for participating students that will
- 1431 be created by the program between at least two of the following:
- 1432 (A) a public high school;
- 1433 (B) a technical college; and
- 1434 (C) an institution of higher education; or
- 1435 (ii) the potential for participating students to obtain full-time employment with the
- 1436 participating employer upon completion of the program.
- 1437 (4) The talent [~~subcommittee~~] board shall review and prioritize each proposal received
- 1438 and determine whether the proposal should be funded, using the following criteria:
- 1439 (a) the quality and completeness of the elements of the proposal described in
- 1440 Subsection (3)(a);
- 1441 (b) the quality of the optional elements of the proposal described in Subsection (3)(b);
- 1442 (c) to what extent the proposal would expand the capacity to meet state or regional
- 1443 workforce needs; and
- 1444 (d) other relevant criteria as determined by the talent [~~subcommittee~~] board.
- 1445 (5) A partnership that receives funding under this section:
- 1446 (a) shall use the money to accomplish the proposed apprenticeship program or
- 1447 work-based learning program;
- 1448 (b) may use the money to offset a participating employer's direct operational costs
- 1449 associated with employing students as part of an approved apprenticeship program or
- 1450 work-based learning program;
- 1451 (c) except as provided in Subsection (5)(d), may not use the money for educational

1452 administration; and

1453 (d) may use the money to support one full-time employee within a career and technical
1454 education region if:

1455 (i) each participating local education agency, public high school, technical college, and
1456 institution of higher education agree on which entity will house the full-time employee;

1457 (ii) the full-time employee spends all of the employee's time working exclusively to
1458 develop apprentice programs or work-based learning programs; and

1459 (iii) the full-time employee is responsible for regular reporting to and receiving training
1460 from the director of the talent program.

1461 (6) The talent program shall be responsible for the administration of apprenticeship
1462 programs and work-based learning programs described in this section, including:

1463 (a) working with and providing technical assistance to the participating partners that
1464 establish apprentice programs and work-based learning programs and that receive funding
1465 under the provisions of this section;

1466 (b) establishing reporting requirements for participating partners that establish
1467 apprentice programs and work-based learning programs and that receive funding under the
1468 provisions of this section;

1469 (c) providing outreach and marketing to encourage more employers to participate; and

1470 (d) annually [~~providing information to the office regarding~~] reporting on the activities,
1471 successes, and challenges of the [~~center~~] talent program related to administering apprentice
1472 programs and work-based learning programs for inclusion in the [~~office's annual written~~] report
1473 described in Section [~~63N-1a-306~~] 53B-33-104, including:

1474 (i) specific entities that received funding under this section;

1475 (ii) the amount of funding provided to each entity; and

1476 (iii) the number of participating students in each apprentice program and work-based
1477 learning program.

1478 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1479 [~~and the provisions of this section,~~] the talent program may make rules regarding:

1480 (a) the method and deadlines for applying for funding under this section;

1481 (b) the distribution of funding under this section; and

1482 (c) the reporting requirements of each entity receiving funding under this section.

1483 Section 36. Section **53B-33-108**, which is renumbered from Section 63N-1b-307 is
1484 renumbered and amended to read:

1485 ~~[63N-1b-307]~~. **53B-33-108. Utah Works Program.**

1486 (1) There is created the Utah Works Program.

1487 (2) The ~~[program]~~ Utah Works Program, under the direction of the talent
1488 ~~[subcommittee]~~ board, shall ~~[coordinate and]~~ partner with the following entities ~~[described~~
1489 below] to develop short-term pre-employment training and short-term early employment
1490 training for student and workforce participants that meet the needs of businesses that are
1491 creating jobs and economic growth in the state ~~[by]~~:

1492 (a) ~~[partnering with the office,]~~ the Department of Workforce Services~~[- and the Utah~~
1493 ~~system of higher education]~~;

1494 (b) the Governor's Office of Economic Opportunity; and

1495 ~~[(b) partnering with]~~ (c) businesses that have significant hiring demands for primarily
1496 newly created jobs in the state[;].

1497 (3) In addition to the duties described in Subsection (2), the Utah Works Program may:

1498 ~~[(c) coordinating]~~ (a) coordinate with the Department of Workforce Services,
1499 education agencies, and employers to create effective recruitment initiatives to attract student
1500 and workforce participants and business participants to the program;

1501 ~~[(d) coordinating]~~ (b) coordinate with the ~~[Utah system of higher education]~~ board to
1502 develop educational and training resources to provide student participants in the program
1503 qualifications to be hired by business participants in the program; and

1504 ~~[(e) coordinating]~~ (c) coordinate with the ~~[State Board of Education]~~ state board and
1505 local education agencies when appropriate to develop educational and training resources to
1506 provide student participants in the program qualifications to be hired by business participants
1507 in the program.

1508 ~~[(3) (a) Subject to appropriation, the office, in consultation with the talent~~
1509 ~~subcommittee, may respond to the COVID-19 pandemic by directing financial grants to~~
1510 ~~institutions of higher education described in Section 53B-2-101 to offer short-term programs~~
1511 ~~to:]~~

1512 ~~[(i) provide training to furloughed, laid off, dislocated, underserved, or other~~
1513 ~~populations affected by COVID-19 to fill employment gaps in the state;]~~

1514 ~~[(ii) provide training and education related to industry needs; and]~~
1515 ~~[(iii) provide students with certificates or other recognition after completion of~~
1516 ~~training.]~~
1517 ~~[(b) The office shall include the following information in the annual written report~~
1518 ~~described in Section [63N-1-301](#):]~~
1519 ~~[(i) the process by which the office determines which institutions of higher education~~
1520 ~~shall receive financial grants; and]~~
1521 ~~[(ii) the formula for awarding financial grants.]~~
1522 ~~[(c) An institution of higher education that receives grant funds under this Subsection~~
1523 ~~(3):]~~
1524 ~~[(i) may use grant funds for:]~~
1525 ~~[(A) costs associated with developing a new program; or]~~
1526 ~~[(B) costs associated with expanding an existing program; and]~~
1527 ~~[(ii) shall demonstrate industry needs and opportunities for partnership with industry.]~~
1528 ~~[(d) The office shall award grant funds on a rolling basis, until the earlier of funds~~
1529 ~~being exhausted or June 30, 2022.]~~
1530 ~~[(e) The office shall conduct outreach, including education about career guidance,~~
1531 ~~training, and workforce programs, to the targeted populations.]~~
1532 (4) The ~~[office]~~ board, in consultation with the talent ~~[subcommittee]~~ board, may, in
1533 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, ~~[and in~~
1534 ~~accordance with the provisions of this section,]~~ make rules regarding the development and
1535 administration of the Utah Works Program.
1536 (5) The Utah Works Program shall annually report the following metrics to the ~~[office~~
1537 ~~for inclusion in the office's annual report described in Section [63N-1a-306](#)]~~ board:
1538 (a) the number of participants in the program;
1539 (b) how program participants learned about or were referred to the program~~[-including~~
1540 ~~the number of participants who learned about or were referred to the program by:]~~;
1541 ~~[(i) the Department of Workforce Services;]~~
1542 ~~[(ii) marketing efforts of the office or talent subcommittee;]~~
1543 ~~[(iii) a school counselor; and]~~
1544 ~~[(iv) other methods;]~~

1545 (c) the number of participants who have completed training offered by the program;
1546 and

1547 (d) the number of participants who have been hired by a business participating in the
1548 program.

1549 Section 37. Section **53B-33-109** is enacted to read:

1550 **53B-33-109. Grants for business entities offering employee return to work**
1551 **programs.**

1552 (1) As used in this section, "business entity" means a for-profit or nonprofit entity.

1553 (2) Subject to appropriations from the Legislature, the talent program, in consultation
1554 with the talent board, may award grants to business entities to offer innovative return to work
1555 programs for employees.

1556 (3) A business entity that receives grant funds under this section may only use grant
1557 funds for:

1558 (a) costs associated with developing a new return to work program; or

1559 (b) costs associated with expanding an existing return to work program.

1560 (4) The talent program shall include the following information in the report described
1561 in Section [53B-33-104](#):

1562 (a) the process by which the talent program determines which business entities shall
1563 receive grants; and

1564 (b) the formula for awarding grants.

1565 (5) The talent program shall award grant funds on a rolling basis, until the earlier of
1566 funds being exhausted or June 30, 2025.

1567 Section 38. Section **63B-1b-202** is amended to read:

1568 **63B-1b-202. Custodial officer -- Powers and duties.**

1569 (1) (a) There is created within the Division of Finance an officer responsible for the
1570 care, custody, safekeeping, collection, and accounting of all bonds, notes, contracts, trust
1571 documents, and other evidences of indebtedness:

1572 (i) owned or administered by the state or any of its agencies; and

1573 (ii) except as provided in Subsection (1)(b), relating to revolving loan funds.

1574 (b) Notwithstanding Subsection (1)(a), the officer described in Subsection (1)(a) is not
1575 responsible for the care, custody, safekeeping, collection, and accounting of a bond, note,

1576 contract, trust document, or other evidence of indebtedness relating to the:

- 1577 (i) Agriculture Resource Development Fund, created in Section [4-18-106](#);
- 1578 (ii) Utah Rural Rehabilitation Fund, created in Section [4-19-105](#);
- 1579 (iii) Petroleum Storage Tank Trust Fund, created in Section [19-6-409](#);
- 1580 (iv) Olene Walker Housing Loan Fund, created in Section [35A-8-502](#); [~~and~~]
- 1581 (v) Brownfields Fund, created in Section [19-8-120](#)[~~;~~]; and
- 1582 (vi) Rural Opportunity Fund, created in Section [63N-4-805](#).

1583 (2) (a) Each authorizing agency shall deliver to this officer for the officer's care,
1584 custody, safekeeping, collection, and accounting all bonds, notes, contracts, trust documents,
1585 and other evidences of indebtedness:

- 1586 (i) owned or administered by the state or any of its agencies; and
- 1587 (ii) except as provided in Subsection (1)(b), relating to revolving loan funds.

1588 (b) This officer shall:

1589 (i) establish systems, programs, and facilities for the care, custody, safekeeping,
1590 collection, and accounting for the bonds, notes, contracts, trust documents, and other evidences
1591 of indebtedness submitted to the officer under this Subsection (2); and

1592 (ii) shall make available updated reports to each authorizing agency as to the status of
1593 loans under their authority.

1594 (3) The officer described in Section [63B-1b-201](#) shall deliver to the officer described in
1595 Subsection (1)(a) for the care, custody, safekeeping, collection, and accounting by the officer
1596 described in Subsection (1)(a) of all bonds, notes, contracts, trust documents, and other
1597 evidences of indebtedness closed as provided in Subsection [63B-1b-201](#)(2)(b).

1598 Section 39. Section [63I-1-235](#) is amended to read:

1599 **[63I-1-235](#). Repeal dates, Title 35A.**

1600 (1) Subsection [35A-1-202](#)(2)(d), related to the Child Care Advisory Committee, is
1601 repealed July 1, 2026.

1602 (2) Section [35A-3-205](#), which creates the Child Care Advisory Committee, is repealed
1603 July 1, 2026.

1604 (3) Subsection [35A-4-312](#)(5)(p), describing information that may be disclosed to the
1605 federal Wage and Hour Division, is repealed July 1, 2022.

1606 (4) Subsection [35A-4-502](#)(5), which creates the Employment Advisory Council, is

1607 repealed July 1, 2022.

1608 (5) Title 35A, Chapter 8, Part 22, Commission on Housing Affordability, is repealed
1609 July 1, 2023.

1610 (6) Section 35A-9-501 is repealed January 1, 2023.

1611 [~~(7)~~ Title 35A, Chapter 11, Women in the Economy Commission Act, is repealed
1612 January 1, 2025.]

1613 [~~(8)~~ (7) Sections 35A-13-301 and 35A-13-302, which create the Governor's
1614 Committee on Employment of People with Disabilities, are repealed July 1, 2023.

1615 [~~(9)~~ (8) Section 35A-13-303, which creates the State Rehabilitation Advisory Council,
1616 is repealed July 1, 2024.

1617 [~~(10)~~ (9) Section 35A-13-404, which creates the advisory council for the Division of
1618 Services for the Blind and Visually Impaired, is repealed July 1, 2025.

1619 [~~(11)~~ (10) Sections 35A-13-603 and 35A-13-604, which create the Interpreter
1620 Certification Board, are repealed July 1, 2026.

1621 Section 40. Section 63I-1-263 is amended to read:

1622 **63I-1-263. Repeal dates, Titles 63A to 63N.**

1623 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

1624 (a) Section 63A-16-102 is repealed;

1625 (b) Section 63A-16-201 is repealed; and

1626 (c) Section 63A-16-202 is repealed.

1627 (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
1628 improvement funding, is repealed July 1, 2024.

1629 (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
1630 2023.

1631 (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
1632 Committee, are repealed July 1, 2023.

1633 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
1634 1, 2028.

1635 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
1636 2025.

1637 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,

- 1638 2024.
- 1639 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
1640 repealed July 1, 2023.
- 1641 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
1642 July 1, 2023.
- 1643 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
1644 repealed July 1, 2026.
- 1645 (11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed
1646 July 1, 2025.
- 1647 (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities
1648 Advisory Board, is repealed July 1, 2026.
- 1649 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
1650 2025.
- 1651 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
1652 2024.
- 1653 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 1654 (16) Subsection [63J-1-602.1](#)(17), Nurse Home Visiting Restricted Account is repealed
1655 July 1, 2026.
- 1656 (17) (a) Subsection [63J-1-602.1](#)(61), relating to the Utah Statewide Radio System
1657 Restricted Account, is repealed July 1, 2022.
- 1658 (b) When repealing Subsection [63J-1-602.1](#)(61), the Office of Legislative Research and
1659 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make
1660 necessary changes to subsection numbering and cross references.
- 1661 (18) Subsection [63J-1-602.2](#)(5), referring to dedicated credits to the Utah Marriage
1662 Commission, is repealed July 1, 2023.
- 1663 (19) Subsection [63J-1-602.2](#)(6), referring to the Trip Reduction Program, is repealed
1664 July 1, 2022.
- 1665 (20) Subsection [63J-1-602.2](#)(24), related to the Utah Seismic Safety Commission, is
1666 repealed January 1, 2025.
- 1667 (21) Title [~~63J, Chapter 4, Part 5~~] 63L, Chapter 11, Part 4, Resource Development
1668 Coordinating Committee, is repealed July 1, 2027.

1669 (22) In relation to the advisory committee created in Subsection 63L-11-305(3), on
1670 July 1, 2022:

1671 (a) Subsection 63L-11-305(1)(a), which defines "advisory committee," is repealed; and

1672 (b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed.

1673 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
1674 January 1, 2023:

1675 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
1676 repealed;

1677 (b) Section 63M-7-305, the language that states "council" is replaced with
1678 "commission";

1679 (c) Subsection 63M-7-305(1) is repealed and replaced with:

1680 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

1681 (d) Subsection 63M-7-305(2) is repealed and replaced with:

1682 "(2) The commission shall:

1683 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
1684 Drug-Related Offenses Reform Act; and

1685 (b) coordinate the implementation of Section 77-18-104 and related provisions in
1686 Subsections 77-18-103(2)(c) and (d)."

1687 (24) The Crime Victim Reparations and Assistance Board, created in Section
1688 63M-7-504, is repealed July 1, 2027.

1689 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
1690 1, 2022.

1691 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.

1692 [~~(27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating
1693 Council, is repealed July 1, 2024.~~]

1694 (27) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is repealed
1695 January 1, 2025.

1696 (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

1697 (29) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July
1698 1, 2028.

1699 (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed

1700 January 1, 2021.

1701 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for
1702 calendar years beginning on or after January 1, 2021.

1703 (c) Notwithstanding Subsection (30)(b), an entity may carry forward a tax credit in
1704 accordance with Section [59-9-107](#) if:

1705 (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December
1706 31, 2020; and

1707 (ii) the qualified equity investment that is the basis of the tax credit is certified under
1708 Section [63N-2-603](#) on or before December 31, 2023.

1709 ~~[(31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed~~
1710 ~~July 1, 2023;]~~

1711 ~~[(32) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,~~
1712 ~~2025;]~~

1713 (31) In relation to the Rural Employment Expansion Program, on July 1, 2023:

1714 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;
1715 and

1716 (b) Subsection [63N-4-805](#)(5)(b), referring to the Rural Employment Expansion
1717 Program, is repealed.

1718 (32) In relation to the Board of Tourism Development, on July 1, 2025:

1719 (a) Subsection [63N-2-511](#)(1)(b), which defines "tourism board," is repealed;

1720 (b) Subsections [63N-2-511](#)(3)(a) and (5), the language that states "tourism board" is
1721 repealed and replaced with "Utah Office of Tourism";

1722 (c) Subsection [63N-7-101](#)(1), which defines "board," is repealed;

1723 (d) Subsection [63N-7-102](#)(3)(c), which requires the Utah Office of Tourism to receive
1724 approval from the Board of Tourism Development, is repealed; and

1725 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

1726 (33) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,
1727 is repealed January 1, 2028.

1728 Section 41. Section [63L-2-301](#) is amended to read:

1729 **63L-2-301. Promoting or lobbying for a federal designation within the state.**

1730 (1) As used in this section:

- 1731 (a) "Federal designation" means the designation of a:
- 1732 (i) national monument;
- 1733 (ii) national conservation area;
- 1734 (iii) wilderness area or wilderness study area;
- 1735 (iv) area of critical environmental concern;
- 1736 (v) research natural area; or
- 1737 (vi) national recreation area.
- 1738 (b) (i) "Governmental entity" means:
- 1739 (A) a state-funded institution of higher education or public education;
- 1740 (B) a political subdivision of the state;
- 1741 (C) an office, agency, board, bureau, committee, department, advisory board, or
- 1742 commission that the government funds or establishes to carry out the public's business,
- 1743 regardless of whether the office, agency board, bureau, committee, department, advisory board,
- 1744 or commission is composed entirely of public officials or employees;
- 1745 (D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative
- 1746 undertaking as defined in Section 11-13-103;
- 1747 (E) a governmental nonprofit corporation as defined in Section 11-13a-102; or
- 1748 (F) an association as defined in Section 53G-7-1101.
- 1749 (ii) "Governmental entity" does not mean:
- 1750 (A) the School and Institutional Trust Lands Administration created in Section
- 1751 53C-1-201;
- 1752 (B) the School and Institutional Trust Lands Board of Trustees created in Section
- 1753 53C-1-202;
- 1754 (C) the Office of the Governor;
- 1755 (D) the Governor's Office of Planning and Budget created in Section 63J-4-201;
- 1756 (E) the Public Lands Policy Coordinating Office created in Section 63L-11-201;
- 1757 (F) the Office of Energy Development created in Section 79-6-401; or
- 1758 (G) the Governor's Office of Economic Opportunity created in Section 63N-1a-301[;
- 1759 including the Talent, Education, and Industry Alignment Subcommittee created in Section
- 1760 63N-1b-301].
- 1761 (2) (a) A governmental entity, or a person a governmental entity employs and

1762 designates as a representative, may investigate the possibility of a federal designation within
1763 the state.

1764 (b) A governmental entity that intends to advocate for a federal designation within the
1765 state shall:

1766 (i) notify the chairs of the following committees before the introduction of federal
1767 legislation:

1768 (A) the Natural Resources, Agriculture, and Environment Interim Committee, if
1769 constituted, and the Federalism Commission; or

1770 (B) if the notice is given during a General Session, the House and Senate Natural
1771 Resources, Agriculture, and Environment Standing Committees; and

1772 (ii) upon request of the chairs, meet with the relevant committee to review the proposal.

1773 (3) This section does not apply to a political subdivision supporting a federal
1774 designation if the federal designation:

1775 (a) applies to 5,000 acres or less; and

1776 (b) has an economical or historical benefit to the political subdivision.

1777 Section 42. Section **63N-1a-102** is amended to read:

1778 **63N-1a-102. Definitions.**

1779 As used in this title:

1780 (1) "Baseline jobs" means the number of full-time employee positions that existed
1781 within a business entity in the state before the date on which a project related to the business
1782 entity is approved by the office or by the GO Utah board.

1783 (2) "Baseline state revenue" means the amount of state tax revenue collected from a
1784 business entity or the employees of a business entity during the year before the date on which a
1785 project related to the business entity is approved by the office or by the GO Utah board.

1786 (3) "Commission" means the Unified Economic Opportunity Commission created in
1787 Section [63N-1a-201](#).

1788 (4) "Economic opportunity agency" includes:

1789 (a) the Department of Workforce Services;

1790 (b) the Department of Cultural and Community Engagement;

1791 (c) the Department of Commerce;

1792 (d) the Department of Natural Resources;

- 1793 (e) the Office of Energy Development;
 - 1794 (f) the State Board of Education;
 - 1795 (g) institutions of higher education;
 - 1796 (h) the Utah Multicultural Commission;
 - 1797 (i) the World Trade Center Utah;
 - 1798 (j) local government entities;
 - 1799 (k) associations of governments;
 - 1800 (l) the Utah League of Cities and Towns;
 - 1801 (m) the Utah Association of Counties;
 - 1802 (n) the Economic Development Corporation of Utah;
 - 1803 (o) the Small Business Administration;
 - 1804 (p) chambers of commerce;
 - 1805 (q) industry associations;
 - 1806 (r) small business development centers; and
 - 1807 (s) other entities identified by the commission or the executive director.
- 1808 (5) "Executive director" means the executive director of the office.
- 1809 (6) "Full-time employee" means an employment position that is filled by an employee
- 1810 who works at least 30 hours per week and:
- 1811 (a) may include an employment position filled by more than one employee, if each
 - 1812 employee who works less than 30 hours per week is provided benefits comparable to a
 - 1813 full-time employee; and
 - 1814 (b) may not include an employment position that is shifted from one jurisdiction in the
 - 1815 state to another jurisdiction in the state.
- 1816 (7) "GO Utah board" means the [~~Business and Economic Development Subcommittee~~]
- 1817 Board of Economic Opportunity created in Section [~~63N-1b-202~~] [63N-1a-401](#).
- 1818 (8) "High paying job" means a newly created full-time employee position where the
- 1819 aggregate average annual gross wage of the employment position, not including health care or
- 1820 other paid or unpaid benefits, is:
- 1821 (a) at least 110% of the average wage of the county in which the employment position
 - 1822 exists; or
 - 1823 (b) for an employment position related to a project described in Chapter 2, Part 1,

1824 Economic Development Tax Increment Financing, and that is located within the boundary of a
1825 county of the third, fourth, fifth, or sixth class, or located within a municipality in a county of
1826 the second class and where the municipality has a population of 10,000 or less:

1827 (i) at least 100% of the average wage of the county in which the employment position
1828 exists; or

1829 (ii) an amount determined by rule made by the office in accordance with Title 63G,
1830 Chapter 3, Utah Administrative Rulemaking Act, if the office determines the project is in a
1831 county experiencing economic distress.

1832 (9) (a) "Incremental job" means a full-time employment position in the state that:

1833 (i) did not exist within a business entity in the state before the beginning of a project
1834 related to the business entity; and

1835 (ii) is created in addition to the number of baseline jobs that existed within a business
1836 entity.

1837 (b) "Incremental job" includes a full-time employment position where the employee is
1838 hired:

1839 (i) directly by a business entity; or

1840 (ii) by a professional employer organization, as defined in Section [31A-40-102](#), on
1841 behalf of a business entity.

1842 (10) "New state revenue" means the state revenue collected from a business entity or a
1843 business entity's employees during a calendar year minus the baseline state revenue calculation.

1844 (11) "Office" or "GO Utah office" means the Governor's Office of Economic
1845 Opportunity.

1846 (12) "State revenue" means state tax liability paid by a business entity or a business
1847 entity's employees under any combination of the following provisions:

1848 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

1849 (b) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and
1850 Information;

1851 (c) Title 59, Chapter 10, Part 2, Trusts and Estates;

1852 (d) Title 59, Chapter 10, Part 4, Withholding of Tax; and

1853 (e) Title 59, Chapter 12, Sales and Use Tax Act.

1854 (13) "State strategic goals" means the strategic goals listed in Section [63N-1a-103](#).

1855 (14) "Statewide economic development strategy" means the economic development
1856 strategy developed by the commission in accordance with Section [63N-1a-202](#).

1857 (15) "Talent board" means the Talent, Education, and Industry Alignment Board
1858 created in Section [53B-33-102](#).

1859 Section 43. Section **63N-1a-201** is amended to read:

1860 **63N-1a-201. Creation of commission.**

1861 (1) There is created in the office the Unified Economic Opportunity Commission,
1862 established to carry out the mission described in Section [63N-1a-103](#) and direct the office and
1863 other appropriate entities in fulfilling the [~~state's~~] state strategic goals.

1864 (2) The commission consists of:

1865 (a) the following voting members:

1866 (i) the governor, who shall serve as the chair of the commission;

1867 (ii) the executive director, who shall serve as the vice chair of the commission;

1868 (iii) the executive director of the Department of Workforce Services;

1869 (iv) the executive director of the Department of Transportation;

1870 (v) the executive director of the Department of Natural Resources;

1871 (vi) the executive director of the Department of Commerce;

1872 (vii) the commissioner of the Department of Agriculture and Food;

1873 (viii) the executive director of the Governor's Office of Planning and Budget;

1874 (ix) the commissioner of higher education;

1875 (x) the state superintendent of public instruction;

1876 (xi) the president of the Senate or the president's designee;

1877 (xii) the speaker of the House of Representatives or the speaker's designee;

1878 (xiii) one individual who is knowledgeable about housing needs in the state, including

1879 housing density and land use, appointed by the governor;

1880 (xiv) one individual who represents the interests of urban cities, appointed by the Utah

1881 League of Cities and Towns; and

1882 (xv) one individual who represents the interests of rural counties, appointed by the

1883 Utah Association of Counties; and

1884 (b) the following non-voting members:

1885 (i) the chief executive officer of World Trade Center Utah;

1886 (ii) the chief executive officer of the Economic Development Corporation of Utah; and
1887 (iii) a senior advisor to the chair of the commission with expertise in rural affairs of the
1888 state, appointed by the chair of the commission.

1889 (3) A majority of commission members constitutes a quorum for the purposes of
1890 conducting commission business and the action of a majority of a quorum constitutes the action
1891 of the commission.

1892 (4) The executive director of the office, or the executive director's designee, is the
1893 executive director of the commission.

1894 (5) The office shall provide:

1895 (a) office space and administrative staff support for the commission; and

1896 (b) the central leadership and coordination of the commission's efforts in the field of
1897 economic development.

1898 (6) (a) A member may not receive compensation or benefits for the member's service
1899 on the commission, but may receive per diem and travel expenses in accordance with:

1900 (i) Sections 63A-3-106 and 63A-3-107; and

1901 (ii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
1902 63A-3-107.

1903 (b) Compensation and expenses of a commission member who is a legislator are
1904 governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and
1905 Expenses.

1906 Section 44. Section 63N-1a-202 is amended to read:

1907 **63N-1a-202. Commission duties.**

1908 (1) The commission shall:

1909 (a) develop, coordinate, and lead a comprehensive statewide economic development
1910 strategy that:

1911 (i) unifies and coordinates economic development efforts in the state;

1912 (ii) includes key performance indicators for long-term progress toward the state
1913 strategic goals;

1914 (iii) establishes reporting and accountability processes for the key performance
1915 indicators; and

1916 (iv) ensures the success of the statewide economic development strategy is shared

1917 among the urban and rural areas of the state;

1918 (b) receive feedback, input, and reports from economic opportunity agencies regarding
1919 programs related to the statewide economic development strategy;

1920 (c) develop the statewide economic strategy in view of the state water policy described
1921 in Section 73-1-21, including the state's commitment to appropriate conservation, efficient and
1922 optimal use of water resources, infrastructure development and improvement, optimal
1923 agricultural use, water quality, reasonable access to recreational activities, effective wastewater
1924 treatment, and protecting and restoring healthy ecosystems;

1925 (d) direct and facilitate changes to or recommend elimination of economic
1926 development programs to ensure alignment with the mission and vision described in Section
1927 63N-1a-103;

1928 (e) at least once every five years, identify industry clusters on which the commission
1929 recommends the state focus recruiting and expansion efforts;

1930 (f) establish strategies for the recruitment and retention of targeted industry clusters
1931 while respecting the different needs of rural and urban areas throughout the state;

1932 (g) establish strategies for supporting entrepreneurship and small business development
1933 in the state;

1934 (h) analyze the state's projected long-term population and economic growth and plan
1935 for the anticipated impacts of the projected growth in a manner that improves quality of life
1936 and is consistent with the statewide economic development strategy and state strategic goals;

1937 (i) identify gaps and potential solutions related to improving infrastructure, especially
1938 as related to the state's projected long-term population growth;

1939 (j) support the development of a prepared workforce that can support critical industries
1940 and industry clusters identified by the commission;

1941 (k) coordinate and develop strategies that assist education providers and industry to
1942 cooperate in supporting students in developing market relevant skills to meet industry needs;

1943 (l) develop strategies and plans to ensure comprehensive economic development efforts
1944 are targeted to the unique needs of rural areas of the state;

1945 (m) study the unique needs of multicultural communities throughout the state and
1946 develop household-level plans to ensure residents of the state can participate in economic
1947 opportunities in the state;

1948 (n) ensure the commission's efforts are, to the extent practicable, data-driven and
1949 evidence-based;

1950 (o) support an integrated international trade strategy for the state;

1951 (p) facilitate coordination among public, private, and nonprofit economic opportunity
1952 agencies; and

1953 (q) in performing the commission's duties, consider the recommendations of the
1954 subcommittees described in Chapter 1b, Commission Subcommittees, the GO Utah board, the
1955 talent board, and any working groups established under Subsection (2).

1956 (2) The commission may establish working groups as is deemed appropriate to assist
1957 and advise the commission on specified topics or issues related to the commission's duties.

1958 [~~2~~] (3) The commission shall provide a report to the office for inclusion in the office's
1959 annual written report described in Section 63N-1a-306, that includes:

1960 (a) the statewide economic development strategy;

1961 (b) a description of how the commission fulfilled the commission's statutory purposes
1962 and duties during the year, including any relevant findings;

1963 (c) the key performance indicators included in the statewide economic development
1964 strategy, including data showing the extent to which the indicators are being met; and

1965 (d) any legislative recommendations.

1966 Section 45. Section 63N-1a-303 is amended to read:

1967 **63N-1a-303. Powers and duties of executive director.**

1968 (1) Unless otherwise expressly provided by statute, the executive director may organize
1969 the office in any appropriate manner, including the appointment of deputy directors of the
1970 office.

1971 (2) The executive director may consolidate personnel and service functions for
1972 efficiency and economy in the office.

1973 (3) The executive director, with the approval of the governor:

1974 (a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal
1975 Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

1976 (b) may enter into a lawful contract or agreement with another state, a chamber of
1977 commerce organization, a service club, or a private entity; and

1978 (c) shall annually prepare and submit to the governor a budget of the office's financial

1979 requirements.

1980 (4) With the governor's approval, if a federal program requires the expenditure of state
1981 funds as a condition for the state to participate in a fund, property, or service, the executive
1982 director may expend necessary funds from money provided by the Legislature for the use of the
1983 office.

1984 (5) The executive director shall coordinate with the executive directors of the
1985 Department of Workforce Services and the Governor's Office of Planning and Budget to
1986 review data and metrics to be reported to the Legislature as described in Subsection
1987 [63N-1a-306\(2\)\(b\)](#).

1988 (6) Unless otherwise provided in this title, the executive director may make rules in
1989 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary for
1990 the administration of programs established under state law.

1991 Section 46. Section **63N-1a-306** is amended to read:

1992 **63N-1a-306. Annual report -- Content -- Format.**

1993 (1) The office shall prepare and submit to the governor and the Legislature, by October
1994 1 of each year, an annual written report of the operations, activities, programs, and services of
1995 the office, including the divisions, sections, boards, commissions, councils, and committees
1996 established under this title, for the preceding fiscal year.

1997 (2) For each operation, activity, program, or service provided by the office, the annual
1998 report shall include:

1999 (a) a description of the operation, activity, program, or service;

2000 (b) data and metrics:

2001 (i) selected and used by the office to measure progress, performance, effectiveness, and
2002 scope of the operation, activity, program, or service, including summary data; and

2003 (ii) that are consistent and comparable for each state operation, activity, program, or
2004 service that primarily involves employment training or placement as determined by the
2005 executive directors of the office, the Department of Workforce Services, and the Governor's
2006 Office of Planning and Budget;

2007 (c) budget data, including the amount and source of funding, expenses, and allocation
2008 of full-time employees for the operation, activity, program, or service;

2009 (d) historical data from previous years for comparison with data reported under

2010 Subsections (2)(b) and (c);

2011 (e) goals, challenges, and achievements related to the operation, activity, program, or

2012 service;

2013 (f) relevant federal and state statutory references and requirements;

2014 (g) contact information of officials knowledgeable and responsible for each operation,

2015 activity, program, or service; and

2016 (h) other information determined by the office that:

2017 (i) may be needed, useful, or of historical significance; or

2018 (ii) promotes accountability and transparency for each operation, activity, program, or

2019 service with the public and elected officials.

2020 (3) The annual report shall be designed to provide clear, accurate, and accessible

2021 information to the public, the governor, and the Legislature.

2022 (4) The office shall:

2023 (a) submit the annual report in accordance with Section [68-3-14](#);

2024 (b) make the annual report, and previous annual reports, accessible to the public by

2025 placing a link to the reports on the office's website; and

2026 (c) provide the data and metrics described in Subsection (2)(b) to the ~~[Talent,~~

2027 ~~Education, and Industry Alignment Subcommittee created in Section [63N-1b-301](#)]~~ talent board.

2028 Section 47. Section **63N-1a-307** is enacted to read:

2029 **63N-1a-307. Restrictions on pass through funding.**

2030 (1) As used in this section:

2031 (a) "Pass through funding" means the same as that term is defined in Section

2032 [63J-1-220](#).

2033 (b) "Recipient entity" means the same as that term is defined in Section [63J-1-220](#).

2034 (2) In addition to the requirements of Section [63J-1-220](#), the office may not distribute

2035 pass through funding to a recipient entity unless the office follows the standards or criteria

2036 established by the Legislature to distribute the pass through funding, as described in the

2037 applicable item of appropriation.

2038 (3) If an item of appropriation to the office for pass through funding does not include

2039 any standards or criteria for distributing the pass through funding, the funds shall lapse to the

2040 source fund at the end of the fiscal year, regardless of whether those funds are designated by

2041 law as nonlapsing.

2042 Section 48. Section **63N-1a-401**, which is renumbered from Section 63N-1b-201 is
2043 renumbered and amended to read:

2044 **Part 4. Creation of Board of Economic Opportunity**

2045 ~~[63N-1b-201].~~ **63N-1a-401. Creation of Board of Economic Opportunity.**

2046 (1) (a) There is created [~~a subcommittee of the commission, called the Business and~~
2047 ~~Economic Development Subcommittee~~] within the office the Board of Economic Opportunity,
2048 consisting of 15 members appointed by the chair of the commission, in consultation with the
2049 executive director, to four-year terms of office with the advice and consent of the Senate in
2050 accordance with Title 63G, Chapter 24, Part 2, Vacancies, [~~including:~~] at least five of whom
2051 reside in a county of the third, fourth, fifth, or sixth class.

2052 [~~(i) a representative from a rural association of governments;~~]

2053 [~~(ii) a rural representative of agriculture;~~]

2054 [~~(iii) a rural representative of the travel industry;~~]

2055 [~~(iv) a representative of rural utilities; and~~]

2056 [~~(v) a representative from the oil, gas, or mineral extraction industry.~~]

2057 (b) Notwithstanding the requirements of Subsection (1)(a), the chair of the commission
2058 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
2059 terms of board members are staggered so that approximately half of the [~~subcommittee~~] board
2060 is appointed every two years.

2061 (c) The members may not serve more than two full consecutive terms except where the
2062 chair of the commission determines that an additional term is in the best interest of the state.

2063 (2) In appointing members of the [~~committee~~] board, the chair of the commission shall
2064 ensure that:

2065 (a) no more than eight members of the [~~subcommittee~~] board are from one political
2066 party; and

2067 (b) members represent a variety of geographic areas and economic interests of the state.

2068 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
2069 appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

2070 (4) Eight members of the [~~subcommittee~~] board constitute a quorum for conducting
2071 board business and exercising board power.

2072 (5) The chair of the commission shall select one [~~subcommittee~~] board member as the
2073 [~~subcommittee's~~] board's chair and one member as the [~~subcommittee's~~] board's vice chair.

2074 (6) A member may not receive compensation or benefits for the member's service, but
2075 may receive per diem and travel expenses in accordance with:

2076 (a) Section [63A-3-106](#);

2077 (b) Section [63A-3-107](#); and

2078 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

2079 (7) A member shall comply with the conflict of interest provisions described in Title
2080 63G, Chapter 24, Part 3, Conflicts of Interest.

2081 [~~(8) Nothing in this section prohibits an individual who, on May 4, 2021, is a member~~
2082 ~~of a board within the office known as the Board of Business and Economic Development from~~
2083 ~~serving as a member of the GO Utah board.]~~

2084 Section 49. Section **63N-1a-402**, which is renumbered from Section 63N-1b-202 is
2085 renumbered and amended to read:

2086 ~~[63N-1b-202].~~ **63N-1a-402. Board of Economic Opportunity duties and**
2087 **powers.**

2088 (1) The [~~Business and Economic Development Subcommittee~~] GO Utah board shall
2089 advise and assist the [~~commission~~] office to:

2090 (a) promote and encourage the economic, commercial, financial, industrial,
2091 agricultural, and civic welfare of the state;

2092 (b) promote and encourage the development, attraction, expansion, and retention of
2093 businesses, industries, and commerce in the state;

2094 (c) support the efforts of local government and regional nonprofit economic
2095 development organizations to encourage expansion or retention of businesses, industries, and
2096 commerce in the state;

2097 (d) act to enhance the state's economy;

2098 [~~(e) work in conjunction with companies and individuals located or doing business in~~
2099 ~~the state to secure favorable rates, fares, tolls, charges, and classification for transportation of~~
2100 ~~persons or property by:]~~

2101 [~~(i) railroad;~~]

2102 [~~(ii) motor carrier; or]~~

2103 ~~[(iii) other common carriers;]~~
2104 ~~[(f)] (e)~~ develop policies, priorities, and objectives regarding the assistance, retention,
2105 or recruitment of business, industries, and commerce in the state;
2106 ~~[(g)] (f)~~ administer programs for the assistance, retention, or recruitment of businesses,
2107 industries, and commerce in the state;
2108 ~~[(h)] (g)~~ ensure that economic development programs are available to all areas of the
2109 state in accordance with federal and state law;
2110 ~~[(i)] (h)~~ identify local, regional, and statewide rural economic development and
2111 planning priorities;
2112 ~~[(j)] (i)~~ understand, through study and input, issues relating to local, regional, and
2113 statewide rural economic development, including challenges, opportunities, best practices,
2114 policy, planning, and collaboration; ~~[and]~~
2115 (j) make recommendations regarding loans, grants, or other assistance from the
2116 Industrial Assistance Account as provided in Section [63N-3-105](#); and
2117 (k) maintain ethical and conflict of interest standards consistent with those imposed on
2118 a public officer under Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
2119 ~~[(2) The subcommittee shall:]~~
2120 ~~[(a) serve as an advisory board to the commission on rural economic development~~
2121 ~~issues;]~~
2122 ~~[(b) prepare an annual strategic plan that:]~~
2123 ~~[(i) identifies rural economic development, planning, and leadership training~~
2124 ~~challenges, opportunities, priorities, and objectives; and]~~
2125 ~~[(ii) includes a work plan for accomplishing the objectives referred to in Subsection~~
2126 ~~(1)(b)(i); and]~~
2127 ~~[(c) oversee the Rural County Grant Program created in Section [17-54-103](#).]~~
2128 ~~[(3) The subcommittee may:]~~
2129 ~~[(a) in accordance with Subsection (1)(c), appear as a party litigant on behalf of an~~
2130 ~~individual or a company located or doing business in the state in a proceeding before a~~
2131 ~~regulatory commission of the state, another state, or the federal government; and]~~
2132 ~~[(b) in consultation with the executive director, make, amend, or repeal rules for the~~
2133 ~~conduct of its business consistent with this part and in accordance with Title 63G, Chapter 3;~~

2134 ~~Utah Administrative Rulemaking Act.]~~

2135 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2136 GO Utah board may, in consultation with the executive director, make rules for the conduct of
2137 the GO Utah board's business.

2138 Section 50. Section **63N-1b-401**, which is renumbered from Section 35A-11-102 is
2139 renumbered and amended to read:

2140 **Part 4. Women in the Economy Subcommittee**

2141 ~~[35A-11-102].~~ **63N-1b-401. Definitions.**

2142 As used in this ~~[chapter]~~ part:

2143 ~~[(1) "Commission" means the Women in the Economy Commission created in Section~~
2144 ~~35A-11-201;]~~

2145 ~~[(2)]~~ (1) "State institution of higher education" means the same as that term is defined
2146 in Section ~~53B-3-102~~.

2147 (2) "Subcommittee" means the Women in the Economy Subcommittee created in
2148 Section ~~63N-1b-402~~.

2149 Section 51. Section **63N-1b-402**, which is renumbered from Section 35A-11-201 is
2150 renumbered and amended to read:

2151 ~~[35A-11-201].~~ **63N-1b-402. Women in the Economy Subcommittee created.**

2152 (1) There is created ~~[within the department a commission known as the "Women in the~~
2153 ~~Economy Commission."]~~ a subcommittee of the commission called the Women in the
2154 Economy Subcommittee.

2155 (2) The ~~[commission]~~ subcommittee shall consist of 11 members as follows:

- 2156 (a) one senator appointed by the president of the Senate;
- 2157 (b) one senator appointed by the minority leader of the Senate;
- 2158 (c) one representative appointed by the speaker of the House of Representatives;
- 2159 (d) one representative appointed by the minority leader of the House of

2160 Representatives;

2161 (e) the executive director of the department, or the executive director's designee; and

2162 (f) six members appointed by the governor as follows:

2163 (i) a representative of a business with fewer than 50 employees that has been awarded
2164 for work flexibility or work-life balance;

- 2165 (ii) a representative of a business with 50 or more employees, but fewer than 500
2166 employees, that has been awarded for work flexibility or work-life balance;
- 2167 (iii) a representative of a business with 500 or more employees that has been awarded
2168 for work flexibility or work-life balance;
- 2169 (iv) an individual who has experience in demographic work and is employed by a state
2170 institution of higher education;
- 2171 (v) one individual from a nonprofit organization that addresses issues related to
2172 domestic violence; and
- 2173 (vi) one individual with managerial experience with organized labor.
- 2174 (3) (a) When a vacancy occurs in a position appointed by the governor under
2175 Subsection (2)(f), the governor shall appoint a person to fill the vacancy.
- 2176 (b) Members appointed under Subsection (2)(f) may be removed by the governor for
2177 cause.
- 2178 (c) A member appointed under Subsection (2)(f) shall be removed from the
2179 [commission] subcommittee and replaced by the governor if the member is absent for three
2180 consecutive meetings of the [commission] subcommittee without being excused by the chair of
2181 the [commission] subcommittee.
- 2182 (d) A member serves until the member's successor is appointed and qualified.
- 2183 (4) In appointing the members under Subsection (2)(f), the governor shall:
- 2184 (a) take into account the geographical makeup of the [commission] subcommittee; and
2185 (b) strive to appoint members who are knowledgeable or have an interest in issues
2186 related to women in the economy.
- 2187 (5) (a) The [commission] subcommittee shall select two members to serve as cochairs,
2188 one of which shall be a legislator.
- 2189 (b) Subject to the other provisions of this Subsection (5), the cochairs are responsible
2190 for the call and conduct of meetings.
- 2191 (c) The cochairs shall call and hold meetings of the [commission] subcommittee at
2192 least every two months.
- 2193 (d) One of the bimonthly meetings described in Subsection (5)(c) shall be held while
2194 the Legislature is convened in [its] the Legislature's annual general session.
- 2195 (e) One or more additional meetings may be called upon request by a majority of the

2196 [~~commission's~~] subcommittee's members.

2197 (6) (a) A majority of the members of the [~~commission~~] subcommittee constitutes a
2198 quorum.

2199 (b) The action of a majority of a quorum constitutes the action of the [~~commission~~]
2200 subcommittee.

2201 (7) (a) A member of the [~~commission~~] subcommittee described in Subsection (2)(e) or
2202 (f) may not receive compensation or benefits for the member's service, but may receive per
2203 diem and travel expenses in accordance with:

2204 (i) Section [63A-3-106](#);

2205 (ii) Section [63A-3-107](#); and

2206 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2207 [63A-3-107](#).

2208 (b) Compensation and expenses of a member who is a legislator are governed by
2209 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

2210 (8) The [~~department~~] office shall provide staff support to the [~~commission~~]
2211 subcommittee.

2212 Section 52. Section **63N-1b-403**, which is renumbered from Section 35A-11-202 is
2213 renumbered and amended to read:

2214 ~~[35A-11-202]~~. **63N-1b-403. Purpose -- Powers and duties of the**
2215 **subcommittee.**

2216 (1) The [~~commission's~~] subcommittee purpose is to:

2217 (a) increase public and government understanding of the current and future impact and
2218 needs of the state's women in the economy and how those needs may be most effectively and
2219 efficiently met;

2220 (b) identify and recommend implementation of specific policies, procedures, and
2221 programs to respond to the rights, needs, and impact of women in the economy; and

2222 (c) facilitate coordination of the functions of public and private entities concerned with
2223 women in the economy.

2224 (2) The [~~commission~~] subcommittee shall:

2225 (a) facilitate the communication and coordination of public and private entities that
2226 provide services to women or protect the rights of women;

2227 (b) study, evaluate, and report on the status and effectiveness of policies, procedures,
2228 and programs that provide services to women or protect the rights of women;

2229 (c) study and evaluate the policies, procedures, and programs implemented by other
2230 states that address the needs of women in the economy or protect the rights of women;

2231 (d) facilitate and conduct the research and study of issues related to women in the
2232 economy;

2233 (e) provide a forum for public comment on issues related to women in the economy;

2234 (f) provide public information on women in the economy and the services available to
2235 women; and

2236 (g) encourage state and local governments to analyze, plan, and prepare for the impact
2237 of women in the economy on services and operations.

2238 (3) To accomplish ~~[its]~~ the subcommittee's duties, the ~~[commission]~~ subcommittee
2239 may:

2240 (a) request and receive from a state or local government agency or institution summary
2241 information relating to women in the economy, including:

2242 (i) reports;

2243 (ii) audits;

2244 (iii) projections; and

2245 (iv) statistics;

2246 (b) apply for and accept grants or donations for uses consistent with the duties of the
2247 ~~[commission]~~ subcommittee from public or private sources; and

2248 (c) appoint one or more ~~[special committees]~~ working groups to advise and assist the
2249 ~~[commission]~~ subcommittee.

2250 (4) Money received under Subsection (3)(b) shall be:

2251 (a) accounted for and expended in compliance with the requirements of federal and
2252 state law; and

2253 (b) continuously available to the ~~[commission]~~ subcommittee to carry out the
2254 ~~[commission's]~~ committee's duties.

2255 (5) (a) A member of a ~~[special committee]~~ working group described in Subsection
2256 (3)(c):

2257 (i) shall be appointed by the ~~[commission]~~ subcommittee;

2258 (ii) may be:
2259 (A) a member of the [~~commission~~] subcommittee; or
2260 (B) an individual from the private or public sector; and
2261 (iii) notwithstanding Section [35A-11-201](#), may not receive reimbursement or pay for
2262 any work done in relation to the [~~special committee~~] working group.

2263 (b) A [~~special committee~~] working group described in Subsection (3)(c) shall report to
2264 the [~~commission~~] subcommittee on the progress of the [~~special committee~~] working group.

2265 Section 53. Section **63N-1b-404**, which is renumbered from Section 35A-11-203 is
2266 renumbered and amended to read:

2267 **~~[35A-11-203]~~. 63N-1b-404. Annual report.**

2268 (1) The [~~commission~~] subcommittee shall annually prepare a report for inclusion in the
2269 [~~department's~~] office's annual written report described in Section [~~35A-1-109~~] [63N-1a-306](#).

2270 (2) The report described in Subsection (1) shall:

2271 (a) describe how the [~~commission~~] subcommittee fulfilled [~~its~~] the subcommittee's
2272 statutory purposes and duties during the year; and

2273 (b) contain recommendations on how the state should act to address issues relating to
2274 women in the economy.

2275 Section 54. Section **63N-2-104** is amended to read:

2276 **63N-2-104. Creation of economic development zones -- Tax credits -- Assignment**
2277 **of tax credit.**

2278 (1) The office may create an economic development zone in the state if the following
2279 requirements are satisfied:

2280 (a) the area is zoned agricultural, commercial, industrial, manufacturing, business park,
2281 research park, or other appropriate business related use in a community-approved master plan
2282 that contemplates future growth;

2283 (b) the request to create a development zone has first been approved by an appropriate
2284 local government entity; and

2285 (c) local incentives have been or will be committed to be provided within the area in
2286 accordance with the community's approved incentive policy and application process.

2287 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2288 the office shall make rules establishing the requirements for a business entity or local

2289 government entity to qualify for a tax credit for a new commercial project in a development
2290 zone under this part.

2291 (b) The office shall ensure that the requirements described in Subsection (2)(a) include
2292 the following:

2293 (i) the new commercial project is within the development zone;

2294 (ii) the new commercial project includes direct investment within the geographic
2295 boundaries of the development zone;

2296 (iii) the new commercial project brings new incremental jobs to Utah;

2297 (iv) the new commercial project includes the creation of high paying jobs in the state,
2298 significant capital investment in the state, or significant purchases from vendors, contractors, or
2299 service providers in the state, or a combination of these three economic factors;

2300 (v) the new commercial project generates new state revenues;

2301 (vi) a business entity, a local government entity, or a community reinvestment agency
2302 to which a local government entity assigns a tax credit under this section meets the
2303 requirements of Section [63N-2-105](#); and

2304 (vii) unless otherwise advisable in light of economic circumstances, the new
2305 commercial project relates to the industry clusters identified by the commission under Section
2306 [63N-1a-202](#).

2307 (3) (a) The office, after consultation with the GO Utah board, may enter into a written
2308 agreement with a business entity or local government entity authorizing a tax credit to the
2309 business entity or local government entity if the business entity or local government entity
2310 meets the requirements described in this section.

2311 (b) (i) With respect to a new commercial project, the office may authorize a tax credit
2312 to a business entity or a local government entity, but not both.

2313 (ii) In determining whether to authorize a tax credit with respect to a new commercial
2314 project to a business entity or a local government entity, the office shall authorize the tax credit
2315 in a manner that the office determines will result in providing the most effective incentive for
2316 the new commercial project.

2317 (c) (i) Except as provided in Subsection (3)(c)(ii)(A), for a new commercial project that
2318 is located within the boundary of a county of the first or second class, the office may not
2319 authorize or commit to authorize a tax credit that exceeds:

2320 (A) 50% of the new state revenues from the new commercial project in any given year;
2321 or

2322 (B) 30% of the new state revenues from the new commercial project over the lesser of
2323 the life of a new commercial project or 20 years.

2324 (ii) If the office authorizes or commits to authorize a tax credit for a new commercial
2325 project located within the boundary of:

2326 (A) a municipality with a population of 10,000 or less located within a county of the
2327 second class and that is experiencing economic hardship as determined by the office, the office
2328 shall authorize a tax credit of up to 50% of new state revenues from the new commercial
2329 project over the lesser of the life of the new commercial project or 20 years;

2330 (B) a county of the third class, the office shall authorize a tax credit of up to 50% of
2331 new state revenues from the new commercial project over the lesser of the life of the new
2332 commercial project or 20 years; and

2333 (C) a county of the fourth, fifth, or sixth class, the office shall authorize a tax credit of
2334 50% of new state revenues from the new commercial project over the lesser of the life of the
2335 new commercial project or 20 years.

2336 (iii) Notwithstanding any other provisions of this section, the office may not authorize
2337 a tax credit under this section for a new commercial project:

2338 (A) to a business entity that has claimed a High Cost Infrastructure Development Tax
2339 Credit described in Section 79-6-603 related to the same new commercial project, if the new
2340 commercial project is located within a county of the first or second class; or

2341 (B) in an amount more than the amount of the capital investment in the new
2342 commercial project.

2343 (d) (i) A local government entity may by resolution assign a tax credit authorized by
2344 the office to a community reinvestment agency.

2345 (ii) The local government entity shall provide a copy of the resolution described in
2346 Subsection (3)(d)(i) to the office.

2347 (iii) If a local government entity assigns a tax credit to a community reinvestment
2348 agency, the written agreement described in Subsection (3)(a) shall:

2349 (A) be between the office, the local government entity, and the community
2350 reinvestment agency;

2351 (B) establish the obligations of the local government entity and the community
2352 reinvestment agency; and

2353 (C) establish the extent to which any of the local government entity's obligations are
2354 transferred to the community reinvestment agency.

2355 (iv) If a local government entity assigns a tax credit to a community reinvestment
2356 agency:

2357 (A) the community reinvestment agency shall retain records as described in Subsection
2358 (4)(d); and

2359 (B) a tax credit certificate issued in accordance with Section 63N-2-105 shall list the
2360 community reinvestment agency as the named applicant.

2361 (4) The office shall ensure that the written agreement described in Subsection (3):

2362 (a) specifies the requirements that the business entity or local government entity shall
2363 meet to qualify for a tax credit under this part;

2364 (b) specifies the maximum amount of tax credit that the business entity or local
2365 government entity may be authorized for a taxable year and over the life of the new commercial
2366 project;

2367 (c) establishes the length of time the business entity or local government entity may
2368 claim a tax credit;

2369 (d) requires the business entity or local government entity to retain records supporting a
2370 claim for a tax credit for at least four years after the business entity or local government entity
2371 claims a tax credit under this part; and

2372 (e) requires the business entity or local government entity to submit to audits for
2373 verification of the tax credit claimed.

2374 (5) The office may attribute an incremental job or a high paying job to a new
2375 commercial project regardless of whether the job is performed in person, within the
2376 development zone or remotely from elsewhere in the state.

2377 Section 55. Section 63N-2-511 is amended to read:

2378 **63N-2-511. Stay Another Day and Bounce Back Fund.**

2379 (1) As used in this section:

2380 (a) "Bounce back fund" means the Stay Another Day and Bounce Back Fund, created
2381 in Subsection (2).

2382 (b) "Tourism board" means the Board of Tourism Development created in Section
2383 [~~63N-7-101~~] [63N-7-201](#).

2384 (2) There is created an expendable special revenue fund known as the Stay Another
2385 Day and Bounce Back Fund.

2386 (3) The bounce back fund shall:

2387 (a) be administered by the tourism board;

2388 (b) earn interest; and

2389 (c) be funded by:

2390 (i) annual payments under Section [17-31-9](#) from the county in which a qualified hotel
2391 is located;

2392 (ii) money transferred to the bounce back fund under Section [63N-2-503.5](#) or
2393 [63N-2-512](#); and

2394 (iii) any money that the Legislature chooses to appropriate to the bounce back fund.

2395 (4) Interest earned by the bounce back fund shall be deposited into the bounce back
2396 fund.

2397 (5) The tourism board may use money in the bounce back fund to pay for a tourism
2398 program of advertising, marketing, and branding of the state, taking into consideration the
2399 long-term strategic plan, economic trends, and opportunities for tourism development on a
2400 statewide basis.

2401 Section 56. Section **63N-2-810** is amended to read:

2402 **63N-2-810. Reports on tax credit certificates.**

2403 The office shall include the following information in the annual written report described
2404 in Section [~~63N-4-106~~] [63N-1a-306](#):

2405 (1) the total amount listed on tax credit certificates the office issues under this part;

2406 (2) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax
2407 credit applicants under this part; and

2408 (3) the economic impact on the state related to providing tax credits under this part.

2409 Section 57. Section **63N-3-105** is amended to read:

2410 **63N-3-105. Qualification for assistance.**

2411 (1) (a) Except as provided in Section [63N-3-109](#), the administrator, in consultation
2412 with the GO Utah board, shall determine which industries, companies, and individuals qualify

2413 to receive money from the Industrial Assistance Account.

2414 (b) Except as provided by Subsection (2), to qualify for financial assistance from the
2415 restricted account, an applicant shall:

2416 (i) demonstrate to the satisfaction of the administrator that the applicant will expend
2417 funds in the state with employees, vendors, subcontractors, or other businesses in an amount
2418 proportional with money provided from the restricted account at a minimum ratio of one to one
2419 per year or other more stringent requirements as established on a per project basis by the
2420 administrator;

2421 (ii) demonstrate to the satisfaction of the administrator the applicant's ability to sustain
2422 economic activity in the state sufficient to repay, by means of cash or appropriate credits, the
2423 loan provided by the restricted account; and

2424 (iii) satisfy other criteria the administrator considers appropriate.

2425 (2) (a) The administrator may exempt an applicant from the requirements of Subsection
2426 (1)(a) or (b) if:

2427 (i) the applicant is part of a targeted industry;

2428 (ii) the applicant is a quasi-public corporation organized under Title 16, Chapter 6a,
2429 Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent Corporations
2430 Act, and its operations, as demonstrated to the satisfaction of the administrator, will provide
2431 significant economic stimulus to the growth of commerce and industry in the state; or

2432 (iii) the applicant is an entity offering an economic opportunity under Section
2433 [63N-3-109](#).

2434 (b) The administrator may not exempt the applicant from the requirement under
2435 Subsection [63N-3-106\(2\)\(b\)](#) that the loan be structured so that the repayment or return to the
2436 state equals at least the amount of the assistance together with an annual interest charge.

2437 (3) The GO Utah board shall make recommendations to the administrator regarding
2438 applications for loans, grants, or other financial assistance from the Industrial Assistance
2439 Account.

2440 [~~(3)~~] (4) The administrator shall:

2441 (a) for applicants not described in Subsection (2)(a):

2442 (i) make findings as to whether or not each applicant has satisfied each of the
2443 conditions set forth in Subsection (1); and

2444 (ii) monitor the continued compliance by each applicant with each of the conditions set
2445 forth in Subsection (1) for five years;

2446 (b) consider the GO Utah board's recommendations with respect to each application;

2447 ~~[(b)]~~ (c) monitor the compliance by each applicant with the provisions of any contract
2448 or agreement entered into between the applicant and the state as provided in Section
2449 [63N-3-107](#); and

2450 ~~[(c)]~~ (d) make funding decisions based upon appropriate findings and compliance.
2451 Section 58. Section **63N-3-109** is amended to read:

2452 **63N-3-109. Financial assistance to entities offering economic opportunities.**

2453 (1) Subject to the duties and powers of the GO Utah board under Section [~~63N-1b-202~~]
2454 [63N-1a-402](#), the administrator may provide money from the Industrial Assistance Account to
2455 an entity offering an economic opportunity if that entity:

2456 (a) applies to the administrator in a form approved by the administrator; and

2457 (b) meets the qualifications of Subsection (2).

2458 (2) As part of an application for receiving money under this section, an applicant shall:

2459 (a) demonstrate to the satisfaction of the administrator the nature of the economic
2460 opportunity and the related benefit to the economic well-being of the state by providing

2461 evidence documenting the logical and compelling linkage, either direct or indirect, between the

2462 expenditure of money necessitated by the economic opportunity and the likelihood that the
2463 state's tax base, regions of the state's tax base, or specific components of the state's tax base

2464 will not be reduced but will be maintained or enlarged;

2465 (b) demonstrate how the funding request will act in concert with other state, federal, or
2466 local agencies to achieve the economic benefit;

2467 (c) demonstrate how the funding request will act in concert with free market principles;
2468 and

2469 (d) satisfy other criteria the administrator considers appropriate.

2470 (3) Before awarding any money under this section, the administrator shall:

2471 (a) make findings as to whether an applicant has satisfied the requirements of
2472 Subsection (2);

2473 (b) establish benchmarks and timeframes in which progress toward the completion of
2474 the agreed upon activity is to occur;

2475 (c) monitor compliance by an applicant with any contract or agreement entered into by
2476 the applicant and the state as provided by Section 63N-3-107; and

2477 (d) make funding decisions based upon appropriate findings and compliance.

2478 Section 59. Section 63N-3-112 is amended to read:

2479 **63N-3-112. Talent development grants.**

2480 (1) A for-profit business that is creating new incremental high paying jobs in the state,
2481 may apply to receive a talent development grant from the restricted account.

2482 (2) In accordance with the provisions of this section and in consultation with the GO
2483 Utah board, the administrator may award up to \$10,000 per new job created.

2484 (3) The administrator shall designate an application process for a business to apply for
2485 the grant.

2486 (4) A business may apply to receive a grant only after each employee has been
2487 employed at qualifying wage levels for at least 12 consecutive months.

2488 (5) Money granted for a talent development grant under this section shall be deducted
2489 from any other money or incentive awarded by the office to the business.

2490 (6) Grants awarded under this section are only to reimburse a business for the costs
2491 incurred to recruit, hire, train, and otherwise employ an employee in a newly created job.

2492 (7) A business shall submit a hiring and training plan detailing what the grant money
2493 will be used for as part of the application process.

2494 (8) The administrator may only grant an award up to an amount that is no more than
2495 25% of the estimated costs to be incurred by the business for the costs in the hiring and training
2496 plan.

2497 Section 60. Section 63N-3-204 is amended to read:

2498 **63N-3-204. Administration -- Grants and loans.**

2499 (1) The office shall administer this part.

2500 (2) (a) (i) The office may award Utah Technology [~~Commercialization and~~] Innovation
2501 Funding Program grants or issue loans under this part to [~~an applicant that is:] small~~
2502 businesses.

2503 [~~(A) an institution of higher education;~~]

2504 [~~(B) a licensee; or~~]

2505 [~~(C) a small business.~~]

2506 (ii) If loans are issued under Subsection (2)(a)(i), the Division of Finance may set up a
2507 fund or account as necessary for the proper accounting of the loans.

2508 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2509 office shall make rules ~~[for a process to determine whether an institution of higher education
2510 that receives a grant under this part must return the grant proceeds or a portion of the grant
2511 proceeds if the technology that is developed with the grant proceeds is licensed to a licensee
2512 that:]~~ establishing procedures for applying for and issuing grants or loans under this part.

2513 ~~[(i) does not maintain a manufacturing or service location in the state from which the
2514 licensee or a sublicensee exploits the technology; or]~~

2515 ~~[(ii) initially maintains a manufacturing or service location in the state from which the
2516 licensee or a sublicensee exploits the technology, but within five years after issuance of the
2517 license the licensee or sublicensee transfers the manufacturing or service location for the
2518 technology to a location out of the state.]~~

2519 ~~[(c) A repayment by an institution of higher education of grant proceeds or a portion of
2520 the grant proceeds may only come from the proceeds of the license established between the
2521 licensee and the institution of higher education.]~~

2522 ~~[(d)]~~ (c) (i) An applicant that ~~[is a licensee or small business that]~~ receives a grant or
2523 loan under this part shall return the grant or loan proceeds or a portion of the grant or loan
2524 proceeds to the office if the applicant:

2525 (A) does not maintain ~~[a manufacturing or service location in the state from which the
2526 applicant exploits the technology]~~ the applicant's principal place of business in the state; or

2527 (B) initially maintains ~~[a manufacturing or service location in the state from which the
2528 applicant exploits the technology]~~ the applicant's principal place of business in the state, but
2529 within five years after issuance of the grant or loan, the applicant transfers the ~~[manufacturing
2530 or service location for the technology]~~ applicant's principal place of business to an out-of-state
2531 location.

2532 (ii) A repayment by an applicant shall be prorated based on the number of full years the
2533 applicant operated in the state from the date of the awarded grant or loan.

2534 ~~[(iii) A repayment by a licensee that receives a grant may only come from the proceeds
2535 of the license to that licensee.]~~

2536 ~~[(3) (a) Funding allocations shall be made by the office with the advice of the GO Utah~~

2537 board.]

2538 ~~[(b) Each proposal shall receive the best available outside review.]~~

2539 ~~[(4)(a)]~~ (3) In considering each proposal, the office shall weigh technical merit, the
2540 level of matching funds from private and federal sources, and the potential for ~~[job creation and~~
2541 ~~economic development]~~ commercialization and broad impact.

2542 ~~[(b) Proposals or consortia that combine and coordinate related research at two or more~~
2543 ~~institutions of higher education shall be encouraged.]~~

2544 ~~[(5)]~~ (4) The office shall review the activities and progress of grant or loan recipients
2545 on a regular basis and, as part of the office's annual written report described in Section
2546 63N-1a-306, report on the accomplishments ~~[and]~~, direction, and usefulness of the Utah
2547 Technology [Commercialization and] Innovation Funding Program[-], including
2548 recommendations on:

2549 (a) whether the program is beneficial to the state and should continue; and

2550 (b) whether other office programs or programs in other agencies could provide similar
2551 state benefits more effectively or at a lower cost.

2552 ~~[(6)(a) On or before August 1, 2018, the office shall provide a written analysis and~~
2553 ~~recommendations concerning the usefulness of the Technology Commercialization and~~
2554 ~~Innovation Program described in this part, including whether:]~~

2555 ~~[(i) the program is beneficial to the state and should continue; and]~~

2556 ~~[(ii) other office programs or programs in other agencies could provide similar benefits~~
2557 ~~to the state more effectively or at a lower cost.]~~

2558 ~~[(b) The written analysis and recommendations described in this Subsection (6) shall~~
2559 ~~be provided to:]~~

2560 ~~[(i) the Business, Economic Development, and Labor Appropriations Subcommittee;]~~

2561 ~~[(ii) the Economic Development and Workforce Services Interim Committee;]~~

2562 ~~[(iii) the Business and Labor Interim Committee; and]~~

2563 ~~[(iv) the governor.]~~

2564 Section 61. Section **63N-3-801** is enacted to read:

2565 **Part 8. Economic Assistance Grant Program**

2566 **63N-3-801. Definitions.**

2567 As used in this part:

- 2568 (1) "Business entity" means a for-profit or nonprofit entity.
- 2569 (2) "Grant" means a grant awarded as part of the Economic Assistance Grant Program
2570 created in Section [63N-3-802](#).
- 2571 (3) "Grant program" means the Economic Assistance Grant Program created in Section
2572 [63N-3-802](#).
- 2573 Section 62. Section **63N-3-802** is enacted to read:
- 2574 **63N-3-802. Creation of Economic Assistance Grant Program -- Requirements --**
2575 **Rulemaking -- Annual report.**
- 2576 (1) There is created the Economic Assistance Grant Program administered by the
2577 office.
- 2578 (2) Subject to appropriations from the Legislature, the office may award one or more
2579 grants to a business entity to provide funding for projects that:
- 2580 (a) promote and support economic opportunities in the state; and
- 2581 (b) provide a service in the state related to industry, education, community
2582 development, or infrastructure.
- 2583 (3) In awarding grants, the office may prioritize projects:
- 2584 (a) that create new jobs in the state;
- 2585 (b) that develop targeted industries in the state;
- 2586 (c) where an applicant identifies clear metrics to measure the progress, effectiveness,
2587 and scope of the project;
- 2588 (d) where an applicant secures funding from other sources to help finance the project;
- 2589 (e) where an applicant demonstrates comprehensive planning of the project; and
- 2590 (f) that require one-time funds.
- 2591 (4) Before a business entity may receive a grant, the business entity shall enter into a
2592 written agreement with the office that specifies:
- 2593 (a) the amount of the grant;
- 2594 (b) the time period for distributing the grant;
- 2595 (c) the terms and conditions that the business entity shall meet to receive the grant;
- 2596 (d) the structure of the grant; and
- 2597 (e) the expenses for which the business entity may expend the grant.
- 2598 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

2599 office may make rules to administer the grant program.

2600 (6) The office shall include in the annual written report described in Section
2601 63N-1a-306 a report on the grant program, including a description and the amount of any
2602 grants awarded.

2603 Section 63. Section **63N-4-104** is amended to read:

2604 **63N-4-104. Duties.**

2605 (1) The Center for Rural Development shall:

2606 (a) work to enhance the capacity of the office to address rural economic development,
2607 planning, and leadership training challenges and opportunities by establishing partnerships and
2608 positive working relationships with appropriate public and private sector entities, individuals,
2609 and institutions;

2610 (b) work with the GO Utah board to coordinate and focus available resources in ways
2611 that address the economic development, planning, and leadership training challenges and
2612 priorities in rural Utah;

2613 (c) assist in administering the Rural [~~County Grant Program created in Section~~
2614 ~~17-54-103~~, including, as described in Subsection ~~17-54-103~~(10), compiling reported
2615 information regarding the program for inclusion in the office's annual written report described
2616 ~~in Section 63N-1a-306~~] Opportunity Program created in Section 63N-4-802; and

2617 (d) in accordance with economic development and planning policies set by state
2618 government, coordinate relations between:

2619 (i) the state;

2620 (ii) rural governments;

2621 (iii) other public and private groups engaged in rural economic planning and
2622 development; and

2623 (iv) federal agencies.

2624 (2) (a) The Center for Rural Development may:

2625 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2626 make rules necessary to carry out its duties;

2627 (ii) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of rural
2628 Utah citizens; and

2629 (iii) use those gifts, grants, devises, and property received under Subsection (2)(a)(ii)

2630 for the use and benefit of rural citizens within the state.

2631 (b) All resources received under Subsection (2)(a)(ii) shall be deposited in the General
2632 Fund as dedicated credits to be used as directed in Subsection (2)(a)(iii).

2633 Section 64. Section ~~63N-4-402~~ is amended to read:

2634 **63N-4-402. Definitions.**

2635 As used in this part:

2636 (1) (a) "Business entity" means a sole proprietorship, partnership, association, joint
2637 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
2638 a business.

2639 (b) "Business entity" does not include a business primarily engaged in the following:

2640 (i) construction;

2641 (ii) staffing;

2642 (iii) retail trade; or

2643 (iv) public utility activities.

2644 (2) "Grant" means a grant awarded as part of the Rural Employment Expansion Grant
2645 Program created in Section [63N-4-403](#).

2646 (3) "Grant program" means the Rural Employment Expansion Grant Program created
2647 in Section [63N-4-403](#).

2648 (4) "Mining company" means an entity whose primary business is the exploration for
2649 or extraction of minerals from the earth.

2650 (5) "Mining services company" means an entity whose primary business is providing
2651 support services for a mining company, including drilling or geological modeling.

2652 ~~[(2)]~~ (6) (a) "Owner or officer" means an individual who owns an ownership interest in
2653 an entity or holds a position where the person has authority to manage, direct, control, or make
2654 decisions for:

2655 (i) the entity or a portion of the entity; or

2656 (ii) an employee, agent, or independent contractor of the entity.

2657 (b) "Owner or officer" includes:

2658 (i) a member of a board of directors or other governing body of an entity; or

2659 (ii) a partner in any type of partnership.

2660 ~~[(3)] "Rural employment expansion grant" means a grant available under this part.]~~

2661 (7) "Rural county" means a county of the third, fourth, fifth, or sixth class.

2662 Section 65. Section **63N-4-403** is amended to read:

2663 **63N-4-403. Creation of Rural Employment Expansion Grant Program -- Duties**
2664 **of the office.**

2665 (1) There is created the Rural Employment Expansion Grant Program administered by
2666 the office.

2667 [~~(1)~~] (2) The office shall:

2668 (a) review a business entity's application for a [~~rural employment expansion grant~~
2669 ~~under this part~~] grant in the order in which the application is received by the office;

2670 (b) ensure that a [~~rural employment expansion~~] grant is only awarded to a business
2671 entity that meets the requirements of this part; and

2672 (c) as part of the annual written report described in Section [63N-1a-306](#), prepare an
2673 annual evaluation that provides:

2674 (i) the identity of each business entity that was provided a [~~rural employment~~
2675 ~~expansion~~] grant by the office during the year of the annual report;

2676 (ii) the total amount awarded in [~~rural employment expansion~~] grants for each county;
2677 and

2678 (iii) an evaluation of the effectiveness of the [~~rural employment expansion~~] grant in
2679 bringing significant new employment to rural communities.

2680 [~~(2)~~] (3) The office may:

2681 (a) authorize a [~~rural employment expansion~~] grant for a business entity under this part;

2682 (b) audit a business entity to ensure:

2683 (i) eligibility for a [~~rural employment expansion~~] grant; and

2684 (ii) compliance with this part; and

2685 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
2686 in accordance with the provisions of this part, make rules regarding the:

2687 (i) form and content of an application for a [~~rural employment expansion~~] grant;

2688 (ii) documentation or other requirements for a business entity to receive a [~~rural~~
2689 ~~employment expansion~~] grant; and

2690 (iii) administration of [~~rural employment expansion~~] grants, including an appeal
2691 process and relevant timelines and deadlines.

2692 Section 66. Section ~~63N-4-404~~ is amended to read:

2693 **63N-4-404. Grant application process.**

2694 (1) For a fiscal year beginning on or after July 1, 2018, a business entity seeking to
2695 receive a [~~rural employment expansion grant as provided in this part~~] grant shall provide the
2696 office with an application [~~for a rural employment expansion grant~~] in a form approved by the
2697 office that includes:

2698 (a) a certification, by an officer of the business entity, of each signature on the
2699 application;

2700 (b) a document that specifies the projected number and anticipated wage level of the
2701 new full-time employee positions that the business entity plans to create as the basis for
2702 qualifying for a [~~rural employment expansion~~] grant; and

2703 (c) any additional information required by the office.

2704 (2) (a) If, after review of an application provided by a business entity as described in
2705 Subsection (1), the office determines that the application is inadequate to provide a reasonable
2706 justification for authorizing the [~~rural employment expansion~~] grant, the office shall:

2707 (i) deny the application; or

2708 (ii) inform the business entity that the application is inadequate and ask the business
2709 entity to submit additional documentation.

2710 (b) (i) If the office denies an application, the business entity may appeal the denial to
2711 the office.

2712 (ii) The office shall review any appeal within 10 business days and make a final
2713 determination of the business entity's eligibility for a grant [~~under this part~~].

2714 (3) If, after review of an application provided by a business entity as described in
2715 Subsection (1), the office determines that the application provides reasonable justification for
2716 authorizing a [~~rural employment expansion~~] grant and if there are available funds for the grant,
2717 the office shall enter into a written agreement with the business entity that:

2718 (a) indicates the maximum [~~rural employment expansion~~] grant amount the business
2719 entity is authorized to receive;

2720 (b) includes a document signed by an officer of the business entity that expressly
2721 directs and authorizes the State Tax Commission to disclose to the office the business entity's
2722 tax returns and other information that would otherwise be subject to confidentiality under

2723 Section 59-1-403 or Section 6103, Internal Revenue Code;

2724 (c) describes the documentation required to demonstrate that the business entity has
2725 created the new full-time employee positions described in the application provided under
2726 Subsection (1); and

2727 (d) specifies the deadlines to provide the documentation described in Subsection (3)(c).

2728 (4) (a) Subject to available funds, the office may award a [~~rural employment~~
2729 ~~expansion~~] grant to a business entity as follows:

2730 (i) \$4,000 for each new full-time employee position in a county where the average
2731 county wage is equal to or greater than the state average wage;

2732 (ii) \$5,000 for each new full-time employee position in a county where the average
2733 county wage is between 85% and 99% of the state average wage; and

2734 (iii) \$6,000 for each new full-time employee position in a county where the average
2735 county wage is less than 85% of the state average wage.

2736 (b) A business entity may qualify for no more than \$250,000 in [~~rural employment~~
2737 ~~expansion~~] grants in any fiscal year.

2738 (5) (a) Subject to available funds, the office shall award a business entity a grant in the
2739 amount allowed under this part if the business entity provides documentation to the office:

2740 (i) in a form prescribed by the office under Subsection (3)(c);

2741 (ii) before the deadline described in Subsection (3)(d); and

2742 (iii) that demonstrates that the business applicant has created new full-time employee
2743 positions.

2744 (b) If a business entity does not provide the documentation described in Subsection
2745 (3)(c) before the deadline described in Subsection (3)(d), the business entity is ineligible to
2746 receive a [~~rural employment expansion~~] grant unless the business entity submits a new
2747 application to be reviewed by the office in accordance with Subsection (1).

2748 (6) Nothing in this part prevents a business entity that has received a [~~rural~~
2749 ~~employment expansion~~] grant from concurrently applying for or receiving another grant or
2750 incentive administered by the office.

2751 [~~(7) (a) As used in this Subsection (7):~~]

2752 [~~(i) "Mining company" means an entity whose primary business is the exploration for~~
2753 ~~or extraction of minerals from the earth.~~]

2754 ~~[(ii) "Mining services company" means an entity whose primary business is providing~~
2755 ~~support services for a mining company, including drilling or geological modeling.]~~

2756 ~~[(b)] (7) If an applicant for a [rural employment expansion] grant is a mining company~~
2757 ~~or mining services company having business operations within five miles of a rural county, the~~
2758 ~~applicant shall be treated as if the applicant were located within the adjacent rural county in~~
2759 ~~determining whether the applicant qualifies for the [rural employment expansion] grant~~
2760 ~~program.~~

2761 Section 67. Section **63N-4-801** is enacted to read:

2762 **Part 8. Rural Opportunity Act**

2763 **63N-4-801. Definitions.**

2764 As used in this part:

2765 (1) "Advisory committee" means the Rural Opportunity Advisory Committee created
2766 in Section [63N-4-804](#).

2767 (2) (a) "Business entity" means a sole proprietorship, partnership, association, joint
2768 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
2769 a business.

2770 (b) "Business entity" does not include a business primarily engaged in the following:

2771 (i) construction;

2772 (ii) staffing;

2773 (iii) retail trade; or

2774 (iv) public utility activities.

2775 (3) "CEO board" means a County Economic Opportunity Advisory Board as described
2776 in Section [63N-4-803](#).

2777 (4) "Fund" means the Rural Opportunity Fund created in Section [63N-4-805](#).

2778 (5) "Qualified asset" means a physical asset that provides or supports an essential
2779 public service.

2780 (6) " Qualified project" means a project to build or improve one or more qualified
2781 assets for a rural community, including:

2782 (a) telecom and high-speed Internet infrastructure;

2783 (b) power and energy infrastructure;

2784 (c) water and sewerage infrastructure;

- 2785 (d) healthcare infrastructure; or
- 2786 (e) other infrastructure as defined by rule made by the office in accordance with Title
- 2787 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2788 (7) "Rural community" means a rural county or rural municipality.
- 2789 (8) "Rural county" means a county of the third, fourth, fifth, or sixth class.
- 2790 (9) "Rural municipality" means a city, town, or metro township located within the
- 2791 boundaries of:
- 2792 (a) a county of the third, fourth, fifth, or sixth class; or
- 2793 (b) a county of the second class, if the municipality has a population of 10,000 or less.
- 2794 (10) "Rural Opportunity Program" or "program" means the Rural Opportunity Program
- 2795 created in Section [63N-4-802](#).
- 2796 Section 68. Section **63N-4-802** is enacted to read:
- 2797 **63N-4-802. Creation of Rural Opportunity Program -- Awarding of grants and**
- 2798 **loans -- Rulemaking -- Reporting.**
- 2799 (1) There is created the Rural Opportunity Program.
- 2800 (2) The program shall be overseen by the advisory committee and administered by the
- 2801 office.
- 2802 (3) (a) In overseeing the program, the advisory committee shall make recommendations
- 2803 to the office on the awarding of grants and loans under this section.
- 2804 (b) After reviewing the recommendations of the advisory committee, and subject to
- 2805 appropriations from the Legislature, the office shall:
- 2806 (i) award grants to rural communities and business entities in accordance with
- 2807 Subsection (4) and rules made by the center under Subsection (6); and
- 2808 (ii) award loans to rural communities in accordance with Subsection (5) and rules made
- 2809 by the center under Subsection (6).
- 2810 (4) (a) The office shall annually distribute an equal amount of grant money to all rural
- 2811 counties that have created a CEO board, in an amount up to and including \$200,000 annually
- 2812 per county.
- 2813 (b) In addition to the grant money distributed to rural counties under Subsection (4)(a),
- 2814 the office may use program funds to:
- 2815 (i) award grants to rural communities that demonstrate a funding match, in an amount

2816 established by rule under Subsection (6); and
2817 (ii) award grants to business entities that create new jobs within rural communities.
2818 (c) The office shall award grants under this Subsection (4) to address the economic
2819 development needs of rural communities, which needs may include:
2820 (i) business recruitment, development, and expansion;
2821 (ii) workforce training and development; and
2822 (iii) infrastructure, industrial building development, and capital facilities improvements
2823 for business development.
2824 (d) In awarding grants under this Subsection (4), the office:
2825 (i) shall prioritize applications in accordance with rules made by the office under
2826 Subsection (6); and
2827 (ii) may not award more than \$800,000 annually to a rural community or business
2828 entity.
2829 (5) (a) In addition to the awarding of grants under Subsection (4), the office may use
2830 program funds to award loans to rural communities to provide financing for qualified projects.
2831 (b) (i) A rural community may not receive a loan from the program for a qualified
2832 project unless:
2833 (A) the rural community demonstrates to the office that the rural community has
2834 exhausted all other means of securing funding from the state for the qualified project; and
2835 (B) the rural community enters into a loan contract with the office.
2836 (ii) A loan contract under Subsection (5)(b)(i)(B):
2837 (A) shall be secured by legally issued bonds, notes, or other evidence of indebtedness
2838 validly issued under state law, including pledging all or any portion of a revenue source
2839 controlled by the rural community to the repayment of the loan; and
2840 (B) may provide that a portion of the proceeds of the loan may be applied to fund a
2841 reserve fund to secure the repayment of the loan.
2842 (c) A loan under this Subsection (5) shall bear interest at a rate:
2843 (i) not less than bond market interest rates available to the state; and
2844 (ii) not more than .5% above bond market interest rates available to the state.
2845 (d) Before a rural community may receive a loan from the office, the rural community
2846 shall:

- 2847 (i) publish the rural community's intention to obtain the loan at least once in
2848 accordance with the publication and notice requirements described in Section [11-14-316](#); and
2849 (ii) adopt an ordinance or resolution authorizing the loan.
- 2850 (e) (i) If a rural community that receives a loan from the office fails to comply with the
2851 terms of the loan contract, the office may seek any legal or equitable remedy to obtain
2852 compliance or payment of damages.
- 2853 (ii) If a rural community fails to make loan payments when due, the state shall, at the
2854 request of the office, withhold an amount of money due to the rural community and deposit the
2855 withheld money into the fund to pay the amount due under the contract.
- 2856 (iii) The office may elect when to take any action or request the withholding of money
2857 under this Subsection (5)(e).
- 2858 (f) All loan contracts, bonds, notes, or other evidence of indebtedness securing any
2859 loans shall be collected and accounted for in accordance with Section [63B-1b-202](#).
- 2860 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2861 and in collaboration with the advisory committee, the office shall make rules to administer the
2862 program.
- 2863 (b) The rules under Subsection (6)(a) shall establish:
- 2864 (i) eligibility criteria for a rural community or business entity to receive a grant or loan
2865 under the program;
- 2866 (ii) application requirements;
- 2867 (iii) funding match requirements for a rural community to receive a grant under
2868 Subsection (4)(b);
- 2869 (iv) a process for prioritizing grant and loan applications; and
- 2870 (v) reporting requirements.
- 2871 (7) The office shall include the following information in the annual written report
2872 described in Section [63N-1a-306](#):
- 2873 (a) the total amount of grants and loans the office awarded to rural communities and
2874 business entities under the program;
- 2875 (b) a description of the projects for which the office awarded a grant or loan under the
2876 program;
- 2877 (c) the total amount of outstanding debt service that is being repaid by a grant or loan

2878 awarded under the program;

2879 (d) whether the grants and loans awarded under the program have resulted in economic
2880 development within rural communities; and

2881 (e) the office's recommendations regarding the effectiveness of the program and any
2882 suggestions for legislation.

2883 Section 69. Section **63N-4-803**, which is renumbered from Section 17-54-104 is
2884 renumbered and amended to read:

2885 ~~[17-54-104].~~ **63N-4-803. County Economic Opportunity Advisory Board.**

2886 (1) (a) Each rural county that seeks to obtain a grant from the office under [~~this~~
2887 ~~chapter~~] Subsection 63N-4-802(4)(a), shall create a [~~CEB~~] CEO board composed of at least the
2888 following members appointed by the county legislative body:

- 2889 (i) a county representative;
- 2890 (ii) a representative of a municipality in the county;
- 2891 (iii) a workforce development representative;
- 2892 (iv) a private-sector representative; and
- 2893 (v) a member of the public who lives in the county.

2894 (b) The county legislative body may also appoint additional members with experience
2895 or expertise in economic development matters.

2896 (c) In appointing members of the [~~CEB~~] CEO board, the county legislative body may
2897 consider gender and socioeconomic diversity.

2898 (2) Each [~~CEB~~] CEO board shall assist and advise the county legislative body on:

- 2899 (a) applying for a grant under [~~this chapter~~] Subsection 63N-4-802(4)(a);
- 2900 (b) what projects should be funded by grant money provided to a rural county under
2901 [~~this chapter~~] Subsection 63N-4-802(4)(a); and

2902 (c) preparing reporting requirements for grant money received by a rural county under
2903 [~~this chapter~~] Subsection 63N-4-802(4)(a).

2904 Section 70. Section **63N-4-804** is enacted to read:

2905 **63N-4-804. Rural Opportunity Advisory Committee.**

2906 (1) There is created within the office the Rural Opportunity Advisory Committee.

2907 (2) The advisory committee shall be composed of seven members appointed by the
2908 executive director, at least five of whom shall reside in a rural county.

2909 (3) The advisory committee shall advise and make recommendations to the office
2910 regarding the awarding of grants and loans under the Rural Opportunity Program.

2911 (4) (a) Subject to Subsection (4)(b), each member of the advisory committee shall be
2912 appointed for a four-year term unless a member is appointed to complete an unexpired term.

2913 (b) The executive director may adjust the length of term at the time of appointment or
2914 reappointment so that approximately half of the advisory committee is appointed every two
2915 years.

2916 (5) The advisory committee shall annually elect a chair from among the advisory
2917 committee's members.

2918 (6) A majority of the advisory committee constitutes a quorum for the purpose of
2919 conducting advisory committee business and the action of a majority of a quorum constitutes
2920 the action of the advisory committee.

2921 (7) The office shall provide staff support for the advisory committee.

2922 (8) A member may not receive compensation or benefits for the member's service, but
2923 may receive per diem and travel expenses in accordance with:

2924 (a) Section [63A-3-106](#);

2925 (b) Section [63A-3-107](#); and

2926 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2927 [63A-3-107](#).

2928 Section 71. Section **63N-4-805** is enacted to read:

2929 **63N-4-805. Rural Opportunity Fund.**

2930 (1) There is created an enterprise fund known as the "Rural Opportunity Fund".

2931 (2) The fund shall be administered by the office for the purposes described in
2932 Subsection (5).

2933 (3) The fund consists of:

2934 (a) money appropriated by the Legislature;

2935 (b) donations or grants from public or private entities; and

2936 (c) all money collected from the repayment of fund money used for a loan issued under
2937 the Rural Opportunity Program.

2938 (4) (a) The fund shall earn interest.

2939 (b) All interest earned on money in the fund shall be deposited into the fund.

- 2940 (5) Money in the fund may only be used by the office to:
2941 (a) award grants and loans under the Rural Opportunity Program;
2942 (b) award grants under the Rural Employment Expansion Program created in Section
2943 63N-4-403;
2944 (c) award grants under the Rural Coworking and Innovation Center Grant Program
2945 created in Section 63N-4-503; and
2946 (d) pay for administrative costs related to this chapter.
2947 (6) The office may establish separate accounts in the fund for separate programs,
2948 administrative and operating expenses, or any other purpose to implement this chapter.
2949 (7) Money in the fund shall be invested by the state treasurer as provided in Title 51,
2950 Chapter 7, State Money Management Act, and the earnings from the investments shall be
2951 credited to the fund.
2952 (8) The office shall include a report of how money from the fund was used in the
2953 annual written report described in Section 63N-1a-306.
2954 Section 72. Section **63N-6-301** is amended to read:
2955 **63N-6-301. Utah Capital Investment Corporation -- Powers and purposes --**
2956 **Reporting requirements.**
2957 (1) (a) There is created an independent quasi-public nonprofit corporation known as the
2958 Utah Capital Investment Corporation.
2959 (b) The corporation:
2960 (i) may exercise all powers conferred on independent corporations under Section
2961 [63E-2-106](#);
2962 (ii) is subject to the prohibited participation provisions of Section [63E-2-107](#); and
2963 (iii) is subject to the other provisions of Title 63E, Chapter 2, Independent
2964 Corporations Act, except as otherwise provided in this part.
2965 (c) The corporation shall file with the Division of Corporations and Commercial Code:
2966 (i) articles of incorporation; and
2967 (ii) any amendment to its articles of incorporation.
2968 (d) In addition to the articles of incorporation, the corporation may adopt bylaws and
2969 operational policies that are consistent with this chapter.
2970 (e) Except as otherwise provided in this part, this part does not exempt the corporation

2971 from the requirements under state law which apply to other corporations organized under Title
2972 63E, Chapter 2, Independent Corporations Act.

2973 (2) The purposes of the corporation are to:

2974 (a) organize the Utah fund of funds;

2975 (b) select an investment fund allocation manager to make venture capital and private
2976 equity fund investments by the Utah fund of funds;

2977 (c) negotiate the terms of a contract with the investment fund allocation manager;

2978 (d) execute the contract with the selected investment fund manager on behalf of the
2979 Utah fund of funds;

2980 (e) receive funds paid by designated investors for the issuance of certificates by the
2981 board for private investment in the Utah fund of funds;

2982 (f) receive investment returns from the Utah fund of funds; and

2983 (g) establish the redemption reserve to be used by the corporation to:

2984 (i) redeem certificates; and

2985 (ii) provide money for the state as directed by statute.

2986 (3) The corporation may not:

2987 (a) exercise governmental functions;

2988 (b) have members;

2989 (c) pledge the credit or taxing power of the state or any political subdivision of the
2990 state; or

2991 (d) make its debts payable out of any money except money of the corporation.

2992 (4) The obligations of the corporation are not obligations of the state or any political
2993 subdivision of the state within the meaning of any constitutional or statutory debt limitations,
2994 but are obligations of the corporation payable solely and only from the corporation's funds.

2995 (5) The corporation may:

2996 (a) engage consultants and legal counsel;

2997 (b) expend funds;

2998 (c) invest funds;

2999 (d) issue debt and equity, and borrow funds;

3000 (e) enter into contracts;

3001 (f) insure against loss;

- 3002 (g) hire employees; and
- 3003 (h) perform any other act necessary to carry out its purposes.
- 3004 (6) (a) The corporation shall, in consultation with the board, publish on or before
- 3005 September 1 an annual report of the activities conducted by the Utah fund of funds and submit,
- 3006 in accordance with Section [68-3-14](#), the written report to:
 - 3007 (i) the governor;
 - 3008 (ii) the Business, Economic Development, and Labor Appropriations Subcommittee;
 - 3009 (iii) the Business and Labor Interim Committee; and
 - 3010 (iv) the Retirement and Independent Entities Interim Committee.
- 3011 (b) The annual report shall:
 - 3012 (i) be designed to provide clear, accurate, and accessible information to the public, the
 - 3013 governor, and the Legislature;
 - 3014 (ii) include a copy of the audit of the Utah fund of funds described in Section
 - 3015 [63N-6-405](#);
 - 3016 (iii) include a detailed balance sheet, revenue and expenses statement, and cash flow
 - 3017 statement;
 - 3018 (iv) include detailed information regarding new fund commitments made during the
 - 3019 year, including the amount of money committed;
 - 3020 (v) include the net rate of return of the Utah fund of funds from the inception of the
 - 3021 Utah fund of funds, after accounting for all expenses, including administrative and financing
 - 3022 costs;
 - 3023 (vi) include detailed information regarding:
 - 3024 (A) realized gains from investments and any realized losses; and
 - 3025 (B) unrealized gains and any unrealized losses based on the net present value of
 - 3026 ongoing investments;
 - 3027 (vii) include detailed information regarding all yearly expenditures, including:
 - 3028 (A) administrative, operating, and financing costs;
 - 3029 (B) aggregate compensation information for full- and part-time employees, including
 - 3030 benefit and travel expenses; and
 - 3031 (C) expenses related to the allocation manager;
 - 3032 (viii) include detailed information regarding all funding sources for administrative,

3033 operations, and financing expenses, including expenses charged by or to the Utah fund of
3034 funds, including management and placement fees;

3035 (ix) review the progress of the investment fund allocation manager in implementing its
3036 investment plan and provide a general description of the investment plan;

3037 (x) for each individual fund that the Utah fund of funds is invested in that represents at
3038 least 5% of the net assets of the Utah fund of funds, include the name of the fund, the total
3039 value of the fund, the fair market value of the Utah fund of funds' investment in the fund, and
3040 the percentage of the total value of the fund held by the Utah fund of funds;

3041 (xi) include the number of companies in Utah where an investment was made from a
3042 fund that the Utah fund of funds is invested in, and provide an aggregate count of new full-time
3043 employees in the state added by all companies where investments were made by funds that the
3044 Utah fund of funds is invested in;

3045 (xii) include an aggregate total value for all funds the Utah fund of funds is invested in,
3046 and an aggregate total amount of money invested in the state by the funds the Utah fund of
3047 funds is invested in;

3048 (xiii) describe any redemption or transfer of a certificate issued under this part;

3049 (xiv) include actual and estimated potential appropriations the Legislature will be
3050 required to provide as a result of redeemed certificates or tax credits during the following five
3051 years;

3052 (xv) include an evaluation of the state's progress in accomplishing the purposes stated
3053 in Section [63N-6-102](#); and

3054 (xvi) be directly accessible to the public via a link from the main page of the Utah fund
3055 of fund's website.

3056 (c) The annual report may not identify a specific designated investor who has redeemed
3057 or transferred a certificate.

3058 (7) (a) On or before December 1, 2021, the corporation shall provide a written report to
3059 the president of the Senate and the speaker of the House of Representatives that includes a
3060 detailed plan, time line, and recommendations for the future of the corporation.

3061 (b) The plan shall include recommendations describing:

3062 (i) the divestment of the state from any future liability of the corporation and a time
3063 line for realizing gains and winding down all investments from the current Utah fund of funds;

3064 (ii) any plans that the corporation has to raise capital for a fund similar to the current
3065 Utah fund of funds that does not require certificates, contingent tax credits, or other guarantees
3066 from the state to be provided to equity investors;

3067 (iii) whether the corporation should continue as an independent quasi-public nonprofit
3068 corporation under Title 63E, Chapter 2, Independent Corporations Act;

3069 (iv) if the corporation recommends continuing as an independent quasi-public
3070 nonprofit corporation, why the corporation should continue, and what benefits the corporation
3071 will provide to the state in terms of economic development, job growth, or other benefits;

3072 (v) whether the corporation should be liquidated or dissolved under Section
3073 [~~63N-3-306~~] [63N-6-306](#);

3074 (vi) if the corporation recommends that the corporation be liquidated or dissolved, a
3075 detailed plan and time line for dissolution that includes recommendations regarding how assets
3076 and realized gains of the corporation should be distributed;

3077 (vii) whether the corporation should be privatized in accordance with Title 63E,
3078 Chapter 1, Part 4, Privatization of Independent Entities; and

3079 (viii) if the corporation recommends that the corporation be privatized, a detailed plan
3080 and time line for privatization that includes recommendations regarding the distribution of
3081 assets and realized gains of the corporation.

3082 (8) In relation to the written report described in Subsection (7), the corporation:

3083 (a) may seek potential commitments through letters of intent or other means to
3084 demonstrate the viability of raising capital for a new fund as described in Subsection (7)(b)(ii);
3085 and

3086 (b) may not enter into any binding commitments related to a new fund as described in
3087 Subsection (7)(b)(ii), unless the corporation receives specific authorization through legislation
3088 passed by the Legislature after the report described in Subsection (7) is provided.

3089 Section 73. Section [63N-7-101](#) is repealed and reenacted to read:

3090 **CHAPTER 7. UTAH OFFICE OF TOURISM**

3091 **Part 1. General Provisions**

3092 **63N-7-101. Definitions.**

3093 As used in this chapter:

3094 (1) "Board" means the Board of Tourism Development created in Section [63N-7-201](#).

- 3095 (2) "Managing director" means the managing director of the Utah Office of Tourism.
- 3096 (3) "Sports organization" means an organization that:
- 3097 (a) is exempt from federal income taxation in accordance with Section 501(c)(3),
- 3098 Internal Revenue Code;
- 3099 (b) maintains the organization's principal location in the state;
- 3100 (c) has a minimum of 15 years experience in the state hosting, fostering, and attracting
- 3101 major summer and winter sporting events statewide; and
- 3102 (d) was created to foster state, regional, national, and international sports competitions
- 3103 in the state, to drive the state's Olympic and sports legacy, including competitions related to
- 3104 Olympic sports, and to promote and encourage sports tourism throughout the state, including
- 3105 advertising, marketing, branding, and promoting the state for the purpose of attracting sporting
- 3106 events in the state.
- 3107 (4) "Tourism office" means the Utah Office of Tourism created in Section [63N-7-102](#).
- 3108 Section 74. Section [63N-7-102](#) is repealed and reenacted to read:
- 3109 **63N-7-102. Utah Office of Tourism created -- Appointment of managing director**
- 3110 **-- Responsibilities of tourism office.**
- 3111 (1) There is created within the GO Utah office the Utah Office of Tourism.
- 3112 (2) (a) The executive director shall appoint a managing director of the tourism office.
- 3113 (b) The managing director may, with the approval of the executive director, appoint
- 3114 staff.
- 3115 (3) The tourism office shall:
- 3116 (a) be the tourism development authority of the state;
- 3117 (b) develop a tourism advertising, marketing, branding, destination development, and
- 3118 destination management program for the state;
- 3119 (c) receive approval from the board under Subsection [63N-7-202](#)(1)(a) before
- 3120 implementing the program described in Subsection (3)(b);
- 3121 (d) develop a plan to increase the economic contribution by tourists visiting the state;
- 3122 (e) plan and conduct a program of information, advertising, and publicity relating to the
- 3123 recreational, scenic, historic, cultural, and culinary tourist attractions, amenities, and
- 3124 advantages of the state at large;
- 3125 (f) encourage and assist in the coordination of the activities of persons, firms,

3126 associations, corporations, travel regions, counties, and governmental agencies engaged in
3127 publicizing, developing, and promoting the tourist attractions, amenities, and advantages of the
3128 state;

3129 (g) conduct a regular and ongoing research program to identify statewide economic
3130 trends and conditions in the tourism sector of the economy; and

3131 (h) ensure that any plan or program developed under this Subsection (3) addresses, but
3132 not be limited to, the following policies:

3133 (i) enhancing the state's image;

3134 (ii) promoting the state as a year-round destination;

3135 (iii) encouraging expenditures by visitors to the state; and

3136 (iv) expanding the markets where the state is promoted.

3137 Section 75. Section **63N-7-103** is repealed and reenacted to read:

3138 **63N-7-103. Annual report.**

3139 The executive director shall include, in the annual written report described in Section
3140 63N-1a-306, a report from the managing director on the activities of the tourism office,
3141 including information regarding the economic efficiency and results of the tourism advertising,
3142 marketing, branding, destination development, and destination management program
3143 developed under Section 63N-7-102.

3144 Section 76. Section **63N-7-104** is enacted to read:

3145 **63N-7-104. Agreements with other governmental entities.**

3146 The tourism office may enter into agreements with state or federal agencies to accept
3147 services, quarters, or facilities as a contribution in carrying out the duties and functions of the
3148 tourism office.

3149 Section 77. Section **63N-7-201** is repealed and reenacted to read:

3150 **Part 2. Board of Tourism Development**

3151 **63N-7-201. Board of Tourism created -- Members -- Meetings -- Expenses.**

3152 (1) There is created within the tourism office the Board of Tourism Development.

3153 (2) (a) The board shall consist of 15 members appointed by the governor to four-year
3154 terms with the advice and consent of the Senate.

3155 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
3156 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

3157 board members are staggered so that approximately half of the board is appointed every two
3158 years.

3159 (3) The members may not serve more than two full consecutive terms unless the
3160 governor determines that an additional term is in the best interest of the state.

3161 (4) Not more than eight members of the board may be from the same political party.

3162 (5) (a) The members shall be representative of:

3163 (i) all areas of the state with six being appointed from separate geographical areas as
3164 provided in Subsection (5)(b); and

3165 (ii) a diverse mix of business ownership or executive management of tourism related
3166 industries.

3167 (b) The geographical representatives shall be appointed as follows:

3168 (i) one member from Salt Lake, Tooele, or Morgan County;

3169 (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;

3170 (iii) one member from Utah, Summit, Juab, or Wasatch County;

3171 (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;

3172 (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and

3173 (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.

3174 (c) The tourism industry representatives of ownership or executive management shall
3175 be appointed as follows:

3176 (i) one member from ownership or executive management of the lodging industry, as
3177 recommended by the tourism industry for the governor's consideration;

3178 (ii) one member from ownership or executive management of the restaurant industry,
3179 as recommended by the restaurant industry for the governor's consideration;

3180 (iii) one member from ownership or executive management of the ski industry, as
3181 recommended by the ski industry for the governor's consideration; and

3182 (iv) one member from ownership or executive management of a tourism-related
3183 transportation provider, as recommended by the tourism industry for the governor's
3184 consideration.

3185 (d) One member shall be appointed at large from ownership or executive management
3186 of business, finance, economic policy, or the academic media marketing community.

3187 (e) One member shall be appointed from the Utah Tourism Industry Association, as

3188 recommended by the association for the governor's consideration.

3189 (f) One member shall be appointed to represent the state's counties, as recommended
3190 by the Utah Association of Counties for the governor's consideration.

3191 (g) One member shall be appointed from an arts and cultural organization, as
3192 recommended by the arts and cultural community for the governor's consideration.

3193 (h) One member shall be appointed to represent the outdoor recreation industry, as
3194 recommended by the outdoor recreation industry for the governor's consideration.

3195 (i) (i) The governor may choose to disregard a recommendation made for the board
3196 members described in Subsections (5)(c), (e), and (f) through (h).

3197 (ii) The governor shall request additional recommendations if recommendations are
3198 disregarded under Subsection (5)(i)(i).

3199 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
3200 appointed for the unexpired term from the same geographic area or industry representation as
3201 the member whose office was vacated.

3202 (7) Eight members of the board constitute a quorum for conducting board business and
3203 exercising board powers.

3204 (8) The governor shall select one of the board members as chair and one of the board
3205 members as vice chair, each for a four-year term as recommended by the board for the
3206 governor's consideration.

3207 (9) A member may not receive compensation or benefits for the member's service, but
3208 may receive per diem and travel expenses in accordance with:

3209 (a) Section [63A-3-106](#);

3210 (b) Section [63A-3-107](#); and

3211 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

3212 (10) The board shall meet monthly or as often as the board determines to be necessary
3213 at various locations throughout the state.

3214 (11) Members who may have a potential conflict of interest in consideration of fund
3215 allocation decisions shall identify the potential conflict prior to voting on the issue.

3216 (12) (a) The board shall determine attendance requirements for maintaining a
3217 designated board seat.

3218 (b) If a board member fails to attend according to the requirements established

3219 pursuant to Subsection (12)(a), the board member shall be replaced upon written certification
3220 from the board chair or vice chair to the governor.

3221 (c) A replacement appointed by the governor under Subsection (12)(b) shall serve for
3222 the remainder of the board member's unexpired term.

3223 (13) (a) The board's office shall be in Salt Lake City.

3224 (b) The tourism office shall provide staff support to the board.

3225 Section 78. Section **63N-7-202** is repealed and reenacted to read:

3226 **63N-7-202. Board duties.**

3227 (1) The board shall:

3228 (a) approve a tourism program of out-of-state advertising, marketing, and branding,
3229 taking into account the long-term strategic plan, economic trends, and opportunities for tourism
3230 development on a statewide basis, as a condition of the distribution of funds to the tourism
3231 office from:

3232 (i) the Tourism Marketing Performance Account created in Section **63N-7-301**; and

3233 (ii) the Stay Another Day and Bounce Back Account created in Section **63N-2-511**;

3234 (b) review tourism office programs to coordinate and integrate advertising and
3235 branding themes, which may include recreational, scenic, historic, cultural, and culinary tourist
3236 attractions, amenities, and advantages of the state, to be used in tourism office programs;

3237 (c) encourage and assist in coordinating activities of persons, firms, associations,
3238 corporations, civic groups, and governmental agencies that are engaged in publicizing,
3239 developing, and promoting the tourist attractions, amenities, and advantages of the state;

3240 (d) advise the tourism office in establishing a cooperative program using funds from
3241 the Tourism Marketing Performance Account created in Section **63N-7-301**; and

3242 (e) advise the tourism office on the tourism office's planning, policies, and strategies
3243 and on trends and opportunities for tourism development that may exist in the various areas of
3244 the state.

3245 (2) The board may:

3246 (a) solicit and accept contributions of money, services, and facilities from any other
3247 sources, whether public or private, and shall use these funds for promoting the general interest
3248 of the state in tourism; and

3249 (b) establish subcommittees for the purpose of assisting the board in an advisory role.

3250 (3) The board may not, except as otherwise provided under Subsection (1)(a), make
3251 policy related to the management or operation of the tourism office.

3252 Section 79. Section **63N-7-301** is amended to read:

3253 **63N-7-301. Tourism Marketing Performance Account.**

3254 (1) There is created within the General Fund a restricted account known as the Tourism
3255 Marketing Performance Account.

3256 (2) The account shall be administered by [~~GOED~~] the tourism office for the purposes
3257 listed in [~~Subsection (5)~~] Subsections (6) through (8).

3258 (3) (a) The account shall earn interest.

3259 (b) All interest earned on account money shall be deposited into the account.

3260 (4) The account shall be funded by appropriations made to the account by the
3261 Legislature in accordance with this section.

3262 (5) The [~~executive~~] managing director [~~of GOED's Office of Tourism~~] shall use
3263 account money appropriated to [~~GOED~~] the tourism office to pay for the statewide advertising,
3264 marketing, and branding campaign for promotion of the state as conducted by [~~GOED~~] the
3265 tourism office.

3266 (6) (a) For each fiscal year [~~beginning on or after July 1, 2007, GOED~~], the tourism
3267 office shall annually allocate 10% of the account money appropriated to [~~GOED~~] the tourism
3268 office to a sports organization for advertising, marketing, branding, and promoting Utah in
3269 attracting sporting events into the state.

3270 (b) The sports organization shall:

3271 (i) provide an annual written report to [~~GOED~~] the tourism office that gives an
3272 accounting of the use of funds the sports organization receives under this Subsection (6); and

3273 (ii) promote the state and encourage economic growth in the state.

3274 [~~(c) For purposes of this Subsection (6), "sports organization" means an organization~~
3275 ~~that:]~~

3276 [~~(i) is exempt from federal income taxation in accordance with Section 501(c)(3),~~
3277 ~~Internal Revenue Code;]~~

3278 [~~(ii) maintains its principal location in the state;]~~

3279 [~~(iii) has a minimum of 15 years experience in the state hosting, fostering, and~~
3280 ~~attracting major summer and winter sporting events statewide; and]~~

3281 ~~[(iv) was created to foster state, regional, national, and international sports~~
3282 ~~competitions in the state, to drive the state's Olympic and sports legacy, including competitions~~
3283 ~~related to Olympic sports, and to promote and encourage sports tourism throughout the state,~~
3284 ~~including advertising, marketing, branding, and promoting the state for the purpose of~~
3285 ~~attracting sporting events in the state.]~~

3286 (7) Money deposited into the account shall include a legislative appropriation from the
3287 cumulative sales and use tax revenue increases described in Subsection (8), plus any additional
3288 appropriation made by the Legislature.

3289 (8) (a) In fiscal years 2006 through 2019, a portion of the state sales and use tax
3290 revenues determined under this Subsection (8) shall be certified by the State Tax Commission
3291 as a set-aside for the account, and the State Tax Commission shall report the amount of the
3292 set-aside to the office, the Office of Legislative Fiscal Analyst, and the Division of Finance,
3293 which shall set aside the certified amount for appropriation to the account.

3294 (b) For fiscal years 2016 through 2019, the State Tax Commission shall calculate the
3295 set-aside under this Subsection (8) in each fiscal year by applying one of the following
3296 formulas: if the annual percentage change in the Consumer Price Index for All Urban
3297 Consumers, as published by the Bureau of Labor Statistics of the United States Department of
3298 Labor, for the fiscal year two years before the fiscal year in which the set-aside is to be made is:

3299 (i) greater than 3%, and if the annual percentage change in the state sales and use tax
3300 revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal
3301 year three years before the fiscal year in which the set-aside is to be made to the fiscal year two
3302 years before the fiscal year in which the set-aside is to be made is greater than the annual
3303 percentage change in the Consumer Price Index for the fiscal year two years before the fiscal
3304 year in which the set-aside is to be made, then the difference between the annual percentage
3305 change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented
3306 goods and services and the annual percentage change in the Consumer Price Index shall be
3307 multiplied by an amount equal to the state sales and use tax revenues attributable to the retail
3308 sales of tourist-oriented goods and services from the fiscal year three years before the fiscal
3309 year in which the set-aside is to be made; or

3310 (ii) 3% or less, and if the annual percentage change in the state sales and use tax
3311 revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal

3312 year three years before the fiscal year in which the set-aside is to be made to the fiscal year two
3313 years before the fiscal year in which the set-aside is to be made is greater than 3%, then the
3314 difference between the annual percentage change in the state sales and use tax revenues
3315 attributable to the retail sales of tourist-oriented goods and services and 3% shall be multiplied
3316 by an amount equal to the state sales and use tax revenues attributable to the retail sales of
3317 tourist-oriented goods and services from the fiscal year three years before the fiscal year in
3318 which the set-aside is to be made.

3319 (c) The total money appropriated to the account in a fiscal year under Subsections
3320 (8)(a) and (b) may not exceed the amount appropriated to the account in the preceding fiscal
3321 year by more than \$3,000,000.

3322 (d) As used in this Subsection (8), "state sales and use tax revenues" are revenues
3323 collected under Subsections [59-12-103\(2\)\(a\)\(i\)\(A\)](#) and [59-12-103\(2\)\(c\)\(i\)](#).

3324 (e) As used in this Subsection (8), "retail sales of tourist-oriented goods and services"
3325 are calculated by adding the following percentages of sales from each business registered with
3326 the State Tax Commission under one of the following codes of the 2012 North American
3327 Industry Classification System of the federal Executive Office of the President, Office of
3328 Management and Budget:

3329 (i) 80% of the sales from each business under NAICS Codes:

3330 (A) 532111 Passenger Car Rental;

3331 (B) 53212 Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing;

3332 (C) 5615 Travel Arrangement and Reservation Services;

3333 (D) 7211 Traveler Accommodation; and

3334 (E) 7212 RV (Recreational Vehicle) Parks and Recreational Camps;

3335 (ii) 25% of the sales from each business under NAICS Codes:

3336 (A) 51213 Motion Picture and Video Exhibition;

3337 (B) 532292 Recreational Goods Rental;

3338 (C) 711 Performing Arts, Spectator Sports, and Related Industries;

3339 (D) 712 Museums, Historical Sites, and Similar Institutions; and

3340 (E) 713 Amusement, Gambling, and Recreation Industries;

3341 (iii) 20% of the sales from each business under NAICS Code 722 Food Services and
3342 Drinking Places;

3343 (iv) 18% of the sales from each business under NAICS Codes:
3344 (A) 447 Gasoline Stations; and
3345 (B) 81293 Parking Lots and Garages;
3346 (v) 14% of the sales from each business under NAICS Code 8111 Automotive Repair
3347 and Maintenance; and

3348 (vi) 5% of the sales from each business under NAICS Codes:
3349 (A) 445 Food and Beverage Stores;
3350 (B) 446 Health and Personal Care Stores;
3351 (C) 448 Clothing and Clothing Accessories Stores;
3352 (D) 451 Sporting Goods, Hobby, Musical Instrument, and Book Stores;
3353 (E) 452 General Merchandise Stores; and
3354 (F) 453 Miscellaneous Store Retailers.

3355 (9) (a) For each fiscal year, the tourism office shall allocate 20% of the funds
3356 appropriated to the Tourism Marketing and Performance Account to the cooperative program
3357 described in this Subsection (9).

3358 (b) Money allocated to the cooperative program may be awarded to cities, counties,
3359 nonprofit destination marketing organizations, and similar public entities for the purpose of
3360 supplementing money committed by these entities for advertising and promoting sites and
3361 events in the state.

3362 (c) The tourism office shall establish:

3363 (i) an application and approval process for an entity to receive a cooperative program
3364 award, including an application deadline;

3365 (ii) the criteria for awarding a cooperative program award, which shall emphasize
3366 attracting out-of-state visitors, and may include attracting in-state visitors, to sites and events in
3367 the state; and

3368 (iii) eligibility, advertising, timing, and reporting requirements of an entity that
3369 receives a cooperative program award.

3370 (d) Money allocated to the cooperative program that is not used in each fiscal year shall
3371 be returned to the Tourism Marketing Performance Account.

3372 Section 80. Section **63N-19-101** is enacted to read:

3373 **CHAPTER 19. CENTER FOR INTERNATIONAL BUSINESS AND DIPLOMACY**

3374 **63N-19-101. Definitions.**

3375 As used in this chapter, "center" means the Center for International Business and
3376 Diplomacy created in Section [63N-19-103](#).

3377 Section 81. Section **63N-19-102** is enacted to read:

3378 **63N-19-102. Purpose.**

3379 The Legislature finds and declares that fostering and developing international economic
3380 and diplomatic opportunities is a state public purpose necessary to assure the welfare of Utah's
3381 citizens, the growth of Utah's economy, and adequate employment for Utah's citizens.

3382 Section 82. Section **63N-19-103** is enacted to read:

3383 **63N-19-103. Creation of Center for International Business and Diplomacy --**
3384 **Duties -- Rulemaking.**

3385 (1) There is created within the office the Center for International Business and
3386 Diplomacy.

3387 (2) The center shall:

3388 (a) foster and support efforts to enhance international economic and diplomatic
3389 opportunities in the state;

3390 (b) provide outreach and information to businesses that could benefit from
3391 international partnerships and business opportunities;

3392 (c) coordinate with the Legislature to accommodate diplomatic visits to the state; and

3393 (d) enter into agreements with appropriate public and private sector entities,
3394 individuals, and institutions to support the center's diplomacy efforts.

3395 (3) The center may, in accordance with Title 63G, Chapter 3, Utah Administrative
3396 Rulemaking Act, make rules necessary to carry out the center's responsibilities under this
3397 chapter.

3398 Section 83. Section **63N-19-104** is enacted to read:

3399 **63N-19-104. Annual report.**

3400 The center shall include in the annual written report described in Section [63N-1a-306](#), a
3401 report of the center's operations, including:

3402 (1) the number of businesses that received assistance in utilizing international services;

3403 (2) a description of diplomatic visits to the state; and

3404 (3) recommendations regarding changes that would improve the center.

3405 Section 84. **Repealer.**
3406 This bill repeals:
3407 Section **17-54-101**, Title.
3408 Section **17-54-102**, Definitions.
3409 Section **17-54-103**, Rural County Grant Program.
3410 Section **35A-11-101**, Title.
3411 Section **53B-1-114**, Coordination for education.
3412 Section **53B-1-407**, Industry advisory council.
3413 Section **63N-4-201**, Title.
3414 Section **63N-4-202**, Definitions.
3415 Section **63N-4-203**, Board authority to award a grant or loan to an eligible county
3416 -- Interest on a loan -- Eligible county proposal process -- Process for awarding a grant or
3417 loan.
3418 Section **63N-4-204**, Agreement between the executive director and an eligible
3419 county -- Failure to meet or violation of a term or condition of an agreement.
3420 Section **63N-4-205**, Report on amount of grants and loans, projects, and
3421 outstanding debt.
3422 Section **63N-4-601**, Title.
3423 Section **63N-4-602**, Definitions.
3424 Section **63N-4-603**, Creation and purpose of the Rural Rapid Manufacturing
3425 Grant Program.
3426 Section **63N-4-604**, Requirements for awarding a grant.
3427 Section **63N-4-701**, Title.
3428 Section **63N-4-702**, Definitions.
3429 Section **63N-4-703**, Creation and purpose of the Rural Speculative Industrial
3430 Building Program.
3431 Section **63N-4-704**, Requirements for entering into a lease.
3432 Section **63N-10-101**, Title.
3433 Section 85. **Appropriation.**
3434 Subsection 85(a). Appropriations.
3435 The following sums of money are appropriated for the fiscal year beginning July 1,

3436 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
 3437 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 3438 Act, the Legislature appropriates the following sums of money from the funds or accounts
 3439 indicated for the use and support of the government of the state of Utah.

3440 ITEM 1

3441 To Governor's Office of Economic Opportunity - Rural Coworking and Innovation
 3442 Center Grant Program

3443 From General Fund (\$750,000)

3444 Schedule of Programs:

3445 Rural Coworking and Innovation Center

3446 Grant Program (\$750,000)

3447 ITEM 2

3448 To Governor's Office of Economic Opportunity - Rural Employment Expansion
 3449 Program

3450 From General Fund (\$1,500,000)

3451 Schedule of Programs:

3452 Rural Employment Expansion Program (\$1,500,000)

3453 Subsection 85(b). **Business-like Activities.**

3454 The Legislature has reviewed the following proprietary funds. Under the terms and
 3455 conditions of Utah Code [63J-1-410](#), the Legislature approves budgets, full-time permanent
 3456 positions, and capital acquisition amounts as indicated, and appropriates to the funds, as
 3457 indicated, estimated revenue from rates, fees, and other charges. The Legislature authorizes the
 3458 State Division of Finance to transfer amounts between funds and accounts as indicated.

3459 GOVERNOR'S OFFICE OF ECONOMIC OPPORTUNITY

3460 ITEM 3

3461 To Governor's Office of Economic Opportunity - Rural Opportunity Fund

3462 From General Fund \$2,250,000

3463 Schedule of Programs:

3464 Rural Opportunity Fund \$2,250,000

3465 Section 86. **Effective date.**

3466 This bill takes effect on July 1, 2022.

3467 Section 87. **Coordinating H.B. 333 with H.B. 35 -- Substantive amendment.**

3468 If this H.B. 333 and H.B. 35, Economic Development Modifications, both pass and
3469 become law, it is the intent of the Legislature that the Office of Legislative Research and
3470 General Counsel on July 1, 2022, prepare the Utah Code database for publication by amending
3471 Subsection [63N-2-104.1\(2\)\(b\)](#) in H.B. 35 to read:

3472 "(b) the business entity has not claimed a High Cost Infrastructure Development Tax
3473 Credit under Section [79-6-603](#) for the same new commercial project, if the new commercial
3474 project is located within a county of the first or second class."

3475 Section 88. **Coordinating H.B. 333 with S.B. 91 -- Superseding amendment.**

3476 If this H.B. 333 and S.B. 91, Revisor's Technical Corrections to Utah Code, both pass
3477 and become law, on July 1, 2022, it is the intent of the Legislature that the amendments to
3478 Section [63N-7-301](#) in this bill supersede the amendments to Section [63N-7-301](#) in S.B. 91
3479 when the Office of Legislative Research and General Counsel prepares the Utah Code database
3480 for publication.