

Representative Timothy D. Hawkes proposes the following substitute bill:

ECONOMIC DEVELOPMENT AMENDMENTS

2021 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 development.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ renames the Governor's Office of Economic Development as the Governor's Office of Economic Opportunity (GO Utah office);
- ▶ moves the Pete Suazo Utah Athletic Commission into the Department of Commerce;
- ▶ extends the deadline by which the GO Utah office must create a database to track certain information related to community reinvestment agencies;
- ▶ modifies Utah Futures by renaming the program, moving the program under the Utah Board of Higher Education, and modifying certain requirements;
- ▶ establishes the Unified Economic Opportunity Commission (commission) to develop, direct, and coordinate a statewide economic development strategy;
- ▶ modifies the duties of the GO Utah office to include implementing the statewide economic development strategy developed by the commission;
- ▶ provides the commission authority to create one or more subcommittees related to



26 specified issues;

- 27 ▶ creates the following commission subcommittees:
 - 28 • the Business and Economic Development Subcommittee, formerly called the
 - 29 Board of Business and Economic Development; and
 - 30 • the Talent, Education, and Industry Alignment Subcommittee, formerly the
 - 31 Talent Ready Utah Board;
- 32 ▶ modifies provisions related to economic development tax increment financing;
- 33 ▶ requires the GO Utah office to submit an annual report to certain state entities that
- 34 gives an overview of the implementation and efficacy of the statewide economic
- 35 development strategy;
- 36 ▶ creates a talent development grant program for businesses that create new
- 37 incremental high paying jobs in the state;
- 38 ▶ directs the Utah Office of Outdoor Recreation to promote all forms of outdoor
- 39 recreation, including vehicular and non-vehicular;
- 40 ▶ creates the Utah Broadband Center and addresses its operations and duties;
- 41 ▶ establishes the Broadband Access Grant Program;
- 42 ▶ repeals the Governor's Rural Partnership Board;
- 43 ▶ repeals the Governor's Economic Development Coordinating Council;
- 44 ▶ repeals the Technology Commercialization and Innovation Act;
- 45 ▶ repeals the Utah Business Resource Centers Act; and
- 46 ▶ makes technical and conforming changes.

47 **Money Appropriated in this Bill:**

48 None

49 **Other Special Clauses:**

50 None

51 **Utah Code Sections Affected:**

52 AMENDS:

53 [9-6-903](#), as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

54 [9-9-104.6](#), as last amended by Laws of Utah 2020, Chapters 236 and 365

55 [11-17-18](#), as last amended by Laws of Utah 2005, Chapter 148

56 [11-58-901](#), as enacted by Laws of Utah 2018, Chapter 179

57 [11-59-302](#), as last amended by Laws of Utah 2020, Chapters 152 and 365
58 [11-59-304](#), as last amended by Laws of Utah 2020, Chapter 152
59 [11-59-501](#), as last amended by Laws of Utah 2020, Chapter 152
60 [17-31-5.5](#), as last amended by Laws of Utah 2020, Chapter 315
61 [17-31-9](#), as last amended by Laws of Utah 2015, Chapter 283
62 [17-54-102](#), as enacted by Laws of Utah 2020, Chapter 360
63 [17-54-103](#), as enacted by Laws of Utah 2020, Chapter 360
64 [17C-1-603](#), as last amended by Laws of Utah 2019, Chapter 21
65 [17D-1-507](#), as enacted by Laws of Utah 2008, Chapter 360
66 [35A-1-104.5](#), as last amended by Laws of Utah 2020, Chapter 354
67 [35A-1-109](#), as last amended by Laws of Utah 2018, Chapter 423
68 [35A-1-201](#), as last amended by Laws of Utah 2020, Chapter 352
69 [35A-6-105](#), as last amended by Laws of Utah 2020, Chapter 365
70 [49-11-406](#), as last amended by Laws of Utah 2020, Chapter 24
71 [53B-1-114](#), as last amended by Laws of Utah 2020, Chapter 365
72 [53B-1-301](#), as last amended by Laws of Utah 2020, Chapters 365 and 403
73 [53B-7-702](#), as last amended by Laws of Utah 2020, Chapter 365
74 [53B-7-704](#), as enacted by Laws of Utah 2017, Chapter 365
75 [53B-10-201](#), as last amended by Laws of Utah 2020, Chapter 365
76 [53B-10-203](#), as enacted by Laws of Utah 2018, Chapter 402
77 [53B-26-102](#), as last amended by Laws of Utah 2019, Chapters 136 and 357
78 [53B-26-103](#), as last amended by Laws of Utah 2020, Chapter 365
79 [53B-26-303](#), as enacted by Laws of Utah 2020, Chapter 361
80 [54-4-41](#), as enacted by Laws of Utah 2020, Chapter 217
81 [59-1-403](#), as last amended by Laws of Utah 2020, Chapter 294
82 [59-7-159](#), as last amended by Laws of Utah 2019, Chapters 247 and 465
83 [59-7-614.5](#), as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
84 [59-7-614.10](#), as last amended by Laws of Utah 2020, Chapter 354
85 [59-7-621](#), as enacted by Laws of Utah 2017, Chapter 274
86 [59-7-624](#), as last amended by Laws of Utah 2020, Chapter 354
87 [59-10-137](#), as last amended by Laws of Utah 2019, Chapters 247 and 465

- 88 [59-10-1037](#), as last amended by Laws of Utah 2020, Chapter 354
- 89 [59-10-1038](#), as enacted by Laws of Utah 2017, Chapter 274
- 90 [59-10-1108](#), as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
- 91 [59-10-1112](#), as last amended by Laws of Utah 2020, Chapter 354
- 92 [63A-3-111](#), as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12
- 93 [63B-18-401](#), as last amended by Laws of Utah 2019, Chapters 327, 479, and 497
- 94 [63B-24-201](#), as last amended by Laws of Utah 2018, Chapter 406
- 95 [63C-17-103](#), as enacted by Laws of Utah 2016, Chapter 156
- 96 [63C-17-105](#), as enacted by Laws of Utah 2016, Chapter 156
- 97 [63G-21-102](#), as last amended by Laws of Utah 2018, Chapter 281
- 98 [63G-21-201](#), as last amended by Laws of Utah 2018, Chapter 261
- 99 [63H-1-801](#), as last amended by Laws of Utah 2009, Chapters 92 and 388
- 100 [63H-2-204](#), as last amended by Laws of Utah 2012, Chapter 37
- 101 [63I-1-235](#), as last amended by Laws of Utah 2020, Chapters 154 and 417
- 102 [63I-1-263](#), as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,
- 103 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws
- 104 of Utah 2020, Chapter 360
- 105 [63J-1-602.1](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 106 [63J-4-301](#), as last amended by Laws of Utah 2018, Chapters 423 and 469
- 107 [63J-4-708](#), as last amended by Laws of Utah 2018, Chapter 423
- 108 [63L-2-301](#), as last amended by Laws of Utah 2020, Chapter 168
- 109 [63M-5-306](#), as renumbered and amended by Laws of Utah 2008, Chapter 382
- 110 [63M-6-201](#), as renumbered and amended by Laws of Utah 2008, Chapter 382
- 111 [63M-6-202](#), as renumbered and amended by Laws of Utah 2008, Chapter 382
- 112 [63M-6-203](#), as renumbered and amended by Laws of Utah 2008, Chapter 382
- 113 [63M-11-201](#), as last amended by Laws of Utah 2019, Chapter 246
- 114 [63N-2-103](#), as last amended by Laws of Utah 2019, Chapters 399, 465, 498 and last
- 115 amended by Coordination Clause, Laws of Utah 2019, Chapter 465
- 116 [63N-2-104](#), as last amended by Laws of Utah 2018, Chapter 281
- 117 [63N-2-105](#), as last amended by Laws of Utah 2016, Chapter 350
- 118 [63N-2-107](#), as last amended by Laws of Utah 2016, Chapter 350

- 119 **63N-2-213**, as last amended by Laws of Utah 2020, Chapter 360
- 120 **63N-2-503**, as last amended by Laws of Utah 2019, Chapter 136
- 121 **63N-2-504**, as last amended by Laws of Utah 2019, Chapter 136
- 122 **63N-2-512**, as last amended by Laws of Utah 2016, Chapter 291
- 123 **63N-2-808**, as last amended by Laws of Utah 2016, Chapter 354
- 124 **63N-3-102**, as last amended by Laws of Utah 2018, Chapter 428
- 125 **63N-3-103**, as last amended by Laws of Utah 2018, Chapters 204 and 428
- 126 **63N-3-105**, as last amended by Laws of Utah 2019, Chapter 325
- 127 **63N-3-106**, as last amended by Laws of Utah 2016, Chapters 34 and 183
- 128 **63N-3-109**, as last amended by Laws of Utah 2020, Chapter 265
- 129 **63N-3-111**, as last amended by Laws of Utah 2018, Chapter 182
- 130 **63N-3-204**, as last amended by Laws of Utah 2018, Chapter 453
- 131 **63N-4-101**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 132 **63N-4-102**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 133 **63N-4-103**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 134 **63N-4-104**, as last amended by Laws of Utah 2020, Chapter 360
- 135 **63N-4-105**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 136 **63N-4-704**, as enacted by Laws of Utah 2020, Chapter 360
- 137 **63N-8-102**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 138 **63N-8-103**, as last amended by Laws of Utah 2019, First Special Session, Chapter 3
- 139 **63N-8-104**, as last amended by Laws of Utah 2020, Chapter 357
- 140 **63N-9-104**, as last amended by Laws of Utah 2016, Chapter 88
- 141 **63N-9-203**, as last amended by Laws of Utah 2017, Chapter 166
- 142 **63N-9-403**, as enacted by Laws of Utah 2019, Chapter 506
- 143 **63N-13-101**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 144 **72-1-209**, as last amended by Laws of Utah 2005, Chapter 148
- 145 **72-4-302**, as last amended by Laws of Utah 2019, Chapter 246
- 146 **72-7-504**, as last amended by Laws of Utah 2017, Chapter 260
- 147 **79-4-1103**, as last amended by Laws of Utah 2015, Chapter 283
- 148 ENACTS:
- 149 **53B-30-101**, Utah Code Annotated 1953

- 150 **53B-30-102**, Utah Code Annotated 1953
- 151 **63N-1a-103**, Utah Code Annotated 1953
- 152 **63N-1a-201**, Utah Code Annotated 1953
- 153 **63N-1a-202**, Utah Code Annotated 1953
- 154 **63N-1b-101**, Utah Code Annotated 1953
- 155 **63N-1b-102**, Utah Code Annotated 1953
- 156 **63N-3-112**, Utah Code Annotated 1953
- 157 **63N-16-101**, Utah Code Annotated 1953
- 158 **63N-16-102**, Utah Code Annotated 1953
- 159 **63N-16-201**, Utah Code Annotated 1953
- 160 **63N-16-301**, Utah Code Annotated 1953
- 161 **63N-16-302**, Utah Code Annotated 1953

162 RENUMBERS AND AMENDS:

- 163 **13-58-101**, (Renumbered from 63N-10-101, as renumbered and amended by Laws of
- 164 Utah 2015, Chapter 283)
- 165 **13-58-102**, (Renumbered from 63N-10-102, as last amended by Laws of Utah 2019,
- 166 Chapter 349)
- 167 **13-58-201**, (Renumbered from 63N-10-201, as last amended by Laws of Utah 2018,
- 168 Chapter 466)
- 169 **13-58-202**, (Renumbered from 63N-10-202, as renumbered and amended by Laws of
- 170 Utah 2015, Chapter 283)
- 171 **13-58-203**, (Renumbered from 63N-10-203, as renumbered and amended by Laws of
- 172 Utah 2015, Chapter 283)
- 173 **13-58-204**, (Renumbered from 63N-10-204, as renumbered and amended by Laws of
- 174 Utah 2015, Chapter 283)
- 175 **13-58-205**, (Renumbered from 63N-10-205, as renumbered and amended by Laws of
- 176 Utah 2015, Chapter 283)
- 177 **13-58-301**, (Renumbered from 63N-10-301, as last amended by Laws of Utah 2019,
- 178 Chapter 349)
- 179 **13-58-302**, (Renumbered from 63N-10-302, as renumbered and amended by Laws of
- 180 Utah 2015, Chapter 283)

181 **13-58-303**, (Renumbered from 63N-10-303, as renumbered and amended by Laws of
182 Utah 2015, Chapter 283)

183 **13-58-304**, (Renumbered from 63N-10-304, as renumbered and amended by Laws of
184 Utah 2015, Chapter 283)

185 **13-58-305**, (Renumbered from 63N-10-305, as renumbered and amended by Laws of
186 Utah 2015, Chapter 283)

187 **13-58-306**, (Renumbered from 63N-10-306, as renumbered and amended by Laws of
188 Utah 2015, Chapter 283)

189 **13-58-307**, (Renumbered from 63N-10-307, as renumbered and amended by Laws of
190 Utah 2015, Chapter 283)

191 **13-58-308**, (Renumbered from 63N-10-308, as renumbered and amended by Laws of
192 Utah 2015, Chapter 283)

193 **13-58-309**, (Renumbered from 63N-10-309, as renumbered and amended by Laws of
194 Utah 2015, Chapter 283)

195 **13-58-310**, (Renumbered from 63N-10-310, as renumbered and amended by Laws of
196 Utah 2015, Chapter 283)

197 **13-58-311**, (Renumbered from 63N-10-311, as renumbered and amended by Laws of
198 Utah 2015, Chapter 283)

199 **13-58-312**, (Renumbered from 63N-10-312, as renumbered and amended by Laws of
200 Utah 2015, Chapter 283)

201 **13-58-313**, (Renumbered from 63N-10-313, as renumbered and amended by Laws of
202 Utah 2015, Chapter 283)

203 **13-58-314**, (Renumbered from 63N-10-314, as renumbered and amended by Laws of
204 Utah 2015, Chapter 283)

205 **13-58-315**, (Renumbered from 63N-10-315, as renumbered and amended by Laws of
206 Utah 2015, Chapter 283)

207 **13-58-316**, (Renumbered from 63N-10-316, as renumbered and amended by Laws of
208 Utah 2015, Chapter 283)

209 **13-58-317**, (Renumbered from 63N-10-317, as renumbered and amended by Laws of
210 Utah 2015, Chapter 283)

211 **13-58-318**, (Renumbered from 63N-10-318, as renumbered and amended by Laws of

212 Utah 2015, Chapter 283)
213 **53B-30-201**, (Renumbered from 63N-12-509, as renumbered and amended by Laws of
214 Utah 2019, Chapter 246)
215 **63N-1a-101**, (Renumbered from 63N-1-101, as renumbered and amended by Laws of
216 Utah 2015, Chapter 283)
217 **63N-1a-102**, (Renumbered from 63N-1-102, as last amended by Laws of Utah 2019,
218 Chapter 465)
219 **63N-1a-301**, (Renumbered from 63N-1-201, as last amended by Laws of Utah 2019,
220 Chapter 246)
221 **63N-1a-302**, (Renumbered from 63N-1-202, as last amended by Laws of Utah 2020,
222 Chapter 352)
223 **63N-1a-303**, (Renumbered from 63N-1-203, as last amended by Laws of Utah 2018,
224 Chapter 423)
225 **63N-1a-304**, (Renumbered from 63N-1-204, as renumbered and amended by Laws of
226 Utah 2015, Chapter 283)
227 **63N-1a-305**, (Renumbered from 63N-1-205, as enacted by Laws of Utah 2020, Chapter
228 154)
229 **63N-1a-306**, (Renumbered from 63N-1-301, as last amended by Laws of Utah 2020,
230 Chapter 365)
231 **63N-1b-201**, (Renumbered from 63N-1-401, as last amended by Laws of Utah 2020,
232 Chapters 352 and 373)
233 **63N-1b-202**, (Renumbered from 63N-1-402, as renumbered and amended by Laws of
234 Utah 2015, Chapter 283)
235 **63N-1b-301**, (Renumbered from 63N-12-503, as last amended by Laws of Utah 2020,
236 Chapter 365)
237 **63N-1b-302**, (Renumbered from 63N-12-502, as enacted by Laws of Utah 2018,
238 Chapter 423)
239 **63N-1b-303**, (Renumbered from 63N-12-504, as last amended by Laws of Utah 2019,
240 Chapter 427)
241 **63N-1b-304**, (Renumbered from 63N-12-505, as last amended by Laws of Utah 2020,
242 Chapter 164 and last amended by Coordination Clause, Laws of Utah 2020, Chapter

243 365)
244 **63N-1b-305**, (Renumbered from 63N-12-506, as last amended by Laws of Utah 2020,
245 Sixth Special Session, Chapter 19)
246 **63N-1b-306**, (Renumbered from 63N-12-507, as last amended by Laws of Utah 2020,
247 Chapter 164 and last amended by Coordination Clause, Laws of Utah 2020, Chapter
248 365)
249 **63N-1b-307**, (Renumbered from 63N-12-508, as last amended by Laws of Utah 2020,
250 Sixth Special Session, Chapter 19)
251 **63N-16-202**, (Renumbered from 63N-3-501, as enacted by Laws of Utah 2018, Chapter
252 182)
253 REPEALS:
254 **63C-10-101**, as enacted by Laws of Utah 2004, Chapter 73
255 **63C-10-102**, as last amended by Laws of Utah 2014, Chapter 259
256 **63C-10-103**, as last amended by Laws of Utah 2020, Chapter 360
257 **63N-1-501**, as last amended by Laws of Utah 2020, Chapters 352, 354, and 360
258 **63N-1-502**, as renumbered and amended by Laws of Utah 2015, Chapter 283
259 **63N-3-108**, as renumbered and amended by Laws of Utah 2015, Chapter 283
260 **63N-3-109.5**, as enacted by Laws of Utah 2016, Chapter 34
261 **63N-3-201**, as renumbered and amended by Laws of Utah 2015, Chapter 283
262 **63N-3-202**, as renumbered and amended by Laws of Utah 2015, Chapter 283
263 **63N-3-203**, as renumbered and amended by Laws of Utah 2015, Chapter 283
264 **63N-3-205**, as renumbered and amended by Laws of Utah 2015, Chapter 283
265 **63N-3-301**, as renumbered and amended by Laws of Utah 2015, Chapter 283
266 **63N-3-302**, as renumbered and amended by Laws of Utah 2015, Chapter 283
267 **63N-3-303**, as renumbered and amended by Laws of Utah 2015, Chapter 283
268 **63N-3-304**, as last amended by Laws of Utah 2016, Chapter 253
269 **63N-3-305**, as last amended by Laws of Utah 2016, Chapter 253
270 **63N-3-306**, as last amended by Laws of Utah 2016, Chapter 253
271 **63N-3-307**, as last amended by Laws of Utah 2016, Chapter 253
272 **63N-12-501**, as last amended by Laws of Utah 2020, Chapter 164
273

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

275 Section 1. Section **9-6-903** is amended to read:

276 **9-6-903. Duties of the division.**

277 (1) As soon as is practicable but on or before July 31, 2020, the division shall:

278 (a) establish an application process by which a qualified organization may apply for a
279 grant under this part, which application shall include:

280 (i) a declaration, signed under penalty of perjury, that the application is complete, true,
281 and correct and any estimates about the net costs to provide the cultural, artistic, botanical,
282 recreational, or zoological activity are made in good faith;

283 (ii) an acknowledgment that the qualified organization is subject to audit; and

284 (iii) a plan for providing the activity described in Subsection **9-6-902(2)(a)**;

285 (b) establish a method for the office, in consultation with the Governor's Office of
286 Economic [~~Development~~] Opportunity for recreational applicants, to determine which
287 applicants are eligible to receive a grant;

288 (c) establish a formula to award grant funds; and

289 (d) report the information described in Subsections (1)(a) through (c) to the director of
290 the Division of Finance.

291 (2) The division shall:

292 (a) participate in the presentation that the director of the Division of Finance provides
293 to the legislative committee under Section **63A-3-111**; and

294 (b) consider any recommendations for adjustments to the grant program from the
295 legislative committee.

296 (3) Subject to appropriation, beginning on August 5, 2020, the division shall:

297 (a) collect applications for grant funds from qualified organizations;

298 (b) determine, in consultation with the Governor's Office of Economic [~~Development~~]
299 Opportunity for recreational applicants, which applicants meet the eligibility requirements for
300 receiving a grant; and

301 (c) award the grant funds:

302 (i) (A) after an initial application period that ends on or before August 31, 2020; and

303 (B) if funds remain after the initial application period, on a rolling basis until the
304 earlier of funds being exhausted or December 30, 2020; and

305 (ii) in accordance with the process established under Subsection (1) and the limit
306 described in Subsection 9-6-902(3).

307 (4) The division shall encourage any qualified organization that receives grant funds to
308 commit to following best practices to protect the health and safety of the qualified
309 organization's employees and customers.

310 (5) (a) The division may audit a qualified organization's reported net cost to provide a
311 cultural, artistic, botanical, recreational, or zoological activity.

312 (b) The division may recapture grant funds if, after audit, the division determines that:

313 (i) if a qualified organization made representations about the qualified organization's
314 actual net cost to provide the cultural, artistic, botanical, recreational, or zoological activity, the
315 representations are not complete, true, and correct; or

316 (ii) if a qualified organization made representations about the qualified organization's
317 estimated net cost to provide the cultural, artistic, botanical, recreational, or zoological activity,
318 the representations are not made in good faith.

319 (c) (i) A qualified organization that is subject to recapture shall pay to the Division of
320 Finance a penalty equal to the amount of the grant recaptured multiplied by the applicable
321 income tax rate in Section 59-7-104 or 59-10-104.

322 (ii) The Division of Finance shall deposit the penalty into the Education Fund.

323 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
324 division may make rules to administer the grant program.

325 Section 2. Section 9-9-104.6 is amended to read:

326 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**

327 **Contact information.**

328 (1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the
329 division shall coordinate with representatives of tribal governments and the entities listed in
330 Subsection (2) to provide for the broadest participation possible in the joint meetings.

331 (2) The following may participate in all meetings described in Subsection (1):

332 (a) the chairs of the Native American Legislative Liaison Committee created in Section
333 36-22-1;

334 (b) the governor or the governor's designee;

335 (c) the American Indian-Alaska Native Health Liaison appointed in accordance with

336 Section 26-7-2.5;

337 (d) the American Indian-Alaska Native Public Education Liaison appointed in
338 accordance with Section 53F-5-604; and

339 (e) a representative appointed by the chief administrative officer of the following:

340 (i) the Department of Human Services;

341 (ii) the Department of Natural Resources;

342 (iii) the Department of Workforce Services;

343 (iv) the Governor's Office of Economic [~~Development~~] Opportunity;

344 (v) the State Board of Education; and

345 (vi) the Utah Board of Higher Education.

346 (3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:

347 (i) designate the name of a contact person for that agency that can assist in coordinating
348 the efforts of state and tribal governments in meeting the needs of the Native Americans
349 residing in the state; and

350 (ii) notify the division:

351 (A) who is the designated contact person described in Subsection (3)(a)(i); and

352 (B) of any change in who is the designated contact person described in Subsection
353 (3)(a)(i).

354 (b) This Subsection (3) applies to:

355 (i) the Department of Agriculture and Food;

356 (ii) the Department of Heritage and Arts;

357 (iii) the Department of Corrections;

358 (iv) the Department of Environmental Quality;

359 (v) the Department of Public Safety;

360 (vi) the Department of Transportation;

361 (vii) the Office of the Attorney General;

362 (viii) the State Tax Commission; and

363 (ix) any agency described in Subsections (2)(c) through (e).

364 (c) At the request of the division, a contact person listed in Subsection (3)(b) may
365 participate in a meeting described in Subsection (1).

366 (4) (a) A participant under this section who is not a legislator may not receive

367 compensation or benefits for the participant's service, but may receive per diem and travel
368 expenses as allowed in:

- 369 (i) Section 63A-3-106;
370 (ii) Section 63A-3-107; and
371 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
372 63A-3-107.

373 (b) Compensation and expenses of a participant who is a legislator are governed by
374 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

375 Section 3. Section 11-17-18 is amended to read:

376 **11-17-18. Powers of Governor's Office of Economic Opportunity.**

377 For purposes of this chapter and for the purposes of the Utah Interlocal Cooperation
378 Act, the Governor's Office of Economic [~~Development~~] Opportunity has all the powers set out
379 in this chapter of, and is subject to the same limitations as, a municipality as though the office
380 were defined as a municipality for purposes of this chapter, but it shall have such powers with
381 respect to economic development or new venture investment fund projects only. It is not
382 authorized to exercise such powers in any manner which will create general obligations of the
383 state or any agency, department, division, or political subdivision thereof.

384 Section 4. Section 11-58-901 is amended to read:

385 **11-58-901. Dissolution of port authority -- Restrictions -- Notice of dissolution --**
386 **Disposition of port authority property -- Port authority records -- Dissolution expenses.**

387 (1) The authority may not be dissolved unless the authority has no outstanding bonded
388 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual
389 obligations with persons or entities other than the state.

390 (2) Upon the dissolution of the authority:

391 (a) the Governor's Office of Economic [~~Development~~] Opportunity shall publish a
392 notice of dissolution:

393 (i) in a newspaper of general circulation in the county in which the dissolved authority
394 is located; and

395 (ii) as required in Section 45-1-101; and

396 (b) all title to property owned by the authority vests in the state.

397 (3) The books, documents, records, papers, and seal of each dissolved authority shall

398 be deposited for safekeeping and reference with the state auditor.

399 (4) The authority shall pay all expenses of the deactivation and dissolution.

400 Section 5. Section **11-59-302** is amended to read:

401 **11-59-302. Number of board members -- Appointment -- Vacancies -- Chairs.**

402 (1) The board shall consist of 11 members as provided in Subsection (2).

403 (2) (a) The president of the Senate shall appoint two members of the Senate to serve as
404 members of the board.

405 (b) The speaker of the House of Representatives shall appoint two members of the
406 House of Representatives to serve as members of the board.

407 (c) The governor shall appoint four individuals to serve as members of the board:

408 (i) one of whom shall be a member of the board of or employed by the Governor's
409 Office of Economic [~~Development~~] Opportunity, created in Section [~~63N-1-201~~] 63N-1a-301;
410 and

411 (ii) one of whom shall be an employee of the Division of Facilities Construction and
412 Management, created in Section 63A-5b-301.

413 (d) The Salt Lake County mayor shall appoint one board member, who shall be an
414 elected Salt Lake County government official.

415 (e) The mayor of Draper, or a member of the Draper city council that the mayor
416 designates, shall serve as a board member.

417 (f) The commissioner of higher education, appointed under Section 53B-1-408, or the
418 commissioner's designee, shall serve as a board member.

419 (3) (a) (i) Subject to Subsection (3)(a)(ii), a vacancy on the board shall be filled in the
420 same manner under this section as the appointment of the member whose vacancy is being
421 filled.

422 (ii) If the mayor of Draper or commissioner of higher education is removed as a board
423 member under Subsection (5), the mayor of Draper or commissioner of higher education, as the
424 case may be, shall designate an individual to serve as a member of the board, as provided in
425 Subsection (2)(e) or (f), respectively.

426 (b) Each person appointed or designated to fill a vacancy shall serve the remaining
427 unexpired term of the member whose vacancy the person is filling.

428 (4) A member of the board appointed by the governor, president of the Senate, or

429 speaker of the House of Representatives serves at the pleasure of and may be removed and
430 replaced at any time, with or without cause, by the governor, president of the Senate, or speaker
431 of the House of Representatives, respectively.

432 (5) A member of the board may be removed by a vote of two-thirds of all members of
433 the board.

434 (6) (a) The governor shall appoint one board member to serve as cochair of the board.

435 (b) The president of the Senate and speaker of the House of Representatives shall
436 jointly appoint one legislative member of the board to serve as cochair of the board.

437 Section 6. Section **11-59-304** is amended to read:

438 **11-59-304. Staff and other support services -- Cooperation from state and local**
439 **government entities.**

440 (1) As used in this section:

441 (a) "Division" means the Division of Facilities Construction and Management, created
442 in Section [63A-5b-301](#).

443 (b) "Office" means the Governor's Office of Economic [~~Development~~] Opportunity,
444 created in Section [~~63N-1-201~~] [63N-1a-301](#).

445 (2) If and as requested by the board:

446 (a) the division shall:

447 (i) provide staff support to the board; and

448 (ii) make available to the board existing division resources and expertise to assist the
449 board in the development, marketing, and disposition of the point of the mountain state land;
450 and

451 (b) the office shall cooperate with and provide assistance to the board in the board's:

452 (i) formulation of a development plan for the point of the mountain state land; and

453 (ii) management and implementation of a development plan, including the marketing
454 of property and recruitment of businesses and others to locate on the point of the mountain
455 state land.

456 (3) A department, division, or other agency of the state and a political subdivision of
457 the state shall cooperate with the authority and the board to the fullest extent possible to
458 provide whatever support, information, or other assistance the board requests that is reasonably
459 necessary to help the authority fulfill its duties and responsibilities under this chapter.

460 Section 7. Section 11-59-501 is amended to read:

461 **11-59-501. Dissolution of authority -- Restrictions -- Publishing notice of**
462 **dissolution -- Authority records -- Dissolution expenses.**

463 (1) The authority may not be dissolved unless:

464 (a) the authority board first receives approval from the Legislative Management
465 Committee of the Legislature to dissolve the authority; and

466 (b) the authority has no outstanding bonded indebtedness, other unpaid loans,
467 indebtedness, or advances, and no legally binding contractual obligations with persons or
468 entities other than the state.

469 (2) To dissolve the authority, the board shall:

470 (a) obtain the approval of the Legislative Management Committee of the Legislature;
471 and

472 (b) adopt a resolution dissolving the authority, to become effective as provided in the
473 resolution.

474 (3) Upon the dissolution of the authority:

475 (a) the Governor's Office of Economic [~~Development~~] Opportunity shall publish a
476 notice of dissolution:

477 (i) in a newspaper of general circulation in the county in which the dissolved authority
478 is located; and

479 (ii) as required in Section 45-1-101; and

480 (b) all title to property owned by the authority vests in the Division of Facilities
481 Construction and Management, created in Section 63A-5b-301, for the benefit of the state.

482 (4) The board shall deposit all books, documents, records, papers, and seal of the
483 dissolved authority with the state auditor for safekeeping and reference.

484 (5) The authority shall pay all expenses of the deactivation and dissolution.

485 Section 8. Section 13-58-101, which is renumbered from Section 63N-10-101 is
486 renumbered and amended to read:

487 **CHAPTER 58. PETE SUAZO UTAH ATHLETIC COMMISSION ACT**

488 [~~63N-10-101~~]. **13-58-101. Title.**

489 This chapter is known as the "Pete Suazo Utah Athletic Commission Act."

490 Section 9. Section 13-58-102, which is renumbered from Section 63N-10-102 is

491 renumbered and amended to read:

492 ~~[63N-10-102].~~ 13-58-102. Definitions.

493 As used in this chapter:

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

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

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

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

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

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

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

505 (v) the contestants are not matched by the weight standards established in accordance
506 with Section [~~63N-10-316~~] [13-58-316](#).

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

508 (i) it is conducted for training purposes;

509 (ii) no tickets are sold to spectators;

510 (iii) no concessions are available for spectators;

511 (iv) protective clothing, including protective headgear, a mouthguard, and a protective
512 cup, is worn; and

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

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

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

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

519 (7) "Designated commission member" means a member of the commission designated
520 to:

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

- 522 (b) act on the behalf of the commission at a contest venue.
- 523 (8) "Director" means the director appointed by the commission.
- 524 (9) "Elimination unarmed combat contest" means a contest where:
- 525 (a) a number of contestants participate in a tournament;
- 526 (b) the duration is not more than 48 hours; and
- 527 (c) the loser of each contest is eliminated from further competition.
- 528 (10) "Exhibition" means an engagement in which the participants show or display their
- 529 skills without necessarily striving to win.
- 530 (11) "Judge" means an individual qualified by training or experience to:
- 531 (a) rate the performance of contestants;
- 532 (b) score a contest; and
- 533 (c) determine with other judges whether there is a winner of the contest or whether the
- 534 contestants performed equally, resulting in a draw.
- 535 (12) "Licensee" means an individual licensed by the commission to act as a:
- 536 (a) contestant;
- 537 (b) judge;
- 538 (c) manager;
- 539 (d) promoter;
- 540 (e) referee;
- 541 (f) second; or
- 542 (g) other official established by the commission by rule.
- 543 (13) "Manager" means an individual who represents a contestant for the purpose of:
- 544 (a) obtaining a contest for a contestant;
- 545 (b) negotiating terms and conditions of the contract under which the contestant will
- 546 engage in a contest; or
- 547 (c) arranging for a second for the contestant at a contest.
- 548 (14) "Promoter" means a person who engages in producing or staging contests and
- 549 promotions.
- 550 (15) "Promotion" means a single contest or a combination of contests that:
- 551 (a) occur during the same time and at the same location; and
- 552 (b) is produced or staged by a promoter.

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

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

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

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

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

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

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

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

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

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

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

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

575 (c) contest rules divide nonchampionship contests into three equal and specified rounds
576 of no more than five minutes per round with a rest period of one minute between each round;

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

579 (e) contest rules prohibit contestants from:

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

583 (ii) striking a person who demonstrates an inability to protect himself from the

584 advances of an opponent;
585 (iii) biting; or
586 (iv) direct, intentional, and forceful strikes to the eyes, groin area, Adam's apple area of
587 the neck, and the rear area of the head and neck.

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

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

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

594 (25) "Unprofessional conduct" means:

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

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

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

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

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

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

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

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

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

613 (a) for boxing:

614 (i) neither contestant is or has been a licensed contestant in any state or an amateur

615 registered with USA Boxing, Inc.;

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

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

619 (iv) 16 ounce boxing gloves are worn;

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

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

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

623 (b) for ultimate fighting:

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

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

627 (iii) protective clothing, including a protective mouthguard and a protective cup, is
628 worn;

629 (iv) downward elbow strikes are not allowed;

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

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

633 (vii) the contest is no longer than three rounds of no longer than three minutes each;
634 and

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

636 Section 10. Section **13-58-201**, which is renumbered from Section 63N-10-201 is
637 renumbered and amended to read:

638 **Part 2. Creation of Pete Suazo Utah Athletic Commission**

639 ~~[63N-10-201]~~. **13-58-201. Commission -- Creation -- Appointments --**

640 **Terms -- Expenses -- Quorum.**

641 (1) There is created within the [office] Department of Commerce the Pete Suazo Utah
642 Athletic Commission consisting of five members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

671 Section 11. Section **13-58-202**, which is renumbered from Section 63N-10-202 is
672 renumbered and amended to read:

673 ~~**[63N-10-202].**~~ **13-58-202. Commission powers and duties.**

674 (1) The commission shall:

675 (a) purchase and use a seal;

676 (b) adopt rules for the administration of this chapter in accordance with Title 63G,

677 Chapter 3, Utah Administrative Rulemaking Act;

678 (c) prepare all forms of contracts between sponsors, licensees, promoters, and
679 contestants; and

680 (d) hold hearings relating to matters under its jurisdiction, including violations of this
681 chapter or rules made under this chapter.

682 (2) The commission may subpoena witnesses, take evidence, and require the
683 production of books, papers, documents, records, contracts, recordings, tapes, correspondence,
684 or other information relevant to an investigation if the commission or its designee considers it
685 necessary.

686 Section 12. Section ~~13-58-203~~, which is renumbered from Section 63N-10-203 is
687 renumbered and amended to read:

688 ~~[63N-10-203].~~ 13-58-203. **Commission director.**

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

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

692 Section 13. Section ~~13-58-204~~, which is renumbered from Section 63N-10-204 is
693 renumbered and amended to read:

694 ~~[63N-10-204].~~ 13-58-204. **Inspectors.**

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

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

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

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

702 Section 14. Section ~~13-58-205~~, which is renumbered from Section 63N-10-205 is
703 renumbered and amended to read:

704 ~~[63N-10-205].~~ 13-58-205. **Affiliation with other commissions.**

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

707 Section 15. Section ~~13-58-301~~, which is renumbered from Section 63N-10-301 is

708 renumbered and amended to read:

709 **Part 3. Licensing**

710 ~~[63N-10-301].~~ **13-58-301. Licensing.**

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

712 (a) a promoter;

713 (b) a manager;

714 (c) a contestant;

715 (d) a second;

716 (e) a referee;

717 (f) a judge; or

718 (g) another official established by the commission by rule.

719 (2) The commission shall issue to a person who qualifies under this chapter a license in
720 the classifications of:

721 (a) promoter;

722 (b) manager;

723 (c) contestant;

724 (d) second;

725 (e) referee;

726 (f) judge; or

727 (g) another official who meets the requirements established by rule under Subsection

728 (1)(g).

729 (3) All money collected under this section and Sections [~~63N-10-304, 63N-10-307,~~
730 ~~63N-10-310, and 63N-10-313~~] 13-58-304, 13-58-307, 13-58-310, and 13-58-313 shall be
731 retained as dedicated credits to pay for commission expenses.

732 (4) Each applicant for licensure as a promoter shall:

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

734 (b) pay the fee determined by the commission under Section 63J-1-504;

735 (c) provide to the commission evidence of financial responsibility, which shall include
736 financial statements and other information that the commission may reasonably require to
737 determine that the applicant or licensee is able to competently perform as and meet the
738 obligations of a promoter in this state;

- 739 (d) make assurances that the applicant:
- 740 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
741 respect to the promotions the applicant is promoting;
- 742 (ii) has not been found in a criminal or civil proceeding to have engaged in or
743 attempted to engage in any fraud or misrepresentation in connection with a contest or any other
744 sporting event; and
- 745 (iii) has not been found in a criminal or civil proceeding to have violated or attempted
746 to violate any law with respect to a contest in any jurisdiction or any law, rule, or order relating
747 to the regulation of contests in this state or any other jurisdiction;
- 748 (e) acknowledge in writing to the commission receipt, understanding, and intent to
749 comply with this chapter and the rules made under this chapter; and
- 750 (f) if requested by the commission or the director, meet with the commission or the
751 director to examine the applicant's qualifications for licensure.
- 752 (5) Each applicant for licensure as a contestant shall:
- 753 (a) be not less than 18 years [~~of age~~] old at the time the application is submitted to the
754 commission;
- 755 (b) submit an application in a form prescribed by the commission;
- 756 (c) pay the fee established by the commission under Section [63J-1-504](#);
- 757 (d) provide a certificate of physical examination, dated not more than 60 days prior to
758 the date of application for licensure, in a form provided by the commission, completed by a
759 licensed physician and surgeon or physician assistant certifying that the applicant is free from
760 any physical or mental condition that indicates the applicant should not engage in activity as a
761 contestant;
- 762 (e) make assurances that the applicant:
- 763 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
764 respect to a contest in which the applicant will participate;
- 765 (ii) has not been found in a criminal or civil proceeding to have engaged in or
766 attempted to have engaged in any fraud or misrepresentation in connection with a contest or
767 any other sporting event; and
- 768 (iii) has not been found in a criminal or civil proceeding to have violated or attempted
769 to violate any law with respect to contests in any jurisdiction or any law, rule, or order relating

770 to the regulation of contests in this state or any other jurisdiction;

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

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

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

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

777 (b) pay a fee determined by the commission under Section [63J-1-504](#);

778 (c) make assurances that the applicant:

779 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
780 respect to a contest in which the applicant is participating;

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

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

787 (d) acknowledge in writing to the commission receipt, understanding, and intent to
788 comply with this chapter and the rules made under this chapter; and

789 (e) if requested by the commission or director, meet with the commission or the
790 director to examine the applicant's qualifications for licensure.

791 (7) Each applicant for licensure as a referee or judge shall:

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

793 (b) pay a fee determined by the commission under Section [63J-1-504](#);

794 (c) make assurances that the applicant:

795 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
796 respect to a contest in which the applicant is participating;

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

800 (iii) has not been found in a criminal or civil proceeding to have violated or attempted

801 to violate any law with respect to contests in any jurisdiction or any law, rule, or order relating
802 to the regulation of contests in this state or any other jurisdiction;

803 (d) acknowledge in writing to the commission receipt, understanding, and intent to
804 comply with this chapter and the rules made under this chapter;

805 (e) provide evidence satisfactory to the commission that the applicant is qualified by
806 training and experience to competently act as a referee or judge in a contest; and

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

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

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

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

817 Section 16. Section **13-58-302**, which is renumbered from Section 63N-10-302 is
818 renumbered and amended to read:

819 ~~[63N-10-302].~~ **13-58-302. Term of license -- Expiration -- Renewal.**

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

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

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

826 Section 17. Section **13-58-303**, which is renumbered from Section 63N-10-303 is
827 renumbered and amended to read:

828 ~~[63N-10-303].~~ **13-58-303. Grounds for denial of license -- Disciplinary
829 proceedings -- Reinstatement.**

830 (1) The commission shall refuse to issue a license to an applicant and shall refuse to
831 renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of

832 a licensee who does not meet the qualifications for licensure under this chapter.

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

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

838 (b) the applicant or licensee has been determined to be mentally incompetent for any
839 reason by a court of competent jurisdiction; or

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

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

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

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

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

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

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

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

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

861 (6) (a) The commission may not take disciplinary action against any person for
862 unlawful or unprofessional conduct under this chapter, unless the commission initiates an

863 adjudicative proceeding regarding the conduct within four years after the conduct is reported to
864 the commission, except under Subsection (6)(b).

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

869 (7) (a) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, the
870 following may immediately suspend the license of a licensee at such time and for such period
871 that the following believes is necessary to protect the health, safety, and welfare of the licensee,
872 another licensee, or the public:

- 873 (i) the commission;
- 874 (ii) a designated commission member; or
- 875 (iii) if a designated commission member is not present, the director.

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

879 Section 18. Section **13-58-304**, which is renumbered from Section 63N-10-304 is
880 renumbered and amended to read:

881 ~~[63N-10-304]~~. **13-58-304. Additional fees for license of promoter --**
882 **Dedicated credits -- Promotion of contests -- Annual exemption of showcase event.**

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

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

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

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

893 (b) establishing standards for awarding grants under Subsection (2) to organizations

894 which promote amateur boxing in the state.

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

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

- 900 (i) attraction of the optimum number of spectators;
- 901 (ii) costs of promoting and producing the contest or exhibition;
- 902 (iii) ticket pricing;
- 903 (iv) committed promotions and advertising of the contest or exhibition;
- 904 (v) rankings and quality of the contestants; and
- 905 (vi) committed television and other media coverage of the contest or exhibition.

906 Section 19. Section ~~13-58-305~~, which is renumbered from Section 63N-10-305 is
907 renumbered and amended to read:

908 ~~[63N-10-305]~~. **13-58-305. Jurisdiction of commission.**

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

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

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

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

- 919 (i) the designated commission member;
- 920 (ii) other commission members in attendance;
- 921 (iii) the director;
- 922 (iv) commission employees;
- 923 (v) officials;
- 924 (vi) licensees participating or assisting in the contest; and

925 (vii) others granted credentials by the commission.

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

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

931 (a) the designated commission member;

932 (b) other commission members in attendance;

933 (c) the director;

934 (d) commission employees;

935 (e) officials;

936 (f) licensees participating or assisting in the contest; and

937 (g) others granted credentials by the commission.

938 (5) The promoter shall provide security at the direction of the commission or
939 designated commission member to secure the areas described in Subsections (3) and (4).

940 (6) (a) The designated commission member may direct the removal from the contest
941 venue and premises, of any individual whose actions:

942 (i) are disruptive to the safe conduct of the contest; or

943 (ii) pose a danger to the safety and welfare of the licensees, the commission, or the
944 public, as determined by the designated commission member.

945 (b) The promoter shall provide security at the direction of the commission or
946 designated commission member to effectuate a removal under Subsection (6)(a).

947 Section 20. Section ~~13-58-306~~, which is renumbered from Section 63N-10-306 is
948 renumbered and amended to read:

949 ~~[63N-10-306]~~. **13-58-306. Club fighting prohibited.**

950 (1) Club fighting is prohibited.

951 (2) Any person who publicizes, promotes, conducts, or engages in a club fighting
952 match is:

953 (a) guilty of a class A misdemeanor as provided in Section [76-9-705](#); and

954 (b) subject to license revocation under this chapter.

955 Section 21. Section ~~13-58-307~~, which is renumbered from Section 63N-10-307 is

956 renumbered and amended to read:

957 ~~63N-10-307~~. 13-58-307. **Approval to hold contest or promotion -- Bond**
958 **required.**

959 (1) An application to hold a contest or multiple contests as part of a single promotion
960 shall be made by a licensed promoter to the commission on forms provided by the commission.

961 (2) The application shall be accompanied by a contest fee determined by the
962 commission under Section [63J-1-505](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

993 (a) the requirements of this chapter; or

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

996 Section 22. Section ~~13-58-308~~, which is renumbered from Section 63N-10-308 is
997 renumbered and amended to read:

998 ~~[63N-10-308]~~. **13-58-308. Rules for the conduct of contests.**

999 (1) The commission shall adopt rules in accordance with Title 63G, Chapter 3, Utah
1000 Administrative Rulemaking Act, for the conduct of contests in the state.

1001 (2) The rules shall include:

1002 (a) authority for:

1003 (i) stopping contests; and

1004 (ii) impounding purses with respect to contests when there is a question with respect to
1005 the contest, contestants, or any other licensee associated with the contest; and

1006 (b) reasonable and necessary provisions to ensure that all obligations of a promoter
1007 with respect to any promotion or contest are paid in accordance with agreements made by the
1008 promoter.

1009 (3) (a) The commission may, in its discretion, exempt a contest and each contestant
1010 from the definition of unprofessional conduct found in Subsection [~~63N-10-102(25)(f)~~]

1011 13-58-102(26)(f) after:

1012 (i) a promoter requests the exemption; and

1013 (ii) the commission considers relevant factors, including:

1014 (A) the experience of the contestants;

1015 (B) the win and loss records of each contestant;

1016 (C) each contestant's level of training; and

1017 (D) any other evidence relevant to the contestants' professionalism and the ability to

1018 safely conduct the contest.

1019 (b) The commission's hearing of a request for an exemption under this Subsection (3)
1020 is an informal adjudicative proceeding under Section [63G-4-202](#).

1021 (c) The commission's decision to grant or deny a request for an exemption under this
1022 Subsection (3) is not subject to agency review under Section [63G-4-301](#).

1023 Section 23. Section **13-58-309**, which is renumbered from Section 63N-10-309 is
1024 renumbered and amended to read:

1025 ~~[63N-10-309]~~. **13-58-309. Medical examinations and drug tests.**

1026 (1) The commission shall adopt rules in accordance with Title 63G, Chapter 3, Utah
1027 Administrative Rulemaking Act, for medical examinations and drug testing of contestants,
1028 including provisions under which contestants shall:

1029 (a) produce evidence based upon competent laboratory examination that they are HIV
1030 negative as a condition of participating as a contestant in any contest;

1031 (b) be subject to random drug testing before or after participation in a contest, and
1032 sanctions, including barring participation in a contest or withholding a percentage of any purse,
1033 that shall be placed against a contestant testing positive for alcohol or any other drug that in the
1034 opinion of the commission is inconsistent with the safe and competent participation of that
1035 contestant in a contest;

1036 (c) be subject to a medical examination by the ringside physician not more than 30
1037 hours before the contest to identify any physical ailment or communicable disease that, in the
1038 opinion of the commission or designated commission member, are inconsistent with the safe
1039 and competent participation of that contestant in the contest; and

1040 (d) be subject to medical testing for communicable diseases as considered necessary by
1041 the commission to protect the health, safety, and welfare of the licensees and the public.

1042 (2) (a) Medical information concerning a contestant shall be provided by the contestant
1043 or medical professional or laboratory.

1044 (b) A promoter or manager may not provide to or receive from the commission medical
1045 information concerning a contestant.

1046 Section 24. Section **13-58-310**, which is renumbered from Section 63N-10-310 is
1047 renumbered and amended to read:

1048 ~~[63N-10-310]~~. **13-58-310. Contests.**

1049 (1) Except as provided in Section [~~63N-10-317~~] 13-58-317, a licensee may not
1050 participate in an unarmed combat contest within a predetermined time after another unarmed
1051 combat contest, as prescribed in rules made by the commission.

1052 (2) During the period of time beginning 60 minutes before the beginning of a contest,
1053 the promoter shall demonstrate the promoter's compliance with the commission's security
1054 requirements to all commission members present at the contest.

1055 (3) The commission shall establish fees in accordance with Section 63J-1-504 to be
1056 paid by a promoter for the conduct of each contest or event composed of multiple contests
1057 conducted under this chapter.

1058 Section 25. Section ~~13-58-311~~, which is renumbered from Section 63N-10-311 is
1059 renumbered and amended to read:

1060 ~~[63N-10-311]~~. 13-58-311. Ringside physician.

1061 (1) The commission shall maintain a list of ringside physicians who hold a Doctor of
1062 Medicine (MD) degree and are registered with the commission as approved to act as a ringside
1063 physician and meet the requirements of Subsection (2).

1064 (2) (a) The commission shall appoint a registered ringside physician to perform the
1065 duties of a ringside physician at each contest held under this chapter.

1066 (b) The promoter of a contest shall pay a fee determined by the commission by rule to
1067 the commission for a ringside physician.

1068 (3) An applicant for registration as a ringside physician shall:

1069 (a) submit an application for registration;

1070 (b) provide the commission with evidence of the applicant's licensure to practice
1071 medicine in the state; and

1072 (c) satisfy minimum qualifications established by the department by rule.

1073 (4) A ringside physician at attendance at a contest:

1074 (a) may stop the contest at any point if the ringside physician determines that a
1075 contestant's physical condition renders the contestant unable to safely continue the contest; and

1076 (b) works under the direction of the commission.

1077 Section 26. Section ~~13-58-312~~, which is renumbered from Section 63N-10-312 is
1078 renumbered and amended to read:

1079 ~~[63N-10-312]~~. 13-58-312. Contracts.

1080 Before a contest is held, a copy of the signed contract or agreement between the
1081 promoter of the contest and each contestant shall be filed with the commission. Approval of
1082 the contract's terms and conditions shall be obtained from the commission as a condition
1083 precedent to the contest.

1084 Section 27. Section **13-58-313**, which is renumbered from Section 63N-10-313 is
1085 renumbered and amended to read:

1086 ~~[63N-10-313]~~. **13-58-313. Withholding of purse.**

1087 (1) The commission, the director, or any other agent authorized by the commission
1088 may order a promoter to withhold any part of a purse or other money belonging or payable to
1089 any contestant, manager, or second if, in the judgment of the commission, director, or other
1090 agent:

1091 (a) the contestant is not competing honestly or to the best of the contestant's skill and
1092 ability or the contestant otherwise violates any rules adopted by the commission or any of the
1093 provisions of this chapter; or

1094 (b) the manager or second violates any rules adopted by the commission or any of the
1095 provisions of this chapter.

1096 (2) This section does not apply to any contestant in a wrestling exhibition who appears
1097 not to be competing honestly or to the best of the contestant's skill and ability.

1098 (3) Upon the withholding of any part of a purse or other money pursuant to this section,
1099 the commission shall immediately schedule a hearing on the matter, provide adequate notice to
1100 all interested parties, and dispose of the matter as promptly as possible.

1101 (4) If it is determined that a contestant, manager, or second is not entitled to any part of
1102 that person's share of the purse or other money, the promoter shall pay the money over to the
1103 commission.

1104 Section 28. Section **13-58-314**, which is renumbered from Section 63N-10-314 is
1105 renumbered and amended to read:

1106 ~~[63N-10-314]~~. **13-58-314. Penalty for unlawful conduct.**

1107 A person who engages in any act of unlawful conduct, as defined in Section

1108 ~~[63N-10-102]~~ 13-58-102, is guilty of a class A misdemeanor.

1109 Section 29. Section **13-58-315**, which is renumbered from Section 63N-10-315 is
1110 renumbered and amended to read:

1111 ~~[63N-10-315]~~. 13-58-315. Exemptions.

1112 This chapter does not apply to:

1113 (1) any amateur contest or exhibition of unarmed combat conducted by or participated
1114 in exclusively by:

1115 (a) a school accredited by the Utah Board of Education;

1116 (b) a college or university accredited by the United States Department of Education; or

1117 (c) any association or organization of a school, college, or university described in

1118 Subsections (1)(a) and (b), when each participant in the contests or exhibitions is a bona fide

1119 student in the school, college, or university;

1120 (2) any contest or exhibition of unarmed combat conducted in accordance with the
1121 standards and regulations of USA Boxing, Inc.; or

1122 (3) a white-collar contest.

1123 Section 30. Section ~~13-58-316~~, which is renumbered from Section 63N-10-316 is
1124 renumbered and amended to read:

1125 ~~[63N-10-316]~~. 13-58-316. Contest weights and classes -- Matching
1126 contestants.

1127 (1) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
1128 Administrative Rulemaking Act, establishing boxing contest weights and classes consistent
1129 with those adopted by the Association of Boxing Commissions.

1130 (2) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
1131 Administrative Rulemaking Act, establishing contest weights and classes for unarmed combat
1132 that is not boxing.

1133 (3) (a) As to any unarmed combat contest, a contestant may not fight another contestant
1134 who is outside of the contestant's weight classification.

1135 (b) Notwithstanding Subsection (3)(a), the commission may permit a contestant to
1136 fight another contestant who is outside of the contestant's weight classification.

1137 (4) Except as provided in Subsection (3)(b), as to any unarmed combat contest:

1138 (a) a contestant who has contracted to participate in a given weight class may not be
1139 permitted to compete if the contestant is not within that weight class at the weigh-in; and

1140 (b) a contestant may have two hours to attempt to gain or lose not more than three
1141 pounds in order to be reweighed.

1142 (5) (a) As to any unarmed combat contest, the commission may not allow a contest in
1143 which the contestants are not fairly matched.

1144 (b) Factors in determining if contestants are fairly matched include:

1145 (i) the win-loss record of the contestants;

1146 (ii) the weight differential between the contestants;

1147 (iii) the caliber of opponents for each contestant;

1148 (iv) each contestant's number of fights; and

1149 (v) previous suspensions or disciplinary actions of the contestants.

1150 Section 31. Section **13-58-317**, which is renumbered from Section 63N-10-317 is
1151 renumbered and amended to read:

1152 ~~[63N-10-317]~~. **13-58-317. Elimination contests -- Conduct of contests --**
1153 **Applicability of provisions -- Limitations on license -- Duration of contests -- Equipment**
1154 **-- Limitations on contests.**

1155 (1) An elimination unarmed combat contest shall be conducted under the supervision
1156 and authority of the commission.

1157 (2) Except as otherwise provided in this section and except as otherwise provided by
1158 specific statute, the provisions of this chapter pertaining to boxing apply to an elimination
1159 unarmed combat contest.

1160 (3) (a) All contests in an elimination unarmed combat contest shall be no more than
1161 three rounds in duration.

1162 (b) A round of unarmed combat in an elimination unarmed combat contest shall:

1163 (i) be no more than one minute in duration; or

1164 (ii) be up to three minutes in duration if there is only a single round.

1165 (c) A period of rest following a round shall be no more than one minute in duration.

1166 (4) A contestant:

1167 (a) shall wear gloves approved by the commission; and

1168 (b) shall wear headgear approved by the commission, the designated commission
1169 member, or the director if a designated commission member is not present.

1170 (5) A contestant may participate in more than one contest, but may not participate in
1171 more than a total of seven rounds in the entire tournament.

1172 Section 32. Section **13-58-318**, which is renumbered from Section 63N-10-318 is

1173 renumbered and amended to read:

1174 ~~[63N-10-318].~~ **13-58-318. Commission rulemaking.**

1175 The commission may make rules governing the conduct of a contest held under this
1176 chapter to protect the health and safety of licensees and members of the public.

1177 Section 33. Section **17-31-5.5** is amended to read:

1178 **17-31-5.5. Report to county legislative body -- Content.**

1179 (1) The legislative body of each county that imposes a transient room tax under Section
1180 59-12-301 or a tourism, recreation, cultural, convention, and airport facilities tax under Section
1181 59-12-603 shall prepare annually a report in accordance with Subsection (2).

1182 (2) The report described in Subsection (1) shall include a breakdown of expenditures
1183 into the following categories:

1184 (a) for the transient room tax, identification of expenditures for:

1185 (i) establishing and promoting:

1186 (A) recreation;

1187 (B) tourism;

1188 (C) film production; and

1189 (D) conventions;

1190 (ii) acquiring, leasing, constructing, furnishing, or operating:

1191 (A) convention meeting rooms;

1192 (B) exhibit halls;

1193 (C) visitor information centers;

1194 (D) museums; and

1195 (E) related facilities;

1196 (iii) acquiring or leasing land required for or related to the purposes listed in

1197 Subsection (2)(a)(ii);

1198 (iv) mitigation costs as identified in Subsection 17-31-2(2)(d); and

1199 (v) making the annual payment of principal, interest, premiums, and necessary reserves

1200 for any or the aggregate of bonds issued to pay for costs referred to in Subsections

1201 17-31-2(2)(e) and (5)(a); and

1202 (b) for the tourism, recreation, cultural, convention, and airport facilities tax,

1203 identification of expenditures for:

1204 (i) financing tourism promotion, which means an activity to develop, encourage,
1205 solicit, or market tourism that attracts transient guests to the county, including planning,
1206 product development, and advertising;

1207 (ii) the development, operation, and maintenance of the following facilities as defined
1208 in Section 59-12-602:

1209 (A) an airport facility;

1210 (B) a convention facility;

1211 (C) a cultural facility;

1212 (D) a recreation facility; and

1213 (E) a tourist facility; and

1214 (iii) a pledge as security for evidences of indebtedness under Subsection 59-12-603(3).

1215 (3) For the transient room tax, the report described in Subsection (1) shall include a
1216 breakdown of each expenditure described in Subsection (2)(a)(i), including:

1217 (a) whether the expenditure was used for in-state and out-of-state promotion efforts;

1218 (b) an explanation of how the expenditure targeted a cost created by tourism; and

1219 (c) an accounting of the expenditure showing that the expenditure was used only for
1220 costs directly related to a cost created by tourism.

1221 (4) A county legislative body shall provide a copy of the report described in Subsection
1222 (1) to:

1223 (a) the Utah Office of Tourism within the Governor's Office of Economic

1224 [~~Development~~] Opportunity;

1225 (b) its tourism tax advisory board; and

1226 (c) the Office of the Legislative Fiscal Analyst.

1227 Section 34. Section 17-31-9 is amended to read:

1228 **17-31-9. Payment to Stay Another Day and Bounce Back Fund and Hotel Impact**
1229 **Mitigation Fund.**

1230 A county in which a qualified hotel, as defined in Section 63N-2-502, is located shall:

1231 (1) make an annual payment to the Division of Finance:

1232 (a) for deposit into the Stay Another Day and Bounce Back Fund, established in
1233 Section 63N-2-511;

1234 (b) for any year in which the Governor's Office of Economic [~~Development~~]

1235 Opportunity issues a tax credit certificate, as defined in Section 63N-2-502; and
 1236 (c) in the amount of 5% of the state portion, as defined in Section 63N-2-502; and
 1237 (2) make payments to the Division of Finance:
 1238 (a) for deposit into the Hotel Impact Mitigation Fund, created in Section 63N-2-512;
 1239 (b) for each year described in Subsection 63N-2-512(5)(a)(ii) during which the balance
 1240 of the Hotel Impact Mitigation Fund, defined in Section 63N-2-512, is less than \$2,100,000
 1241 before any payment for that year under Subsection 63N-2-512(5)(a); and
 1242 (c) in the amount of the difference between \$2,100,000 and the balance of the Hotel
 1243 Impact Mitigation Fund, defined in Section 63N-2-512, before any payment for that year under
 1244 Subsection 63N-2-512(5)(a).

1245 Section 35. Section 17-54-102 is amended to read:

1246 **17-54-102. Definitions.**

1247 (1) "CED board" means a County Economic Development Advisory Board as
 1248 described in Section 17-54-104.
 1249 (2) "Grant" means a grant available under the Rural County Grant Program created in
 1250 Section 17-54-103.
 1251 (3) "Grant program" means the Rural County Grant Program created in Section
 1252 17-54-103.
 1253 (4) "Office of Rural Development" means the Office of Rural Development created
 1254 within the Governor's Office of Economic [Development] Opportunity in Section 63N-4-102.
 1255 (5) "Rural county" means a county of the third, fourth, fifth, or sixth class.
 1256 [~~(6) "Rural partnership board" means the Governor's Rural Partnership Board created~~
 1257 ~~in Section 63C-10-102.]~~

1258 Section 36. Section 17-54-103 is amended to read:

1259 **17-54-103. Rural County Grant Program.**

1260 (1) There is created the Rural County Grant Program.
 1261 (2) The grant program shall be overseen by the rural partnership board and
 1262 administered by the Office of Rural Development.
 1263 (3) (a) In overseeing the grant program, the rural partnership board shall recommend
 1264 the awarding of grants to rural counties to address the economic development needs of rural
 1265 counties, in accordance with the provisions of this chapter, which needs may include:

1266 (i) business recruitment, development, and expansion;
1267 (ii) workforce training and development; and
1268 (iii) infrastructure, industrial building development, and capital facilities improvements
1269 for business development.

1270 (b) After reviewing the recommendations of the rural partnership board, the executive
1271 director of the Governor's Office of Economic [~~Development~~] Opportunity shall award grants
1272 to rural counties in accordance with the provisions of this chapter.

1273 (4) Subject to appropriations from the Legislature and subject to the reporting and
1274 other requirements of this chapter, grant money shall be distributed:

1275 (a) equally between all rural counties that have created a CED board, in an amount up
1276 to and including \$200,000 annually per county; and

1277 (b) for grant money that is available after \$200,000 has been provided annually to each
1278 eligible rural county, through the process described in Subsection (6).

1279 (5) Beginning in 2021, a rural county may not receive an additional grant under this
1280 chapter unless the rural county:

1281 (a) demonstrates a funding match, which may include a funding match provided by any
1282 combination of a community reinvestment agency, redevelopment agency, community
1283 development and renewal agency, private-sector entity, nonprofit entity, federal matching
1284 grant, county or municipality general fund match, or in-kind match, and that totals:

- 1285 (i) a 10% match for a county of the sixth class;
- 1286 (ii) a 20% match for a county of the fifth class;
- 1287 (iii) a 30% match for a county of the fourth class; and
- 1288 (iv) a 40% match for a county of the third class; and

1289 (b) has complied with the reporting requirements required by the rural partnership
1290 board and the reporting requirements described in Subsection (9) for all previous years that the
1291 county has received a grant.

1292 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1293 Office of Rural Development in collaboration with the rural partnership board shall make rules
1294 establishing the eligibility and reporting criteria for a rural county to receive grant money under
1295 Subsection (4)(b), including:

1296 (a) the form and process for a county to submit an application to the rural partnership

1297 board for a grant;

1298 (b) the method of scoring and prioritizing grant program applications from rural
1299 counties;

1300 (c) the reporting, auditing, and post-performance requirements for a rural county that
1301 receives grant money; and

1302 (d) any deadlines that shall be met by a rural county when applying for a grant.

1303 (7) In determining the award of grant money under Subsection (4)(b), the rural
1304 partnership board may not recommend the awarding of more than \$800,000 annually to a rural
1305 county.

1306 (8) In determining the recommended award of grant money under Subsection (4)(b),
1307 the rural partnership board may prioritize applications that demonstrate any combination of the
1308 following:

1309 (a) that the county has or is actively pursuing the creation of an effective strategic
1310 economic development plan;

1311 (b) consistency with local economic development priorities;

1312 (c) economic need;

1313 (d) utilization of local financial or in-kind resources in combination with a grant;

1314 (e) evidence that jobs will be created; and

1315 (f) evidence that there will be a positive return on investment.

1316 (9) On or before September 1 of each year, a county that has received a grant under this
1317 chapter in the previous 12 months shall provide a written report to the rural partnership board
1318 that describes:

1319 (a) the amount of grant money the county has received;

1320 (b) how grant money has been distributed by the county, including what companies or
1321 entities have utilized grant money, how much grant money each company or entity has
1322 received, and how each company or entity has used the money;

1323 (c) an evaluation of the effectiveness of awarded grants in improving economic
1324 development in the county, including the number of jobs created, infrastructure that has been
1325 created, and capital improvements in the county;

1326 (d) how much matching money has been utilized by the county and what entities have
1327 provided the matching money; and

1328 (e) any other reporting, auditing, or post-performance requirements established by the
1329 Office of Rural Development in collaboration with the rural partnership board under
1330 Subsection (6).

1331 (10) The Office of Rural Development shall compile the reported information and
1332 provide a written report to the Governor's Office of Economic ~~[Development]~~ Opportunity for
1333 inclusion in the Governor's Office of Economic ~~[Development's]~~ Opportunity's annual written
1334 report described in Section [63N-1-301](#).

1335 Section 37. Section **17C-1-603** is amended to read:

1336 **17C-1-603. Reporting requirements -- Governor's Office of Economic**
1337 **Opportunity to maintain a database.**

1338 (1) On or before ~~[June 30, 2021]~~ June 1, 2022, the Governor's Office of Economic
1339 ~~[Development]~~ Opportunity shall:

1340 (a) create a database to track information for each agency located within the state; and

1341 (b) make the database publicly accessible from the office's website.

1342 (2) (a) The Governor's Office of Economic ~~[Development]~~ Opportunity may:

1343 (i) contract with a third party to create and maintain the database described in
1344 Subsection (1); and

1345 (ii) charge a fee for a county, city, or agency to provide information to the database
1346 described in Subsection (1).

1347 (b) The Governor's Office of Economic ~~[Development]~~ Opportunity shall make rules,
1348 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a
1349 fee schedule for the fee described in Subsection (2)(a)(ii).

1350 (3) Beginning in ~~[2021]~~ 2022, on or before ~~[December 31]~~ June 30 of each calendar
1351 year, an agency shall, for each active project area for which the project area funds collection
1352 period has not expired, provide to the database described in Subsection (1) the following
1353 information:

1354 (a) an assessment of the change in marginal value, including:

1355 (i) the base year;

1356 (ii) the base taxable value;

1357 (iii) the prior year's assessed value;

1358 (iv) the estimated current assessed value;

- 1359 (v) the percentage change in marginal value; and
- 1360 (vi) a narrative description of the relative growth in assessed value;
- 1361 (b) the amount of project area funds the agency received for each year of the project
- 1362 area funds collection period, including:
 - 1363 (i) a comparison of the actual project area funds received for each year to the amount of
 - 1364 project area funds forecasted for each year when the project area was created, if available;
 - 1365 (ii) (A) the agency's historical receipts of project area funds, including the tax year for
 - 1366 which the agency first received project area funds from the project area; or
 - 1367 (B) if the agency has not yet received project area funds from the project area, the year
 - 1368 in which the agency expects each project area funds collection period to begin;
 - 1369 (iii) a list of each taxing entity that levies or imposes a tax within the project area and a
 - 1370 description of the benefits that each taxing entity receives from the project area; and
 - 1371 (iv) the amount paid to other taxing entities under Section 17C-1-410, if applicable;
- 1372 (c) a description of current and anticipated project area development, including:
 - 1373 (i) a narrative of any significant project area development, including infrastructure
 - 1374 development, site development, participation agreements, or vertical construction; and
 - 1375 (ii) other details of development within the project area, including:
 - 1376 (A) the total developed acreage;
 - 1377 (B) the total undeveloped acreage;
 - 1378 (C) the percentage of residential development; and
 - 1379 (D) the total number of housing units authorized, if applicable;
 - 1380 (d) the project area budget, if applicable, or other project area funds analyses,
 - 1381 including:
 - 1382 (i) each project area funds collection period, including:
 - 1383 (A) the start and end date of the project area funds collection period; and
 - 1384 (B) the number of years remaining in each project area funds collection period;
 - 1385 (ii) the amount of project area funds the agency is authorized to receive from the
 - 1386 project area cumulatively and from each taxing entity, including:
 - 1387 (A) the total dollar amount; and
 - 1388 (B) the percentage of the total amount of project area funds generated within the
 - 1389 project area;

1390 (iii) the remaining amount of project area funds the agency is authorized to receive
1391 from the project area cumulatively and from each taxing entity; and

1392 (iv) the amount of project area funds the agency is authorized to use to pay for the
1393 agency's administrative costs, as described in Subsection 17C-1-409(1), including:

1394 (A) the total dollar amount; and

1395 (B) the percentage of the total amount of all project area funds;

1396 (e) the estimated amount of project area funds that the agency is authorized to receive
1397 from the project area for the current calendar year;

1398 (f) the estimated amount of project area funds to be paid to the agency for the next
1399 calendar year;

1400 (g) a map of the project area; and

1401 (h) any other relevant information the agency elects to provide.

1402 (4) (a) Until the Governor's Office of Economic [~~Development~~] Opportunity creates a
1403 database as required in Subsection (1), an agency shall, on or before November 1 of each
1404 calendar year, electronically submit a report to:

1405 (i) the community in which the agency operates;

1406 (ii) the county auditor;

1407 (iii) the State Tax Commission;

1408 (iv) the State Board of Education; and

1409 (v) each taxing entity from which the agency receives project area funds.

1410 (b) An agency shall ensure that the report described in Subsection (4)(a):

1411 (i) contains the same information described in Subsection (3); and

1412 (ii) is posted on the website of the community in which the agency operates.

1413 (5) Any information an agency submits in accordance with this section:

1414 (a) is for informational purposes only; and

1415 (b) does not alter the amount of project area funds that an agency is authorized to
1416 receive from a project area.

1417 (6) The provisions of this section apply regardless of when the agency or project area is
1418 created.

1419 Section 38. Section 17D-1-507 is amended to read:

1420 **17D-1-507. Guaranteed bonds.**

- 1421 (1) Before a special service district may issue guaranteed bonds:
1422 (a) the special service district shall:
1423 (i) obtain a report:
1424 (A) prepared by:
1425 (I) a qualified, registered architect or engineer; or
1426 (II) a person qualified by experience appropriate to the project proposed to be funded
1427 by the proceeds from the guaranteed bonds;
1428 (B) setting forth:
1429 (I) a description of the project proposed to be funded by the proceeds from the
1430 guaranteed bonds;
1431 (II) the estimated or, if available, the actual cost of the project;
1432 (III) the principal amount and date and amount of each stated maturity of:
1433 (Aa) the guaranteed bonds to be issued; and
1434 (Bb) any outstanding guaranteed bonds of the special service district;
1435 (IV) the interest rate or rates of any outstanding guaranteed bonds of the special service
1436 district;
1437 (V) the amount of the annual debt service for each year during the life of all
1438 outstanding guaranteed bonds issued by the special service district;
1439 (VI) the estimated amount of the annual debt service for each year during the life of all
1440 guaranteed bonds that the special service district intends to issue to finance all or any part of
1441 the project; and
1442 (VII) the date or estimated date that the project will be complete; and
1443 (ii) submit to the Governor's Office of Economic [~~Development~~] Opportunity:
1444 (A) the report described in Subsection (1)(a)(i);
1445 (B) a copy of each proposed guarantee of the guaranteed bonds, certified by the special
1446 service district;
1447 (C) a legal opinion indicating that each guarantee, when executed, will be the legal and
1448 binding obligation of the taxpayer executing the guarantee in accordance with the terms of the
1449 guarantee; and
1450 (D) evidence satisfactory to the Governor's Office of Economic [~~Development~~]
1451 Opportunity from each taxpayer executing a guarantee of the guaranteed bonds as to the

1452 financial ability of the taxpayer to perform under the guarantee;

1453 (b) the Governor's Office of Economic [~~Development~~] Opportunity shall, if it approves
1454 the issuance of the guaranteed bonds, deliver to the special service district governing body a
1455 written statement of its approval; and

1456 (c) the special service district governing body shall file the written approval statement
1457 under Subsection (1)(b) with the recorder of the county in which the special service district is
1458 located.

1459 (2) The issuance of guaranteed bonds is conditioned upon the approval of special
1460 service district voters at an election held for that purpose as provided in Title 11, Chapter 14,
1461 Local Government Bonding Act.

1462 (3) Guaranteed bonds that have been issued and remain outstanding shall be included
1463 in the determination of the debt limit under Subsection 17D-1-502(4) if the bonds by their
1464 terms no longer enjoy the benefit of the guarantee.

1465 (4) On July 1 of each year, the governing body shall file with the department of
1466 community affairs a report certifying:

1467 (a) the total amount of bonds issued by the special service district and other debt then
1468 outstanding and subject to the debt limit of Subsection 17D-1-502(4);

1469 (b) the total amount of guaranteed bonds then outstanding and not subject to the debt
1470 limit of Subsection 17D-1-502(4); and

1471 (c) the total amount of guaranteed bonds that, during the preceding 12 months,
1472 discontinued to enjoy the benefit of the guarantee.

1473 Section 39. Section 35A-1-104.5 is amended to read:

1474 **35A-1-104.5. Other department duties -- Strategic plan for health system reform**
1475 **-- Reporting suspected misuse of a Social Security number.**

1476 (1) The department shall work with the Department of Health, the Insurance
1477 Department, the Governor's Office of Economic [~~Development~~] Opportunity, and the
1478 Legislature to develop the health system reform.

1479 (2) In the process of determining an individual's eligibility for a public benefit or
1480 service under this title or under federal law, if the department determines that a valid social
1481 security number is being used by an unauthorized individual, the department shall:

1482 (a) inform the individual who the department determines to be the likely actual owner

1483 of the social security number or, if the likely actual owner is a minor, the minor's parent or
1484 guardian, of the suspected misuse; and

1485 (b) subject to federal law, provide information of the suspected misuse to an
1486 appropriate law enforcement agency responsible for investigating identity fraud.

1487 (3) If the department learns or determines that providing information under Subsection
1488 (2)(b) is prohibited by federal law, the department shall notify the Legislative Management
1489 Committee.

1490 Section 40. Section **35A-1-109** is amended to read:

1491 **35A-1-109. Annual report -- Content -- Format.**

1492 (1) The department shall prepare and submit to the governor and the Legislature, by
1493 October 1 of each year, an annual written report of the operations, activities, programs, and
1494 services of the department, including its divisions, offices, boards, commissions, councils, and
1495 committees, for the preceding fiscal year.

1496 (2) For each operation, activity, program, or service provided by the department, the
1497 annual report shall include:

1498 (a) a description of the operation, activity, program, or service;

1499 (b) data and metrics:

1500 (i) selected and used by the department to measure progress, performance,
1501 effectiveness, and scope of the operation, activity, program, or service, including summary
1502 data; and

1503 (ii) that are consistent and comparable for each state operation, activity, program, or
1504 service that primarily involves employment training or placement as determined by the
1505 executive directors of the department, the Governor's Office of Economic [~~Development~~]
1506 Opportunity, and the Governor's Office of Management and Budget;

1507 (c) budget data, including the amount and source of funding, expenses, and allocation
1508 of full-time employees for the operation, activity, program, or service;

1509 (d) historical data from previous years for comparison with data reported under
1510 Subsections (2)(b) and (c);

1511 (e) goals, challenges, and achievements related to the operation, activity, program, or
1512 service;

1513 (f) relevant federal and state statutory references and requirements;

1514 (g) contact information of officials knowledgeable and responsible for each operation,
1515 activity, program, or service; and

1516 (h) other information determined by the department that:

1517 (i) may be needed, useful, or of historical significance; or

1518 (ii) promotes accountability and transparency for each operation, activity, program, or
1519 service with the public and elected officials.

1520 (3) The annual report shall be designed to provide clear, accurate, and accessible
1521 information to the public, the governor, and the Legislature.

1522 (4) The department shall:

1523 (a) submit the annual report in accordance with Section 68-3-14;

1524 (b) make the annual report, and previous annual reports, accessible to the public by
1525 placing a link to the reports on the department's website; and

1526 (c) provide the data and metrics described in Subsection (2)(b) to the [~~Talent Ready~~
1527 ~~Utah Board created in Section 63N-12-503~~] Talent, Education, and Industry Alignment
1528 Subcommittee created in Section 63N-1b-301.

1529 Section 41. Section 35A-1-201 is amended to read:

1530 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**
1531 **Qualifications -- Responsibilities -- Deputy directors.**

1532 (1) (a) The chief administrative officer of the department is the executive director, who
1533 is appointed by the governor with the advice and consent of the Senate.

1534 (b) The executive director serves at the pleasure of the governor.

1535 (c) The executive director shall receive a salary established by the governor within the
1536 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1537 (d) The executive director shall be experienced in administration, management, and
1538 coordination of complex organizations.

1539 (2) The executive director shall:

1540 (a) administer and supervise the department in compliance with Title 67, Chapter 19,
1541 Utah State Personnel Management Act;

1542 (b) supervise and coordinate between the economic service areas and directors created
1543 under Chapter 2, Economic Service Areas;

1544 (c) coordinate policies and program activities conducted through the divisions and

1545 economic service areas of the department;

1546 (d) approve the proposed budget of each division, the Workforce Appeals Board, and
1547 each economic service area within the department;

1548 (e) approve all applications for federal grants or assistance in support of any
1549 department program;

1550 (f) coordinate with the executive directors of the Governor's Office of Economic
1551 [~~Development~~] Opportunity and the Governor's Office of Management and Budget to review
1552 data and metrics to be reported to the Legislature as described in Subsection 35A-1-109(2)(b);
1553 and

1554 (g) fulfill such other duties as assigned by the Legislature or as assigned by the
1555 governor that are not inconsistent with this title.

1556 (3) The executive director may appoint deputy or assistant directors to assist the
1557 executive director in carrying out the department's responsibilities.

1558 (4) The executive director shall at least annually provide for the sharing of information
1559 between the advisory councils established under this title.

1560 Section 42. Section 35A-6-105 is amended to read:

1561 **35A-6-105. Commissioner of Apprenticeship Programs.**

1562 (1) There is created the position of Commissioner of Apprenticeship Programs within
1563 the department.

1564 (2) The commissioner shall be appointed by the executive director and chosen from
1565 one or more recommendations provided by a majority vote of the State Workforce
1566 Development Board.

1567 (3) The commissioner may be terminated without cause by the executive director.

1568 (4) The commissioner shall:

1569 (a) promote and educate the public, including high school guidance counselors and
1570 potential participants in apprenticeship programs, about apprenticeship programs offered in the
1571 state, including apprenticeship programs offered by private sector businesses, trade groups,
1572 labor unions, partnerships with educational institutions, and other associations in the state;

1573 (b) coordinate with the department and other stakeholders, including union and
1574 nonunion apprenticeship programs, the Office of Apprenticeship, the State Board of Education,
1575 the Utah system of higher education, the Department of Commerce, the Division of

1576 Occupational and Professional Licensing, and the Governor's Office of Economic
1577 [~~Development~~] Opportunity to improve and promote apprenticeship opportunities in the state;
1578 and

1579 (c) provide an annual written report to:

1580 (i) the department for inclusion in the department's annual written report described in
1581 Section [35A-1-109](#);

1582 (ii) the Business, Economic Development, and Labor Appropriations Subcommittee;
1583 and

1584 (iii) the Higher Education Appropriations Subcommittee.

1585 (5) The annual written report described in Subsection (4)(c) shall provide information
1586 concerning:

1587 (a) the number of available apprenticeship programs in the state;

1588 (b) the number of apprentices participating in each program;

1589 (c) the completion rate of each program;

1590 (d) the cost of state funding for each program; and

1591 (e) recommendations for improving apprenticeship programs.

1592 Section 43. Section **49-11-406** is amended to read:

1593 **49-11-406. Governor's appointed executives and senior staff -- Appointed**
1594 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**

1595 (1) As used in this section:

1596 (a) "Defined benefit balance" means the total amount of the contributions made on
1597 behalf of a member to a defined benefit system plus refund interest.

1598 (b) "Senior staff" means an at-will employee who reports directly to an elected official,
1599 executive director, or director and includes a deputy director and other similar, at-will
1600 employee positions designated by the governor, the speaker of the House, or the president of
1601 the Senate and filed with the Department of Human Resource Management and the Utah State
1602 Retirement Office.

1603 (2) In accordance with this section and subject to requirements under federal law and
1604 rules made by the board, a member who has service credit from a system may elect to be
1605 exempt from coverage under a defined benefit system and to have the member's defined benefit
1606 balance transferred from the defined benefit system or plan to a defined contribution plan in the

1607 member's own name if the member is:

1608 (a) the state auditor;

1609 (b) the state treasurer;

1610 (c) an appointed executive under Subsection 67-22-2(1)(a);

1611 (d) an employee in the Governor's Office;

1612 (e) senior staff in the Governor's Office of Management and Budget;

1613 (f) senior staff in the Governor's Office of Economic ~~[Development]~~ Opportunity;

1614 (g) senior staff in the Commission on Criminal and Juvenile Justice;

1615 (h) a legislative employee appointed under Subsection 36-12-7(3)(a); or

1616 (i) a legislative employee appointed by the speaker of the House of Representatives, the

1617 House of Representatives minority leader, the president of the Senate, or the Senate minority

1618 leader~~;~~or].

1619 ~~[(j) senior staff of the Utah Science Technology and Research Initiative created under~~

1620 ~~Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act.]~~

1621 (3) An election made under Subsection (2):

1622 (a) is final, and no right exists to make any further election;

1623 (b) is considered a request to be exempt from coverage under a defined benefits

1624 system; and

1625 (c) shall be made on forms provided by the office.

1626 (4) The board shall adopt rules to implement and administer this section.

1627 Section 44. Section 53B-1-114 is amended to read:

1628 **53B-1-114. Coordination for education.**

1629 (1) At least quarterly, in order to coordinate education services, the commissioner and

1630 the state superintendent of public instruction shall convene a meeting of individuals who have

1631 responsibilities related to Utah's education system, including:

1632 (a) the state superintendent of public instruction;

1633 (b) the commissioner;

1634 (c) the executive director of the Department of Workforce Services described in

1635 Section 35A-1-201;

1636 (d) the executive director of the Governor's Office of Economic ~~[Development]~~

1637 Opportunity described in Section 63N-1-202;

- 1638 (e) the chair of the State Board of Education;
- 1639 (f) the chair of the Utah Board of Higher Education;
- 1640 (g) a member of the governor's staff; and
- 1641 (h) the chairs of the Education Interim Committee.
- 1642 (2) The coordinating group described in this section shall, for the State Board of
- 1643 Education and the Utah Board of Higher Education:
- 1644 (a) coordinate strategic planning efforts;
- 1645 (b) encourage alignment of strategic plans; and
- 1646 (c) report on the State Board of Education's strategic plan to the Utah Board of Higher
- 1647 Education and the Utah Board of Higher Education's strategic plan to the State Board of
- 1648 Education.
- 1649 (3) A meeting described in Subsection (1) is not subject to Title 52, Chapter 4, Open
- 1650 and Public Meetings Act.
- 1651 Section 45. Section **53B-1-301** is amended to read:
- 1652 **53B-1-301. Reports to and actions of the Higher Education Appropriations**
- 1653 **Subcommittee.**
- 1654 (1) In accordance with applicable provisions and Section [68-3-14](#), the following
- 1655 recurring reports are due to the Higher Education Appropriations Subcommittee:
- 1656 (a) the reports described in Sections [34A-2-202.5](#), [53B-17-804](#), and [59-9-102.5](#) by the
- 1657 Rocky Mountain Center for Occupational and Environmental Health;
- 1658 (b) the report described in Section [53B-7-101](#) by the board on recommended
- 1659 appropriations for higher education institutions, including the report described in Section
- 1660 [53B-8-104](#) by the board on the effects of offering nonresident partial tuition scholarships;
- 1661 (c) the report described in Section [53B-7-704](#) by the Department of Workforce
- 1662 Services and the Governor's Office of Economic [~~Development~~] Opportunity on targeted jobs;
- 1663 (d) the reports described in Section [53B-7-705](#) by the board on performance;
- 1664 (e) the report described in Section [53B-8-201](#) by the board on the Regents' Scholarship
- 1665 Program;
- 1666 (f) the report described in Section [53B-8-303](#) by the board regarding Access Utah
- 1667 promise scholarships;
- 1668 (g) the report described in Section [53B-8d-104](#) by the Division of Child and Family

1669 Services on tuition waivers for wards of the state;

1670 (h) the report described in Section 53B-12-107 by the Utah Higher Education

1671 Assistance Authority;

1672 (i) the report described in Section 53B-13a-104 by the board on the Success Stipend

1673 Program;

1674 (j) the report described in Section 53B-17-201 by the University of Utah regarding the

1675 Miners' Hospital for Disabled Miners;

1676 (k) the report described in Section 53B-26-103 by the Governor's Office of Economic

1677 [~~Development~~] Opportunity on high demand technical jobs projected to support economic

1678 growth;

1679 (l) the report described in Section 53B-26-202 by the Medical Education Council on

1680 projected demand for nursing professionals; and

1681 (m) the report described in Section 53E-10-308 by the State Board of Education and

1682 board on student participation in the concurrent enrollment program.

1683 (2) In accordance with applicable provisions and Section 68-3-14, the following

1684 occasional reports are due to the Higher Education Appropriations Subcommittee:

1685 (a) upon request, the information described in Section 53B-8a-111 submitted by the

1686 Utah Educational Savings Plan;

1687 (b) as described in Section 53B-26-103, a proposal by an eligible partnership related to

1688 workforce needs for technical jobs projected to support economic growth;

1689 (c) a proposal described in Section 53B-26-202 by an eligible program to respond to

1690 projected demand for nursing professionals;

1691 (d) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board

1692 on the fire and rescue training program described in Section 53B-29-202; and

1693 (e) the reports described in Section 63C-19-202 by the Higher Education Strategic

1694 Planning Commission on the commission's progress.

1695 (3) In accordance with applicable provisions, the Higher Education Appropriations

1696 Subcommittee shall complete the following:

1697 (a) as required by Section 53B-7-703, the review of performance funding described in

1698 Section 53B-7-703;

1699 (b) the review described in Section 53B-7-705 of the implementation of performance

1700 funding;

1701 (c) an appropriation recommendation described in Section 53B-26-103 to fund a
1702 proposal responding to workforce needs of a strategic industry cluster;

1703 (d) an appropriation recommendation described in Section 53B-26-202 to fund a
1704 proposal responding to projected demand for nursing professionals; and

1705 (e) review of the report described in Section 63B-10-301 by the University of Utah on
1706 the status of a bond and bond payments specified in Section 63B-10-301.

1707 Section 46. Section 53B-7-702 is amended to read:

1708 **53B-7-702. Definitions.**

1709 As used in this part:

1710 (1) "Account" means the Performance Funding Restricted Account created in Section
1711 53B-7-703.

1712 (2) "Estimated revenue growth from targeted jobs" means the estimated increase in
1713 individual income tax revenue generated by individuals employed in targeted jobs, determined
1714 by the Department of Workforce Services in accordance with Section 53B-7-704.

1715 (3) "Full new performance funding amount" means the maximum amount of new
1716 performance funding that a degree-granting institution or technical college may qualify for in a
1717 fiscal year, determined by the Legislature in accordance with Section 53B-7-705.

1718 (4) "Full-time" means the number of credit hours the board determines is full-time
1719 enrollment for a student.

1720 (5) [~~GOED~~] "GO Utah office" means the Governor's Office of Economic
1721 [~~Development~~] Opportunity created in Section [~~63N-1-201~~] 63N-1a-301.

1722 (6) "Job" means an occupation determined by the Department of Workforce Services.

1723 (7) "Membership hour" means 60 minutes of scheduled instruction provided by a
1724 technical college to a student enrolled in the technical college.

1725 (8) "New performance funding" means the difference between the total amount of
1726 money in the account and the amount of money appropriated from the account for performance
1727 funding in the current fiscal year.

1728 (9) "Performance" means total performance across the metrics described in:

1729 (a) Section 53B-7-706 for a degree-granting institution; or

1730 (b) Section 53B-7-707 for a technical college.

1731 (10) "Research university" means the University of Utah or Utah State University.

1732 (11) "Targeted job" means a job designated by the Department of Workforce Services
1733 or ~~[GOED]~~ the GO Utah office in accordance with Section [53B-7-704](#).

1734 (12) "Technical college graduate" means an individual who:

1735 (a) has earned a certificate from an accredited program at a technical college; and

1736 (b) is no longer enrolled in the technical college.

1737 Section 47. Section **53B-7-704** is amended to read:

1738 **53B-7-704. Designation of targeted jobs -- Determination of estimated revenue**
1739 **growth from targeted jobs -- Reporting.**

1740 (1) As used in this section, "baseline amount" means the average annual wages for
1741 targeted jobs over calendar years 2014, 2015, and 2016, as determined by the Department of
1742 Workforce Services using the best available information.

1743 (2) (a) The Department of Workforce Services shall designate, as a targeted job, a job
1744 that:

1745 (i) has a base employment level of at least 100 individuals;

1746 (ii) ranks in the top 20% of jobs for outlook based on:

1747 (A) projected number of openings; and

1748 (B) projected rate of growth;

1749 (iii) ranks in the top 20% of jobs for median annual wage; and

1750 (iv) requires postsecondary training.

1751 (b) The Department of Workforce Services shall designate targeted jobs every other
1752 year.

1753 (c) ~~[GOED]~~ The GO Utah office may, after consulting with the Department of
1754 Workforce Services and industry representatives, designate a job that has significant industry
1755 importance as a targeted job.

1756 (d) Annually, the Department of Workforce Services and ~~[GOED]~~ the GO Utah office
1757 shall report to the Higher Education Appropriations Subcommittee on targeted jobs, including:

1758 (i) the method used to determine which jobs are targeted jobs;

1759 (ii) changes to which jobs are targeted jobs; and

1760 (iii) the reasons for each change described in Subsection (2)(d)(ii).

1761 (3) Based on the targeted jobs described in Subsection (2), the Department of

1762 Workforce Services shall annually determine the estimated revenue growth from targeted jobs
1763 by:

1764 (a) determining the total estimated wages for targeted jobs for the year:

1765 (i) based on the average wages for targeted jobs, calculated using the most recently
1766 available wage data and data from each of the two years before the most recently available
1767 data; and

1768 (ii) using the best available information;

1769 (b) determining the change in estimated wages for targeted jobs by subtracting the
1770 baseline amount from the total wages for targeted jobs described in Subsection (3)(a); and

1771 (c) multiplying the change in estimated wages for targeted jobs described in Subsection
1772 (3)(b) by 3.6%.

1773 (4) Annually, at least 30 days before the first day of the legislative general session, the
1774 Department of Workforce Services shall report the estimated revenue growth from targeted
1775 jobs to:

1776 (a) the Office of the Legislative Fiscal Analyst; and

1777 (b) the Division of Finance.

1778 Section 48. Section **53B-10-201** is amended to read:

1779 **53B-10-201. Definitions.**

1780 As used in this part:

1781 (1) "Full-time" means the number of credit hours the board determines is full-time
1782 enrollment for a student.

1783 (2) [~~GOED~~] "GO Utah office" means the Governor's Office of Economic
1784 [~~Development~~] Opportunity created in Section [~~63N-1-201~~] 63N-1a-301.

1785 (3) "Incentive loan" means a loan described in Section 53B-10-202.

1786 (4) "Institution" means an institution of higher education described in Subsection
1787 53B-1-102(1)(a).

1788 (5) "Program" means the Talent Development Incentive Loan Program created in
1789 Section 53B-10-202.

1790 (6) "Qualifying degree" means an associate's or a bachelor's degree that qualifies an
1791 individual to work in a qualifying job, as determined by [~~GOED~~] the GO Utah office under
1792 Section 53B-10-203.

- 1793 (7) "Qualifying job" means a job:
1794 (a) described in Section 53B-10-203 for which an individual may receive an incentive
1795 loan for the current two-year period; or
1796 (b) (i) that was selected in accordance with Section 53B-10-203 at the time a recipient
1797 received an incentive loan; and
1798 (ii) (A) for which the recipient is pursuing a qualifying degree;
1799 (B) for which the recipient completed a qualifying degree; or
1800 (C) in which the recipient is working.

1801 (8) "Recipient" means an individual who receives an incentive loan.

1802 Section 49. Section 53B-10-203 is amended to read:

1803 **53B-10-203. Selection of qualifying jobs and qualifying degrees.**

1804 (1) Every other year, [~~GOED~~] the GO Utah office shall select:

1805 (a) five qualifying jobs that:

1806 (i) have the highest demand for new employees; and

1807 (ii) offer high wages; and

1808 (b) the qualifying degrees for each qualifying job.

1809 (2) [~~GOED~~] The GO Utah office shall:

1810 (a) ensure that each qualifying job:

1811 (i) ranks in the top 40% of jobs based on an employment index that considers the job's
1812 growth rate and total openings;

1813 (ii) ranks in the top 40% of jobs for wages; and

1814 (iii) requires an associate's degree or a bachelor's degree; and

1815 (b) report the five qualifying jobs and qualifying degrees to the board.

1816 Section 50. Section 53B-26-102 is amended to read:

1817 **53B-26-102. Definitions.**

1818 As used in this part:

1819 (1) "CTE" means career and technical education.

1820 (2) "CTE region" means an economic service area created in Section 35A-2-101.

1821 (3) "Eligible partnership" means:

1822 (a) a regional partnership; or

1823 (b) a statewide partnership.

1824 (4) "Employer" means a private employer, public employer, industry association, the
1825 military, or a union.

1826 (5) "Industry advisory group" means:

1827 (a) a group of at least five employers that represent the workforce needs to which a
1828 proposal submitted under Section 53B-26-103 responds; and

1829 (b) a representative of the Governor's Office of Economic ~~Development~~ Opportunity,
1830 appointed by the executive director of the Governor's Office of Economic ~~Development~~
1831 Opportunity.

1832 (6) "Institution of higher education" means the University of Utah, Utah State
1833 University, Southern Utah University, Weber State University, Snow College, Dixie State
1834 University, Utah Valley University, or Salt Lake Community College.

1835 (7) "Regional partnership" means a partnership that:

1836 (a) provides educational services within one CTE region; and

1837 (b) is between at least two of the following located in the CTE region:

1838 (i) a technical college;

1839 (ii) a school district or charter school; or

1840 (iii) an institution of higher education.

1841 (8) "Stackable sequence of credentials" means a sequence of credentials that:

1842 (a) an individual can build upon to access an advanced job or higher wage;

1843 (b) is part of a career pathway system;

1844 (c) provides a pathway culminating in the equivalent of an associate's or bachelor's
1845 degree;

1846 (d) facilitates multiple exit and entry points; and

1847 (e) recognizes sub-goals or momentum points.

1848 (9) "Statewide partnership" means a partnership between at least two regional
1849 partnerships.

1850 (10) "Technical college" means:

1851 (a) a college described in Section 53B-2a-105;

1852 (b) the School of Applied Technology at Salt Lake Community College established
1853 under Section 53B-16-209;

1854 (c) Utah State University Eastern established under Section 53B-18-1201;

- 1855 (d) Utah State University Blanding established under Section [53B-18-1202](#); or
1856 (e) the Snow College Richfield campus established under Section [53B-16-205](#).
1857 Section 51. Section **53B-26-103** is amended to read:
1858 **53B-26-103. GO Utah office reporting requirement -- Proposals -- Funding.**
1859 (1) Every other year, the Governor's Office of Economic [~~Development~~] Opportunity
1860 shall report to the Higher Education Appropriations Subcommittee and the board on the high
1861 demand technical jobs projected to support economic growth in the following high need
1862 strategic industry clusters:
1863 (a) aerospace and defense;
1864 (b) energy and natural resources;
1865 (c) financial services;
1866 (d) life sciences;
1867 (e) outdoor products;
1868 (f) software development and information technology; and
1869 (g) any other strategic industry cluster designated by the Governor's Office of
1870 Economic [~~Development~~] Opportunity.
1871 (2) To receive funding under this section, an eligible partnership shall submit a
1872 proposal containing the elements described in Subsection (3) to the Higher Education
1873 Appropriations Subcommittee on or before January 5 for fiscal year 2018 and any succeeding
1874 fiscal year.
1875 (3) A proposal described in Subsection (2) shall include:
1876 (a) a program of instruction that:
1877 (i) is responsive to the workforce needs of a strategic industry cluster described in
1878 Subsection (1):
1879 (A) in one CTE region, for a proposal submitted by a regional partnership; or
1880 (B) in at least two CTE regions, for a proposal submitted by a statewide partnership;
1881 (ii) leads to the attainment of a stackable sequence of credentials; and
1882 (iii) includes a non-duplicative progression of courses that include both academic and
1883 CTE content;
1884 (b) expected student enrollment, attainment rates, and job placement rates;
1885 (c) evidence of input and support for the proposal from an industry advisory group;

- 1886 (d) a description of any financial or in-kind contributions for the program from an
1887 industry advisory group;
- 1888 (e) a description of the job opportunities available at each exit point in the stackable
1889 sequence of credentials;
- 1890 (f) evidence of an official action in support of the proposal from the board;
- 1891 (g) if the program of instruction described in Subsection (3)(a) requires board approval
1892 under Section 53B-16-102, evidence of board approval of the program of instruction; and
- 1893 (h) a funding request, including justification for the request.
- 1894 (4) The Higher Education Appropriations Subcommittee shall:
- 1895 (a) review a proposal submitted under this section using the following criteria:
- 1896 (i) the proposal contains the elements described in Subsection (3);
- 1897 (ii) for a proposal from a regional partnership, support for the proposal is widespread
1898 within the CTE region; and
- 1899 (iii) the proposal expands the capacity to meet state or regional workforce needs;
- 1900 (b) determine the extent to which to fund the proposal; and
- 1901 (c) make a recommendation to the Legislature for funding the proposal through the
1902 appropriations process.
- 1903 (5) An eligible partnership that receives funding under this section:
- 1904 (a) shall use the money to deliver the program of instruction described in the eligible
1905 partnership's proposal; and
- 1906 (b) may not use the money for administration.
- 1907 Section 52. Section 53B-26-303 is amended to read:
- 1908 **53B-26-303. Deep Technology Talent Advisory Council.**
- 1909 (1) There is created the Deep Technology Talent Advisory Council to make
1910 recommendations to the board in the board's administration of the deep technology talent
1911 initiative described in Section 53B-26-302.
- 1912 (2) The advisory council shall consist of the following members:
- 1913 (a) two members who have extensive experience in deep technology in the private
1914 sector appointed by the president of the Senate;
- 1915 (b) two members who have extensive experience in deep technology in the private
1916 sector appointed by the speaker of the House of Representatives;

- 1917 (c) a representative of the board appointed by the chair of the board;
- 1918 (d) a representative of the Governor's Office of Economic ~~[Development]~~ Opportunity
- 1919 appointed by the executive director of the Governor's Office of Economic ~~[Development]~~
- 1920 Opportunity;
- 1921 (e) one member of the Senate appointed by the president of the Senate;
- 1922 (f) one member of the House of Representatives appointed by the speaker of the House
- 1923 of Representatives; and
- 1924 (g) other specialized industry experts who may be invited by a majority of the advisory
- 1925 council to participate as needed as nonvoting members.
- 1926 (3) The board shall provide staff support for the advisory council.
- 1927 (4) (a) One of the advisory council members appointed under Subsection (2)(a) shall
- 1928 serve an initial term of two years and one of the advisory council members appointed under
- 1929 Subsection (2)(b) shall serve an initial term of two years.
- 1930 (b) Except as described in Subsection (4)(a), all other advisory council members shall
- 1931 serve an initial term of four years.
- 1932 (c) Successor advisory council members upon appointment or reappointment shall each
- 1933 serve a term of four years.
- 1934 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
- 1935 appointed by the initial appointing authority for the unexpired term.
- 1936 (e) An advisory council member may not serve more than two consecutive terms.
- 1937 (5) A vote of a majority of the advisory council members is necessary to take action on
- 1938 behalf of the advisory council.
- 1939 (6) The duties of the advisory council include reviewing, prioritizing, and making
- 1940 recommendations to the board regarding proposals for funding under the deep technology
- 1941 talent initiative described in Section [53B-26-302](#).
- 1942 (7) A member may not receive compensation or benefits for the member's service, but
- 1943 a member who is not a legislator may receive per diem and travel expenses in accordance with:
- 1944 (a) Sections [63A-3-106](#) and [63A-3-107](#); and
- 1945 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 1946 [63A-3-107](#).
- 1947 Section 53. Section **53B-30-101** is enacted to read:

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CHAPTER 30. CAREER READINESS ACT
Part 3. General Provisions

53B-30-101. Title.

This chapter is known as the "Career Readiness Act."

Section 54. Section **53B-30-102** is enacted to read:

53B-30-102. Definitions.

As used in this chapter:

(1) "Education provider" means:

(a) a Utah institution of higher education as defined in Section [53B-2-101](#); or

(b) a nonprofit Utah provider of postsecondary education.

(2) "Student user" means:

(a) a Utah student in kindergarten through grade 12;

(b) a Utah postsecondary education student;

(c) a parent or guardian of a Utah public education student; or

(d) a Utah potential postsecondary education student.

Section 55. Section **53B-30-201**, which is renumbered from Section 63N-12-509 is renumbered and amended to read:

Part 2. State Online Career Counseling

~~[63N-12-509].~~ **53B-30-201. State online career counseling program.**

~~[(1) As used in this section:]~~

~~[(a) "Education provider" means:]~~

~~[(i) a Utah institution of higher education as defined in Section [53B-2-101](#); or]~~

~~[(ii) a nonprofit Utah provider of postsecondary education.]~~

~~[(b) "Student user" means:]~~

~~[(i) a Utah student in kindergarten through grade 12;]~~

~~[(ii) a Utah post secondary education student;]~~

~~[(iii) a parent or guardian of a Utah public education student; or]~~

~~[(iv) a Utah potential post secondary education student.]~~

~~[(c) "Utah Futures" means a career planning program developed and administered by the talent ready board.]~~

(1) The board shall develop and administer a state online career counseling program in

1979 accordance with this section.

1980 (2) The [~~talent ready~~] board shall ensure, as funding allows and is feasible, that [~~Utah~~
1981 ~~Futures will~~] the program:

1982 (a) [~~allow~~] allows a student user to:

1983 (i) access, subject to Subsection (3), information about an education provider or a
1984 scholarship provider;

1985 (ii) access information about different career opportunities and understand the related
1986 educational requirements to enter that career;

1987 (iii) access information about education providers;

1988 (iv) access up to date information about entrance requirements to education providers;

1989 and

1990 [~~(v) apply for entrance to multiple schools without having to fully replicate the~~
1991 ~~application process;~~]

1992 [~~(vi) apply for loans, scholarships, or grants from multiple education providers in one~~
1993 ~~location without having to fully replicate the application process for multiple education~~
1994 ~~providers; and]~~

1995 [~~(vii)~~] (v) research open jobs from different companies within the user's career interest
1996 and apply for those jobs without having to leave the website to do so;

1997 (b) [~~allow~~] allows all users to:

1998 (i) access information about different career opportunities and understand the related
1999 educational requirements to enter that career;

2000 (ii) access information about education providers; and

2001 (iii) access up-to-date information about entrance requirements to education providers;

2002 [~~(iv) apply for entrance to multiple schools without having to fully replicate the~~
2003 ~~application process;~~]

2004 [~~(v) apply for loans, scholarships, or grants from multiple education providers in one~~
2005 ~~location without having to fully replicate the application process for multiple education~~
2006 ~~providers; and]~~

2007 [~~(vi) research open jobs from different companies within the user's career interest and~~
2008 ~~apply for those jobs without having to leave the website to do so;]~~

2009 (c) [~~allow~~] allows an education provider to:

2010 (i) request that [~~Utah Futures~~] the program send information to student users who are
2011 interested in various educational opportunities;

2012 (ii) promote the education provider's programs and schools to student users; and

2013 (iii) connect with student users within the [~~Utah Futures~~] program's website;

2014 (d) [~~allow~~] allows a Utah business to:

2015 (i) request that [~~Utah Futures~~] the program send information to student users who are
2016 pursuing educational opportunities that are consistent with jobs the Utah business is trying to
2017 fill now or in the future; and

2018 (ii) market jobs and communicate with student users through the [~~Utah Futures~~]
2019 program's website as allowed by law; and

2020 (e) provide analysis and reporting on student user interests and education paths within
2021 the education system[~~; and~~].

2022 [~~(f) allow all users of the Utah Futures' system to communicate and interact through~~
2023 ~~social networking tools within the Utah Futures website as allowed by law.~~]

2024 (3) A student may access information described in Subsection (2)(a)(i) only if [~~Utah~~
2025 ~~Futures~~] the program obtains written consent:

2026 (a) of a student's parent or legal guardian through the student's school or LEA; or

2027 (b) for a student who is age 18 or older or an emancipated minor, from the student.

2028 (4) The [~~talent ready~~] board:

2029 (a) may charge a fee to a Utah business for services provided by [~~Utah Futures~~] the
2030 program under this section; and

2031 (b) shall establish a fee described in Subsection (4)(a) in accordance with Section
2032 **63J-1-504.**

2033 Section 56. Section **54-4-41** is amended to read:

2034 **54-4-41. Recovery of investment in utility-owned vehicle charging infrastructure.**

2035 (1) As used in this section, "charging infrastructure program" means the program
2036 described in Subsection (2).

2037 (2) The commission shall authorize a large-scale electric utility program that:

2038 (a) allows for funding from large-scale electric utility customers for a maximum of
2039 \$50,000,000 for all costs and expenses associated with:

2040 (i) the deployment of utility-owned vehicle charging infrastructure; and

2041 (ii) utility vehicle charging service provided by the large-scale electric utility;
2042 (b) creates a new customer class, with a utility vehicle charging service rate structure
2043 that:
2044 (i) is determined by the commission to be in the public interest;
2045 (ii) is a transitional rate structure expected to allow the large-scale electric utility to
2046 recover, through charges to utility vehicle charging service customers, the large-scale electric
2047 utility's full cost of service for utility-owned vehicle charging infrastructure and utility vehicle
2048 charging service over a reasonable time frame determined by the commission; and
2049 (iii) may allow different rates for large-scale electric utility customers to reflect
2050 contributions to investment; and
2051 (c) includes a transportation plan that promotes:
2052 (i) the deployment of utility-owned vehicle charging infrastructure in the public
2053 interest; and
2054 (ii) the availability of utility vehicle charging service.
2055 (3) Before submitting a proposed charging infrastructure program to the commission
2056 for commission approval under Subsection (2), a large-scale electric utility shall seek and
2057 consider input from:
2058 (a) the Division of Public Utilities, established in Section [54-4a-1](#);
2059 (b) the Office of Consumer Services, created in Section [54-10a-201](#);
2060 (c) the Division of Air Quality, created in Section [19-1-105](#);
2061 (d) the Department of Transportation, created in Section [72-1-201](#);
2062 (e) the Governor's Office of Economic ~~Development~~ Opportunity, created in Section
2063 ~~[63N-1-201]~~ [63N-1a-301](#);
2064 (f) the Office of Energy Development, created in Section [63M-4-401](#);
2065 (g) the board of the Utah Inland Port Authority, created in Section [11-58-201](#);
2066 (h) representatives of the Point of the Mountain State Land Development Authority,
2067 created in Section [11-59-201](#);
2068 (i) third-party electric vehicle battery charging service operators; and
2069 (j) any other person who files a request for notice with the commission.
2070 (4) The commission shall find a charging infrastructure program to be in the public
2071 interest if the commission finds that the charging infrastructure program:

- 2072 (a) increases the availability of electric vehicle battery charging service in the state;
- 2073 (b) enables the significant deployment of infrastructure that supports electric vehicle
- 2074 battery charging service and utility-owned vehicle charging infrastructure in a manner
- 2075 reasonably expected to increase electric vehicle adoption;
- 2076 (c) includes an evaluation of investments in the areas of the authority jurisdictional
- 2077 land, as defined in Section 11-58-102, and the point of the mountain state land, as defined in
- 2078 Section 11-59-102;
- 2079 (d) enables competition, innovation, and customer choice in electric vehicle battery
- 2080 charging services, while promoting low-cost services for electric vehicle battery charging
- 2081 customers; and
- 2082 (e) provides for ongoing coordination with the Department of Transportation, created
- 2083 in Section 72-1-201.
- 2084 (5) The commission may, consistent with Subsection (2), approve an amendment to the
- 2085 charging infrastructure program if the large-scale electric utility demonstrates that the
- 2086 amendment:
- 2087 (a) is prudent;
- 2088 (b) will provide net benefits to customers; and
- 2089 (c) is otherwise consistent with the requirements of Subsection (2).
- 2090 (6) The commission shall authorize recovery of a large-scale electric utility's
- 2091 investment in utility-owned vehicle charging infrastructure through a balancing account or
- 2092 other ratemaking treatment that reflects:
- 2093 (a) charging infrastructure program costs associated with prudent investment, including
- 2094 the large-scale electric utility's pre-tax average weighted cost of capital approved by the
- 2095 commission in the large-scale electric utility's most recent general rate proceeding, and
- 2096 associated revenue and prudently incurred expenses; and
- 2097 (b) a carrying charge.
- 2098 (7) A large-scale electric utility's investment in utility-owned vehicle charging
- 2099 infrastructure is prudently made if the large-scale electric utility demonstrates in a formal
- 2100 adjudicative proceeding before the commission that the investment can reasonably be
- 2101 anticipated to:
- 2102 (a) result in one or more projects that are in the public interest of the large-scale

2103 electric utility's customers to reduce transportation sector emissions over a reasonable time
2104 period as determined by the commission;

2105 (b) provide the large-scale electric utility's customers significant benefits that may
2106 include revenue from utility vehicle charging service that offsets the large-scale electric utility's
2107 costs and expenses; and

2108 (c) facilitate any other measure that the commission determines:

2109 (i) promotes deployment of utility-owned vehicle charging infrastructure and utility
2110 vehicle charging service; or

2111 (ii) creates significant benefits in the long term for customers of the large-scale electric
2112 utility.

2113 (8) A large-scale electric utility that establishes and implements a charging
2114 infrastructure program shall annually, on or before June 1, submit a written report to the Public
2115 Utilities, Energy, and Technology Interim Committee of the Legislature about the charging
2116 infrastructure program's activities during the previous calendar year, including information on:

2117 (a) the charging infrastructure program's status, operation, funding, and benefits;

2118 (b) the disposition of charging infrastructure program funds; and

2119 (c) the charging infrastructure program's impact on rates.

2120 Section 57. Section **59-1-403** is amended to read:

2121 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

2122 (1) (a) Any of the following may not divulge or make known in any manner any
2123 information gained by that person from any return filed with the commission:

2124 (i) a tax commissioner;

2125 (ii) an agent, clerk, or other officer or employee of the commission; or

2126 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or
2127 town.

2128 (b) An official charged with the custody of a return filed with the commission is not
2129 required to produce the return or evidence of anything contained in the return in any action or
2130 proceeding in any court, except:

2131 (i) in accordance with judicial order;

2132 (ii) on behalf of the commission in any action or proceeding under:

2133 (A) this title; or

2134 (B) other law under which persons are required to file returns with the commission;
2135 (iii) on behalf of the commission in any action or proceeding to which the commission
2136 is a party; or
2137 (iv) on behalf of any party to any action or proceeding under this title if the report or
2138 facts shown by the return are directly involved in the action or proceeding.
2139 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may
2140 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically
2141 pertinent to the action or proceeding.
2142 (2) This section does not prohibit:
2143 (a) a person or that person's duly authorized representative from receiving a copy of
2144 any return or report filed in connection with that person's own tax;
2145 (b) the publication of statistics as long as the statistics are classified to prevent the
2146 identification of particular reports or returns; and
2147 (c) the inspection by the attorney general or other legal representative of the state of the
2148 report or return of any taxpayer:
2149 (i) who brings action to set aside or review a tax based on the report or return;
2150 (ii) against whom an action or proceeding is contemplated or has been instituted under
2151 this title; or
2152 (iii) against whom the state has an unsatisfied money judgment.
2153 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the
2154 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
2155 Rulemaking Act, provide for a reciprocal exchange of information with:
2156 (i) the United States Internal Revenue Service; or
2157 (ii) the revenue service of any other state.
2158 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and
2159 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,
2160 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
2161 other written statements with the federal government, any other state, any of the political
2162 subdivisions of another state, or any political subdivision of this state, except as limited by
2163 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal
2164 government grant substantially similar privileges to this state.

2165 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and
2166 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,
2167 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the
2168 identity and other information of taxpayers who have failed to file tax returns or to pay any tax
2169 due.

2170 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the
2171 Division of Environmental Response and Remediation, as defined in Section 19-6-402, as
2172 requested by the director of the Division of Environmental Response and Remediation, any
2173 records, returns, or other information filed with the commission under Chapter 13, Motor and
2174 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program
2175 participation fee.

2176 (e) Notwithstanding Subsection (1), at the request of any person the commission shall
2177 provide that person sales and purchase volume data reported to the commission on a report,
2178 return, or other information filed with the commission under:

- 2179 (i) Chapter 13, Part 2, Motor Fuel; or
- 2180 (ii) Chapter 13, Part 4, Aviation Fuel.

2181 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,
2182 as defined in Section 59-22-202, the commission shall report to the manufacturer:

2183 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
2184 manufacturer and reported to the commission for the previous calendar year under Section
2185 59-14-407; and

2186 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
2187 manufacturer for which a tax refund was granted during the previous calendar year under
2188 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

2189 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,
2190 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited
2191 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

2192 (h) Notwithstanding Subsection (1), the commission may:

2193 (i) provide to the Division of Consumer Protection within the Department of
2194 Commerce and the attorney general data:

2195 (A) reported to the commission under Section 59-14-212; or

2196 (B) related to a violation under Section 59-14-211; and
2197 (ii) upon request, provide to any person data reported to the commission under
2198 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).
2199 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee
2200 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of
2201 Management and Budget, provide to the committee or office the total amount of revenues
2202 collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the
2203 time period specified by the committee or office.
2204 (j) Notwithstanding Subsection (1), the commission shall make the directory required
2205 by Section 59-14-603 available for public inspection.
2206 (k) Notwithstanding Subsection (1), the commission may share information with
2207 federal, state, or local agencies as provided in Subsection 59-14-606(3).
2208 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of
2209 Recovery Services within the Department of Human Services any relevant information
2210 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer
2211 who has become obligated to the Office of Recovery Services.
2212 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of
2213 Recovery Services to any other state's child support collection agency involved in enforcing
2214 that support obligation.
2215 (m) (i) Notwithstanding Subsection (1), upon request from the state court
2216 administrator, the commission shall provide to the state court administrator, the name, address,
2217 telephone number, county of residence, and social security number on resident returns filed
2218 under Chapter 10, Individual Income Tax Act.
2219 (ii) The state court administrator may use the information described in Subsection
2220 (3)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.
2221 (n) (i) As used in this Subsection (3)(n):
2222 (A) [~~"GOED"~~] "GO Utah office" means the Governor's Office of Economic
2223 [~~Development~~] Opportunity created in Section [~~63N-1-201~~] 63N-1a-301.
2224 (B) "Income tax information" means information gained by the commission that is
2225 required to be attached to or included in a return filed with the commission under Chapter 7,
2226 Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

2227 (C) "Other tax information" means information gained by the commission that is
2228 required to be attached to or included in a return filed with the commission except for a return
2229 filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual
2230 Income Tax Act.

2231 (D) "Tax information" means income tax information or other tax information.

2232 (ii) (A) Notwithstanding Subsection (1) and except as provided in Subsection
2233 (3)(n)(ii)(B) or (C), the commission shall at the request of [~~GOED~~] the GO Utah office provide
2234 to [~~GOED~~] the GO Utah office all income tax information.

2235 (B) For purposes of a request for income tax information made under Subsection
2236 (3)(n)(ii)(A), [~~GOED~~] the GO Utah office may not request and the commission may not
2237 provide to [~~GOED~~] the GO Utah office a person's address, name, social security number, or
2238 taxpayer identification number.

2239 (C) In providing income tax information to [~~GOED~~] the GO Utah office, the
2240 commission shall in all instances protect the privacy of a person as required by Subsection
2241 (3)(n)(ii)(B).

2242 (iii) (A) Notwithstanding Subsection (1) and except as provided in Subsection
2243 (3)(n)(iii)(B), the commission shall at the request of [~~GOED~~] the GO Utah office provide to
2244 [~~GOED~~] the GO Utah office other tax information.

2245 (B) Before providing other tax information to [~~GOED~~] the GO Utah office, the
2246 commission shall redact or remove any name, address, social security number, or taxpayer
2247 identification number.

2248 (iv) [~~GOED~~] The GO Utah office may provide tax information received from the
2249 commission in accordance with this Subsection (3)(n) only:

2250 (A) as a fiscal estimate, fiscal note information, or statistical information; and

2251 (B) if the tax information is classified to prevent the identification of a particular
2252 return.

2253 (v) (A) A person may not request tax information from [~~GOED~~] the GO Utah office
2254 under Title 63G, Chapter 2, Government Records Access and Management Act, or this section,
2255 if [~~GOED~~] the GO Utah office received the tax information from the commission in
2256 accordance with this Subsection (3)(n).

2257 (B) [~~GOED~~] The GO Utah office may not provide to a person that requests tax

2258 information in accordance with Subsection (3)(n)(v)(A) any tax information other than the tax
2259 information [~~GOED~~] the GO Utah office provides in accordance with Subsection (3)(n)(iv).

2260 (o) Notwithstanding Subsection (1), the commission may provide to the governing
2261 board of the agreement or a taxing official of another state, the District of Columbia, the United
2262 States, or a territory of the United States:

2263 (i) the following relating to an agreement sales and use tax:

2264 (A) information contained in a return filed with the commission;

2265 (B) information contained in a report filed with the commission;

2266 (C) a schedule related to Subsection (3)(o)(i)(A) or (B); or

2267 (D) a document filed with the commission; or

2268 (ii) a report of an audit or investigation made with respect to an agreement sales and
2269 use tax.

2270 (p) Notwithstanding Subsection (1), the commission may provide information
2271 concerning a taxpayer's state income tax return or state income tax withholding information to
2272 the Driver License Division if the Driver License Division:

2273 (i) requests the information; and

2274 (ii) provides the commission with a signed release form from the taxpayer allowing the
2275 Driver License Division access to the information.

2276 (q) Notwithstanding Subsection (1), the commission shall provide to the Utah
2277 Communications Authority, or a division of the Utah Communications Authority, the
2278 information requested by the authority under Sections [63H-7a-302](#), [63H-7a-402](#), and
2279 [63H-7a-502](#).

2280 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah
2281 Educational Savings Plan information related to a resident or nonresident individual's
2282 contribution to a Utah Educational Savings Plan account as designated on the resident or
2283 nonresident's individual income tax return as provided under Section [59-10-1313](#).

2284 (s) Notwithstanding Subsection (1), for the purpose of verifying eligibility under
2285 Sections [26-18-2.5](#) and [26-40-105](#), the commission shall provide an eligibility worker with the
2286 Department of Health or its designee with the adjusted gross income of an individual if:

2287 (i) an eligibility worker with the Department of Health or its designee requests the
2288 information from the commission; and

2289 (ii) the eligibility worker has complied with the identity verification and consent
2290 provisions of Sections 26-18-2.5 and 26-40-105.

2291 (t) Notwithstanding Subsection (1), the commission may provide to a county, as
2292 determined by the commission, information declared on an individual income tax return in
2293 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption
2294 authorized under Section 59-2-103.

2295 (u) Notwithstanding Subsection (1), the commission shall provide a report regarding
2296 any access line provider that is over 90 days delinquent in payment to the commission of
2297 amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless
2298 Telecommunications Service Charges, to the board of the Utah Communications Authority
2299 created in Section 63H-7a-201.

2300 (v) Notwithstanding Subsection (1), the commission shall provide the Department of
2301 Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the
2302 previous calendar year under Section 59-24-103.5.

2303 (w) Notwithstanding Subsection (1), the commission may, upon request, provide to the
2304 Department of Workforce Services any information received under Chapter 10, Part 4,
2305 Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

2306 (x) Notwithstanding Subsection (1), the commission may provide the Public Service
2307 Commission or the Division of Public Utilities information related to a seller that collects and
2308 remits to the commission a charge described in Subsection 69-2-405(2), including the seller's
2309 identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

2310 (4) (a) Each report and return shall be preserved for at least three years.

2311 (b) After the three-year period provided in Subsection (4)(a) the commission may
2312 destroy a report or return.

2313 (5) (a) Any individual who violates this section is guilty of a class A misdemeanor.

2314 (b) If the individual described in Subsection (5)(a) is an officer or employee of the
2315 state, the individual shall be dismissed from office and be disqualified from holding public
2316 office in this state for a period of five years thereafter.

2317 (c) Notwithstanding Subsection (5)(a) or (b), [~~GOED~~] the GO Utah office, when
2318 requesting information in accordance with Subsection (3)(n)(iii), or an individual who requests
2319 information in accordance with Subsection (3)(n)(v):

- 2320 (i) is not guilty of a class A misdemeanor; and
2321 (ii) is not subject to:
2322 (A) dismissal from office in accordance with Subsection (5)(b); or
2323 (B) disqualification from holding public office in accordance with Subsection (5)(b).
2324 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.
2325 Section 58. Section 59-7-159 is amended to read:
2326 **59-7-159. Review of credits allowed under this chapter.**
2327 (1) As used in this section, "committee" means the Revenue and Taxation Interim
2328 Committee.
2329 (2) (a) The committee shall review the tax credits described in this chapter as provided
2330 in Subsection (3) and make recommendations concerning whether the tax credits should be
2331 continued, modified, or repealed.
2332 (b) In conducting the review required under Subsection (2)(a), the committee shall:
2333 (i) schedule time on at least one committee agenda to conduct the review;
2334 (ii) invite state agencies, individuals, and organizations concerned with the tax credit
2335 under review to provide testimony;
2336 (iii) (A) invite the Governor's Office of Economic ~~Development~~ Opportunity to
2337 present a summary and analysis of the information for each tax credit regarding which the
2338 Governor's Office of Economic ~~Development~~ Opportunity is required to make a report under
2339 this chapter; and
2340 (B) invite the Office of the Legislative Fiscal Analyst to present a summary and
2341 analysis of the information for each tax credit regarding which the Office of the Legislative
2342 Fiscal Analyst is required to make a report under this chapter;
2343 (iv) ensure that the committee's recommendations described in this section include an
2344 evaluation of:
2345 (A) the cost of the tax credit to the state;
2346 (B) the purpose and effectiveness of the tax credit; and
2347 (C) the extent to which the state benefits from the tax credit; and
2348 (v) undertake other review efforts as determined by the committee chairs or as
2349 otherwise required by law.
2350 (3) (a) On or before November 30, 2017, and every three years after 2017, the

2351 committee shall conduct the review required under Subsection (2) of the tax credits allowed
2352 under the following sections:

- 2353 (i) Section 59-7-601;
- 2354 (ii) Section 59-7-607;
- 2355 (iii) Section 59-7-612;
- 2356 (iv) Section 59-7-614.1; and
- 2357 (v) Section 59-7-614.5.

2358 (b) On or before November 30, 2018, and every three years after 2018, the committee
2359 shall conduct the review required under Subsection (2) of the tax credits allowed under the
2360 following sections:

- 2361 (i) Section 59-7-609;
- 2362 (ii) Section 59-7-614.2;
- 2363 (iii) Section 59-7-614.10;
- 2364 (iv) Section 59-7-619;
- 2365 (v) Section 59-7-620; and
- 2366 (vi) Section 59-7-624.

2367 (c) On or before November 30, 2019, and every three years after 2019, the committee
2368 shall conduct the review required under Subsection (2) of the tax credits allowed under the
2369 following sections:

- 2370 (i) Section 59-7-610;
- 2371 (ii) Section 59-7-614;
- 2372 (iii) Section 59-7-614.7; and
- 2373 (iv) Section 59-7-618.

2374 (d) (i) In addition to the reviews described in this Subsection (3), the committee shall
2375 conduct a review of a tax credit described in this chapter that is enacted on or after January 1,
2376 2017.

2377 (ii) The committee shall complete a review described in this Subsection (3)(d) three
2378 years after the effective date of the tax credit and every three years after the initial review date.

2379 Section 59. Section 59-7-614.5 is amended to read:

2380 **59-7-614.5. Refundable motion picture tax credit.**

2381 (1) As used in this section:

2382 (a) "Motion picture company" means a taxpayer that meets the definition of a motion
2383 picture company under Section [63N-8-102](#).

2384 (b) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity
2385 created in Section ~~[63N-1-201]~~ [63N-1a-301](#).

2386 (c) "State-approved production" means the same as that term is defined in Section
2387 [63N-8-102](#).

2388 (2) For a taxable year beginning on or after January 1, 2009, a motion picture company
2389 may claim a refundable tax credit for a state-approved production.

2390 (3) The tax credit under this section is the amount listed as the tax credit amount on the
2391 tax credit certificate that the office issues to a motion picture company under Section
2392 [63N-8-103](#) for the taxable year.

2393 (4) (a) In accordance with any rules prescribed by the commission under Subsection
2394 (4)(b), the commission shall make a refund to a motion picture company that claims a tax
2395 credit under this section if the amount of the tax credit exceeds the motion picture company's
2396 tax liability for a taxable year.

2397 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2398 commission may make rules providing procedures for making a refund to a motion picture
2399 company as required by Subsection (4)(a).

2400 (5) (a) In accordance with Section [59-7-159](#), the Revenue and Taxation Interim
2401 Committee shall study the tax credit allowed by this section and make recommendations
2402 concerning whether the tax credit should be continued, modified, or repealed.

2403 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by
2404 this Subsection (5), the office shall provide the following information, if available to the office,
2405 to the Office of the Legislative Fiscal Analyst by electronic means:

2406 (A) the amount of tax credit that the office grants to each motion picture company for
2407 each calendar year;

2408 (B) estimates of the amount of tax credit that the office will grant for each of the next
2409 three calendar years;

2410 (C) the criteria that the office uses in granting the tax credit;

2411 (D) the dollars left in the state, as defined in Section [63N-8-102](#), by each motion
2412 picture company for each calendar year;

2413 (E) the information contained in the office's latest report under Section [63N-8-105](#); and
2414 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

2415 (ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall
2416 redact information that identifies a recipient of a tax credit under this section.

2417 (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting
2418 the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a
2419 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to
2420 provide the information described in Subsection (5)(b)(i) in the aggregate for all motion picture
2421 companies that receive the tax credit under this section.

2422 (c) As part of the study required by this Subsection (5), the Office of the Legislative
2423 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and
2424 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the
2425 office under Subsection (5)(b).

2426 (d) The Revenue and Taxation Interim Committee shall ensure that the
2427 recommendations described in Subsection (5)(a) include an evaluation of:

- 2428 (i) the cost of the tax credit to the state;
2429 (ii) the effectiveness of the tax credit; and
2430 (iii) the extent to which the state benefits from the tax credit.

2431 Section 60. Section **59-7-614.10** is amended to read:

2432 **59-7-614.10. Nonrefundable enterprise zone tax credit.**

2433 (1) As used in this section:

2434 (a) "Business entity" means a corporation that meets the definition of "business entity"
2435 as that term is defined in Section [63N-2-202](#).

2436 (b) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity
2437 created in Section [~~63N-1-201~~] [63N-1a-301](#).

2438 (2) Subject to the provisions of this section, a business entity may claim a
2439 nonrefundable enterprise zone tax credit as described in Section [63N-2-213](#).

2440 (3) The enterprise zone tax credit under this section is the amount listed as the tax
2441 credit amount on the tax credit certificate that the office issues to the business entity for the
2442 taxable year.

2443 (4) A business entity may carry forward a tax credit under this section for a period that

2444 does not exceed the next three taxable years, if the amount of the tax credit exceeds the
2445 business entity's tax liability under this chapter for that taxable year.

2446 (5) A business entity may not claim or carry forward a tax credit under this part for a
2447 taxable year during which the business entity has claimed the targeted business income tax
2448 credit under Section 59-7-624.

2449 (6) (a) In accordance with Section 59-7-159, the Revenue and Taxation Interim
2450 Committee shall study the tax credit allowed by this section and make recommendations
2451 concerning whether the tax credit should be continued, modified, or repealed.

2452 (b) (i) Except as provided in Subsection (6)(b)(ii), for purposes of the study required by
2453 this Subsection (6), the office shall provide by electronic means the following information for
2454 each calendar year to the Office of the Legislative Fiscal Analyst:

2455 (A) the amount of tax credits provided in each development zone;

2456 (B) the number of new full-time employee positions reported to obtain tax credits in
2457 each development zone;

2458 (C) the amount of tax credits awarded for rehabilitating a building in each development
2459 zone;

2460 (D) the amount of tax credits awarded for investing in a plant, equipment, or other
2461 depreciable property in each development zone;

2462 (E) the information related to the tax credit contained in the office's latest report under
2463 Section 63N-1-301; and

2464 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

2465 (ii) (A) In providing the information described in Subsection (6)(b)(i), the office shall
2466 redact information that identifies a recipient of a tax credit under this section.

2467 (B) If, notwithstanding the redactions made under Subsection (6)(b)(ii)(A), reporting
2468 the information described in Subsection (6)(b)(i) might disclose the identity of a recipient of a
2469 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to
2470 provide the information described in Subsection (6)(b)(i) in the aggregate for all development
2471 zones that receive the tax credit under this section.

2472 (c) As part of the study required by this Subsection (6), the Office of the Legislative
2473 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and
2474 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the

2475 office under Subsection (6)(b).

2476 (d) The Revenue and Taxation Interim Committee shall ensure that the
2477 recommendations described in Subsection (6)(a) include an evaluation of:

- 2478 (i) the cost of the tax credit to the state;
2479 (ii) the purpose and effectiveness of the tax credit; and
2480 (iii) the extent to which the state benefits from the tax credit.

2481 Section 61. Section **59-7-621** is amended to read:

2482 **59-7-621. Nonrefundable rural job creation tax credit.**

2483 (1) As used in this section, "office" means the Governor's Office of Economic
2484 [~~Development~~] Opportunity created in Section [~~63N-1-201~~] [63N-1a-301](#).

2485 (2) Subject to the other provisions of this section, a taxpayer may claim a
2486 nonrefundable tax credit for rural job creation as provided in this section.

2487 (3) The tax credit under this section is the amount listed as the tax credit amount on a
2488 tax credit certificate that the office issues under Title 63N, Chapter 4, Part 3, Utah Rural Jobs
2489 Act, to the taxpayer for the taxable year.

2490 (4) A taxpayer may carry forward a tax credit under this section for the next seven
2491 taxable years if the amount of the tax credit exceeds the taxpayer's tax liability under this
2492 chapter for the taxable year in which the taxpayer claims the tax credit.

2493 Section 62. Section **59-7-624** is amended to read:

2494 **59-7-624. Targeted business income tax credit.**

2495 (1) As used in this section, "business applicant" means the same as that term is defined
2496 in Section [63N-2-302](#).

2497 (2) A business applicant that is certified and issued a targeted business income tax
2498 eligibility certificate by the Governor's Office of Economic [~~Development~~] Opportunity under
2499 Section [63N-2-304](#) may claim a refundable tax credit in the amount specified on the targeted
2500 business income tax eligibility certificate.

2501 (3) For a taxable year for which a business applicant claims a targeted business income
2502 tax credit under this section, the business applicant may not claim or carry forward a tax credit
2503 under Section [59-7-610](#), Section [59-10-1007](#), or Title 63N, Chapter 2, Part 2, Enterprise Zone
2504 Act.

2505 Section 63. Section **59-10-137** is amended to read:

2506 **59-10-137. Review of credits allowed under this chapter.**

2507 (1) As used in this section, "committee" means the Revenue and Taxation Interim
2508 Committee.

2509 (2) (a) The committee shall review the tax credits described in this chapter as provided
2510 in Subsection (3) and make recommendations concerning whether the tax credits should be
2511 continued, modified, or repealed.

2512 (b) In conducting the review required under Subsection (2)(a), the committee shall:

2513 (i) schedule time on at least one committee agenda to conduct the review;

2514 (ii) invite state agencies, individuals, and organizations concerned with the tax credit
2515 under review to provide testimony;

2516 (iii) (A) invite the Governor's Office of Economic ~~Development~~ Opportunity to
2517 present a summary and analysis of the information for each tax credit regarding which the
2518 Governor's Office of Economic ~~Development~~ Opportunity is required to make a report under
2519 this chapter; and

2520 (B) invite the Office of the Legislative Fiscal Analyst to present a summary and
2521 analysis of the information for each tax credit regarding which the Office of the Legislative
2522 Fiscal Analyst is required to make a report under this chapter;

2523 (iv) ensure that the committee's recommendations described in this section include an
2524 evaluation of:

2525 (A) the cost of the tax credit to the state;

2526 (B) the purpose and effectiveness of the tax credit; and

2527 (C) the extent to which the state benefits from the tax credit; and

2528 (v) undertake other review efforts as determined by the committee chairs or as
2529 otherwise required by law.

2530 (3) (a) On or before November 30, 2017, and every three years after 2017, the
2531 committee shall conduct the review required under Subsection (2) of the tax credits allowed
2532 under the following sections:

2533 (i) Section 59-10-1004;

2534 (ii) Section 59-10-1010;

2535 (iii) Section 59-10-1015;

2536 (iv) Section 59-10-1025;

2537 (v) Section 59-10-1027;

2538 (vi) Section 59-10-1031;

2539 (vii) Section 59-10-1032;

2540 (viii) Section 59-10-1035;

2541 (ix) Section 59-10-1104;

2542 (x) Section 59-10-1105; and

2543 (xi) Section 59-10-1108.

2544 (b) On or before November 30, 2018, and every three years after 2018, the committee

2545 shall conduct the review required under Subsection (2) of the tax credits allowed under the

2546 following sections:

2547 (i) Section 59-10-1005;

2548 (ii) Section 59-10-1006;

2549 (iii) Section 59-10-1012;

2550 (iv) Section 59-10-1022;

2551 (v) Section 59-10-1023;

2552 (vi) Section 59-10-1028;

2553 (vii) Section 59-10-1034;

2554 (viii) Section 59-10-1037;

2555 (ix) Section 59-10-1107; and

2556 (x) Section 59-10-1112.

2557 (c) On or before November 30, 2019, and every three years after 2019, the committee

2558 shall conduct the review required under Subsection (2) of the tax credits allowed under the

2559 following sections:

2560 (i) Section 59-10-1007;

2561 (ii) Section 59-10-1014;

2562 (iii) Section 59-10-1017;

2563 (iv) Section 59-10-1018;

2564 (v) Section 59-10-1019;

2565 (vi) Section 59-10-1024;

2566 (vii) Section 59-10-1029;

2567 (viii) Section 59-10-1033;

2568 (ix) Section [59-10-1036](#);

2569 (x) Section [59-10-1106](#); and

2570 (xi) Section [59-10-1111](#).

2571 (d) (i) In addition to the reviews described in this Subsection (3), the committee shall
2572 conduct a review of a tax credit described in this chapter that is enacted on or after January 1,
2573 2017.

2574 (ii) The committee shall complete a review described in this Subsection (3)(d) three
2575 years after the effective date of the tax credit and every three years after the initial review date.

2576 Section 64. Section [59-10-1037](#) is amended to read:

2577 **[59-10-1037. Nonrefundable enterprise zone tax credit.](#)**

2578 (1) As used in this section:

2579 (a) "Business entity" means a claimant, estate, or trust that meets the definition of
2580 "business entity" as that term is defined in Section [63N-2-202](#).

2581 (b) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity
2582 created in Section ~~[[63N-1-201](#)]~~ [63N-1a-301](#).

2583 (2) Subject to the provisions of this section, a business entity may claim a
2584 nonrefundable enterprise zone tax credit as described in Section [63N-2-213](#).

2585 (3) The enterprise zone tax credit under this section is the amount listed as the tax
2586 credit amount on the tax credit certificate that the office issues to the business entity for the
2587 taxable year.

2588 (4) A business entity may carry forward a tax credit under this section for a period that
2589 does not exceed the next three taxable years, if the amount of the tax credit exceeds the
2590 business entity's tax liability under this chapter for that taxable year.

2591 (5) A business entity may not claim or carry forward a tax credit under this part for a
2592 taxable year during which the business entity has claimed the targeted business income tax
2593 credit under Section [59-10-1112](#).

2594 (6) (a) In accordance with Section [59-10-137](#), the Revenue and Taxation Interim
2595 Committee shall study the tax credit allowed by this section and make recommendations
2596 concerning whether the tax credit should be continued, modified, or repealed.

2597 (b) (i) Except as provided in Subsection (6)(b)(ii), for purposes of the study required by
2598 this Subsection (6), the office shall provide by electronic means the following information, if

2599 available to the office, for each calendar year to the Office of the Legislative Fiscal Analyst:
2600 (A) the amount of tax credits provided in each development zone;
2601 (B) the number of new full-time employee positions reported to obtain tax credits in
2602 each development zone;
2603 (C) the amount of tax credits awarded for rehabilitating a building in each development
2604 zone;
2605 (D) the amount of tax credits awarded for investing in a plant, equipment, or other
2606 depreciable property in each development zone;
2607 (E) the information related to the tax credit contained in the office's latest report under
2608 Section [63N-1-301](#); and
2609 (F) other information that the Office of the Legislative Fiscal Analyst requests.
2610 (ii) (A) In providing the information described in Subsection (6)(b)(i), the office shall
2611 redact information that identifies a recipient of a tax credit under this section.
2612 (B) If, notwithstanding the redactions made under Subsection (6)(b)(ii)(A), reporting
2613 the information described in Subsection (6)(b)(i) might disclose the identity of a recipient of a
2614 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to
2615 provide the information described in Subsection (6)(b)(i) in the aggregate for all development
2616 zones that receive the tax credit under this section.
2617 (c) As part of the study required by this Subsection (6), the Office of the Legislative
2618 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and
2619 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the
2620 office under Subsection (6)(b).
2621 (d) The Revenue and Taxation Interim Committee shall ensure that the
2622 recommendations described in Subsection (6)(a) include an evaluation of:
2623 (i) the cost of the tax credit to the state;
2624 (ii) the purpose and effectiveness of the tax credit; and
2625 (iii) the extent to which the state benefits from the tax credit.
2626 Section 65. Section **59-10-1038** is amended to read:
2627 **59-10-1038. Nonrefundable rural job creation tax credit.**
2628 (1) As used in this section, "office" means the Governor's Office of Economic
2629 ~~[Development]~~ Opportunity created in Section [~~63N-1-201~~] [63N-1a-301](#).

2630 (2) Subject to the other provisions of this section, a taxpayer may claim a
2631 nonrefundable tax credit for rural job creation as provided in this section.

2632 (3) The tax credit under this section is the amount listed as the tax credit amount on a
2633 tax credit certificate that the office issues under Title 63N, Chapter 4, Part 3, Utah Rural Jobs
2634 Act, to the taxpayer for the taxable year.

2635 (4) A taxpayer may carry forward a tax credit under this section for the next seven
2636 taxable years if the amount of the tax credit exceeds the taxpayer's tax liability under this
2637 chapter for the taxable year in which the taxpayer claims the tax credit.

2638 Section 66. Section **59-10-1108** is amended to read:

2639 **59-10-1108. Refundable motion picture tax credit.**

2640 (1) As used in this section:

2641 (a) "Motion picture company" means a claimant, estate, or trust that meets the
2642 definition of a motion picture company under Section [63N-8-102](#).

2643 (b) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity
2644 created in Section ~~[63N-1-201]~~ [63N-1a-301](#).

2645 (c) "State-approved production" means the same as that term is defined in Section
2646 [63N-8-102](#).

2647 (2) For a taxable year beginning on or after January 1, 2009, a motion picture company
2648 may claim a refundable tax credit for a state-approved production.

2649 (3) The tax credit under this section is the amount listed as the tax credit amount on the
2650 tax credit certificate that the office issues to a motion picture company under Section
2651 [63N-8-103](#) for the taxable year.

2652 (4) (a) In accordance with any rules prescribed by the commission under Subsection
2653 (4)(b), the commission shall make a refund to a motion picture company that claims a tax
2654 credit under this section if the amount of the tax credit exceeds the motion picture company's
2655 tax liability for the taxable year.

2656 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2657 commission may make rules providing procedures for making a refund to a motion picture
2658 company as required by Subsection (4)(a).

2659 (5) (a) In accordance with Section [59-10-137](#), the Revenue and Taxation Interim
2660 Committee shall study the tax credit allowed by this section and make recommendations

2661 concerning whether the tax credit should be continued, modified, or repealed.

2662 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by
2663 this Subsection (5), the office shall provide the following information, if available to the office,
2664 to the Office of the Legislative Fiscal Analyst by electronic means:

2665 (A) the amount of tax credit the office grants to each taxpayer for each calendar year;

2666 (B) estimates of the amount of tax credit that the office will grant for each of the next
2667 three calendar years;

2668 (C) the criteria the office uses in granting a tax credit;

2669 (D) the dollars left in the state, as defined in Section 63N-8-102, by each motion
2670 picture company for each calendar year;

2671 (E) the information contained in the office's latest report under Section 63N-8-105; and

2672 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

2673 (ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall
2674 redact information that identifies a recipient of a tax credit under this section.

2675 (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting
2676 the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a
2677 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to
2678 provide the information described in Subsection (5)(b)(i) in the aggregate for all taxpayers that
2679 receive the tax credit under this section.

2680 (c) As part of the study required by this Subsection (5), the Office of the Legislative
2681 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and
2682 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the
2683 office under Subsection (5)(b).

2684 (d) The Revenue and Taxation Interim Committee shall ensure that the
2685 recommendations described in Subsection (5)(a) include an evaluation of:

2686 (i) the cost of the tax credit to the state;

2687 (ii) the effectiveness of the tax credit; and

2688 (iii) the extent to which the state benefits from the tax credit.

2689 Section 67. Section 59-10-1112 is amended to read:

2690 **59-10-1112. Targeted business income tax credit.**

2691 (1) As used in this section, "business applicant" means the same as that term is defined

2692 in Section 63N-2-302.

2693 (2) A business applicant that is certified and issued a targeted business income tax
2694 eligibility certificate by the Governor's Office of Economic [~~Development~~] Opportunity under
2695 Section 63N-2-304 may claim a refundable tax credit in the amount specified on the targeted
2696 business income tax eligibility certificate.

2697 (3) For a taxable year for which a business applicant claims a targeted business income
2698 tax credit under this section, the business applicant may not claim or carry forward a tax credit
2699 under Section 59-7-610, Section 59-10-1007, or Title 63N, Chapter 2, Part 2, Enterprise Zone
2700 Act.

2701 Section 68. Section 63A-3-111 is amended to read:

2702 **63A-3-111. COVID-19 economic recovery programs reports.**

2703 (1) As used in this section:

2704 (a) "COVID-19 economic recovery programs" means the programs created in:

2705 (i) Title 9, Chapter 6, Part 9, COVID-19 Cultural Assistance Grant Program;

2706 (ii) Subsection 63N-12-508(3); and

2707 (iii) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs.

2708 (b) "Legislative committee" means:

2709 (i) the president of the Senate;

2710 (ii) the speaker of the House of Representatives;

2711 (iii) the minority leader of the Senate; and

2712 (iv) the minority leader of the House of Representatives.

2713 (2) Upon receiving the reports required by Sections 9-6-903, 63N-15-202, and
2714 63N-15-302 and Subsection 63N-12-508(3), the director, in conjunction with the Division of
2715 Arts and Museums and the Governor's Office of Economic [~~Development~~] Opportunity, shall
2716 present to the legislative committee the COVID-19 economic recovery programs.

2717 (3) The legislative committee may make recommendations for adjustments to the
2718 COVID-19 economic recovery programs.

2719 Section 69. Section 63B-18-401 is amended to read:

2720 **63B-18-401. Highway bonds -- Maximum amount -- Use of proceeds for highway**
2721 **projects.**

2722 (1) (a) The total amount of bonds issued under this section may not exceed

2723 \$2,077,000,000.

2724 (b) When the Department of Transportation certifies to the commission that the
2725 requirements of Subsection 72-2-124(7) have been met and certifies the amount of bond
2726 proceeds that it needs to provide funding for the projects described in Subsection (2) for the
2727 next fiscal year, the commission may issue and sell general obligation bonds in an amount
2728 equal to the certified amount plus costs of issuance.

2729 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds
2730 shall be provided to the Department of Transportation to pay all or part of the costs of the
2731 following state highway construction or reconstruction projects:

2732 (a) Interstate 15 reconstruction in Utah County;

2733 (b) the Mountain View Corridor;

2734 (c) the Southern Parkway; and

2735 (d) state and federal highways prioritized by the Transportation Commission through:

2736 (i) the prioritization process for new transportation capacity projects adopted under
2737 Section 72-1-304; or

2738 (ii) the state highway construction program.

2739 (3) (a) Except as provided in Subsection (5), the bond proceeds issued under this
2740 section shall be provided to the Department of Transportation.

2741 (b) The Department of Transportation shall use bond proceeds and the funds provided
2742 to it under Section 72-2-124 to pay for the costs of right-of-way acquisition, construction,
2743 reconstruction, renovations, or improvements to the following highways:

2744 (i) \$35 million to add highway capacity on I-15 south of the Spanish Fork Main Street
2745 interchange to Payson;

2746 (ii) \$28 million for improvements to Riverdale Road in Ogden;

2747 (iii) \$1 million for intersection improvements on S.R. 36 at South Mountain Road;

2748 (iv) \$2 million for capacity enhancements on S.R. 248 between Sidewinder Drive and
2749 Richardson Flat Road;

2750 (v) \$12 million for Vineyard Connector from 800 North Geneva Road to Lake Shore
2751 Road;

2752 (vi) \$7 million for 2600 South interchange modifications in Woods Cross;

2753 (vii) \$9 million for reconfiguring the 1100 South interchange on I-15 in Box Elder

2754 County;

2755 (viii) \$18 million for the Provo west-side connector;

2756 (ix) \$8 million for interchange modifications on I-15 in the Layton area;

2757 (x) \$3,000,000 for an energy corridor study and environmental review for

2758 improvements in the Uintah Basin;

2759 (xi) \$2,000,000 for highway improvements to Harrison Boulevard in Ogden City;

2760 (xii) \$2,500,000 to be provided to Tooele City for roads around the Utah State

2761 University campus to create improved access to an institution of higher education;

2762 (xiii) \$3,000,000 to be provided to the Utah Office of Tourism within the Governor's

2763 Office of Economic [~~Development~~] Opportunity for transportation infrastructure improvements

2764 associated with annual tourism events that have:

2765 (A) a significant economic development impact within the state; and

2766 (B) significant needs for congestion mitigation;

2767 (xiv) \$4,500,000 to be provided to the Governor's Office of Economic [~~Development~~]

2768 Opportunity for transportation infrastructure acquisitions and improvements that have a

2769 significant economic development impact within the state;

2770 (xv) \$125,000,000 to pay all or part of the costs of state and federal highway

2771 construction or reconstruction projects prioritized by the Transportation Commission through

2772 the prioritization process for new transportation capacity projects adopted under Section

2773 [72-1-304](#);

2774 (xvi) \$10,000,000 for the Transportation Fund to pay all or part of the costs of state

2775 and federal highway construction or reconstruction projects as prioritized by the Transportation

2776 Commission;

2777 (xvii) \$13,000,000 for corridor preservation and land acquisition for a transit hub at the

2778 mouth of Big Cottonwood Canyon;

2779 (xviii) \$10,000,000 to be provided to the Governor's Office of Economic

2780 [~~Development~~] Opportunity for transportation infrastructure and right-of-way acquisitions in a

2781 project area created by the military installation development authority created in Section

2782 [63H-1-201](#);

2783 (xix) \$28,000,000 for right-of-way or land acquisition, design, engineering, and

2784 construction of infrastructure related to the Inland Port Authority created in Section [11-58-201](#);

- 2785 (xx) \$6,000,000 for right-of-way acquisition, design, engineering, and construction
2786 related to Shepard Lane in Davis County; and
- 2787 (xxi) \$4,000,000 for right-of-way acquisition, design, engineering, and construction
2788 costs related to 1600 North in Orem City.
- 2789 (4) (a) The Department of Transportation shall use bond proceeds and the funds under
2790 Section 72-2-121 to pay for, or to provide funds to, a municipality, county, or political
2791 subdivision to pay for the costs of right-of-way acquisition, construction, reconstruction,
2792 renovations, or improvements to the following highway or transit projects in Salt Lake County:
- 2793 (i) \$4,000,000 to Taylorsville City for bus rapid transit planning on 4700 South;
2794 (ii) \$4,200,000 to Taylorsville City for highway improvements on or surrounding 6200
2795 South and pedestrian crossings and system connections;
- 2796 (iii) \$2,250,000 to Herriman City for highway improvements to the Salt Lake
2797 Community College Road;
- 2798 (iv) \$5,300,000 to West Jordan City for highway improvements on 5600 West from
2799 6200 South to 8600 South;
- 2800 (v) \$4,000,000 to West Jordan City for highway improvements to 7800 South from
2801 1300 West to S.R. 111;
- 2802 (vi) \$7,300,000 to Sandy City for highway improvements on Monroe Street;
- 2803 (vii) \$3,000,000 to Draper City for highway improvements to 13490 South from 200
2804 West to 700 West;
- 2805 (viii) \$5,000,000 to Draper City for highway improvements to Suncrest Road;
- 2806 (ix) \$1,200,000 to Murray City for highway improvements to 5900 South from State
2807 Street to 900 East;
- 2808 (x) \$1,800,000 to Murray City for highway improvements to 1300 East;
- 2809 (xi) \$3,000,000 to South Salt Lake City for intersection improvements on West
2810 Temple, Main Street, and State Street;
- 2811 (xii) \$2,000,000 to Salt Lake County for highway improvements to 5400 South from
2812 5600 West to Mountain View Corridor;
- 2813 (xiii) \$3,000,000 to West Valley City for highway improvements to 6400 West from
2814 Parkway Boulevard to SR-201 Frontage Road;
- 2815 (xiv) \$4,300,000 to West Valley City for highway improvements to 2400 South from

2816 4800 West to 7200 West and pedestrian crossings;
2817 (xv) \$4,000,000 to Salt Lake City for highway improvements to 700 South from 2800
2818 West to 5600 West;
2819 (xvi) \$2,750,000 to Riverton City for highway improvements to 4570 West from
2820 12600 South to Riverton Boulevard;
2821 (xvii) \$1,950,000 to Cottonwood Heights for improvements to Union Park Avenue
2822 from I-215 exit south to Creek Road and Wasatch Boulevard and Big Cottonwood Canyon;
2823 (xviii) \$1,300,000 to Cottonwood Heights for highway improvements to Bengal
2824 Boulevard;
2825 (xix) \$1,500,000 to Midvale City for highway improvements to 7200 South from I-15
2826 to 1000 West;
2827 (xx) \$1,000,000 to Bluffdale City for an environmental impact study on Porter
2828 Rockwell Boulevard;
2829 (xxi) \$2,900,000 to the Utah Transit Authority for the following public transit studies:
2830 (A) a circulator study; and
2831 (B) a mountain transport study; and
2832 (xxii) \$1,000,000 to South Jordan City for highway improvements to 2700 West.
2833 (b) (i) Before providing funds to a municipality or county under this Subsection (4), the
2834 Department of Transportation shall obtain from the municipality or county:
2835 (A) a written certification signed by the county or city mayor or the mayor's designee
2836 certifying that the municipality or county will use the funds provided under this Subsection (4)
2837 solely for the projects described in Subsection (4)(a); and
2838 (B) other documents necessary to protect the state and the bondholders and to ensure
2839 that all legal requirements are met.
2840 (ii) Except as provided in Subsection (4)(c), by January 1 of each year, the municipality
2841 or county receiving funds described in this Subsection (4) shall submit to the Department of
2842 Transportation a statement of cash flow for the next fiscal year detailing the funds necessary to
2843 pay project costs for the projects described in Subsection (4)(a).
2844 (iii) After receiving the statement required under Subsection (4)(b)(ii) and after July 1,
2845 the Department of Transportation shall provide funds to the municipality or county necessary to
2846 pay project costs for the next fiscal year based upon the statement of cash flow submitted by

2847 the municipality or county.

2848 (iv) Upon the financial close of each project described in Subsection (4)(a), the
2849 municipality or county receiving funds under this Subsection (4) shall submit a statement to the
2850 Department of Transportation detailing the expenditure of funds received for each project.

2851 (c) For calendar year 2012 only:

2852 (i) the municipality or county shall submit to the Department of Transportation a
2853 statement of cash flow as provided in Subsection (4)(b)(ii) as soon as possible; and

2854 (ii) the Department of Transportation shall provide funds to the municipality or county
2855 necessary to pay project costs based upon the statement of cash flow.

2856 (5) Twenty million dollars of the bond proceeds issued under this section and funds
2857 available under Section 72-2-124 shall be provided to the State Infrastructure Bank Fund
2858 created by Section 72-2-202 to make funds available for transportation infrastructure loans and
2859 transportation infrastructure assistance under Title 72, Chapter 2, Part 2, State Infrastructure
2860 Bank Fund.

2861 (6) The costs under Subsections (2), (3), and (4) may include the costs of studies
2862 necessary to make transportation infrastructure improvements, the cost of acquiring land,
2863 interests in land, easements and rights-of-way, improving sites, and making all improvements
2864 necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds
2865 during the period to be covered by construction of the projects plus a period of six months after
2866 the end of the construction period, interest estimated to accrue on any bond anticipation notes
2867 issued under the authority of this title, and all related engineering, architectural, and legal fees.

2868 (7) The commission or the state treasurer may make any statement of intent relating to
2869 a reimbursement that is necessary or desirable to comply with federal tax law.

2870 (8) The Department of Transportation may enter into agreements related to the projects
2871 described in Subsections (2), (3), and (4) before the receipt of proceeds of bonds issued under
2872 this section.

2873 (9) The Department of Transportation may enter into a new or amend an existing
2874 interlocal agreement related to the projects described in Subsections (3) and (4) to establish any
2875 necessary covenants or requirements not otherwise provided for by law.

2876 Section 70. Section **63B-24-201** is amended to read:

2877 **63B-24-201. Authorizations to design and construct capital facilities using**

2878 **institutional or agency funds.**

2879 (1) The Legislature intends that:

2880 (a) the University of Utah may, subject to the requirements of Title 63A, Chapter 5b,
2881 Administration of State Facilities, use up to \$8,200,000 in institutional funds to plan, design,
2882 and construct the William C. Browning Building Addition with up to 24,000 square feet;

2883 (b) the university may not use state funds for any portion of this project; and

2884 (c) the university may use state funds for operation and maintenance costs or capital
2885 improvements.

2886 (2) The Legislature intends that:

2887 (a) Utah State University may, subject to the requirements of Title 63A, Chapter 5b,
2888 Administration of State Facilities, use up to \$10,000,000 in institutional funds to plan, design,
2889 and construct the Fine Arts Complex Addition/Renovation with up to 17,000 square feet;

2890 (b) the university may not use state funds for any portion of this project; and

2891 (c) the university may use state funds for operation and maintenance costs or capital
2892 improvements.

2893 (3) The Legislature intends that:

2894 (a) Salt Lake Community College may, subject to the requirements of Title 63A,
2895 Chapter 5b, Administration of State Facilities, use up to \$3,900,000 in institutional funds to
2896 plan, design, and construct a Strength and Conditioning Center with up to 11,575 square feet;

2897 (b) the college may not use state funds for any portion of this project; and

2898 (c) the college may not request state funds for operation and maintenance costs or
2899 capital improvements.

2900 (4) The Legislature intends that:

2901 (a) the Governor's Office of Economic ~~Development~~ Opportunity may, subject to the
2902 requirements of Title 63A, Chapter 5b, Administration of State Facilities, use up to \$1,800,000
2903 in nonlapsing balances and donations to plan, design, and construct or lease a Southern Utah
2904 Welcome Center with up to 5,000 square feet;

2905 (b) the office may request additional state funds for the project, unless the office
2906 receives donations and begins design or construction of the project; and

2907 (c) the office may use state funds for operation and maintenance costs or capital
2908 improvements.

2909 Section 71. Section **63C-17-103** is amended to read:

2910 **63C-17-103. Creation of Point of the Mountain Development Commission --**

2911 **Members.**

2912 (1) There is created the Point of the Mountain Development Commission consisting of
2913 the following 15 members:

2914 (a) two members shall be members of the Senate appointed by the president of the
2915 Senate;

2916 (b) two members shall be members of the House of Representatives appointed by the
2917 speaker of the House of Representatives;

2918 (c) one member shall be the mayor of Lehi City, Utah, or the mayor's designee;

2919 (d) one member shall be the mayor of Draper City, Utah, or the mayor's designee;

2920 (e) one member shall be the mayor of Salt Lake County, or the mayor's designee;

2921 (f) one member shall be an appointee of the Utah County Commission;

2922 (g) two members shall be mayors of communities in or close to the project area who
2923 shall be appointed by the Utah League of Cities and Towns;

2924 (h) one member shall be an appointee of the Economic Development Corporation of
2925 Utah;

2926 (i) one member, who is a member of the Board of the Governor's Office of Economic
2927 ~~[Development]~~ Opportunity, shall be appointed by the governor;

2928 (j) one member, who is an employee of the Governor's Office of Economic
2929 ~~[Development]~~ Opportunity, shall be an appointee of the governor;

2930 (k) one member shall be a member of the public, representing the school boards in or
2931 close to the project area, jointly appointed by the president of the Senate and the speaker of the
2932 House of Representatives; and

2933 (l) one member shall be a member of the public, representing the information
2934 technology sector with a physical presence within the project area, jointly appointed by the
2935 president of the Senate and the speaker of the House of Representatives.

2936 (2) (a) The president of the Senate and the speaker of the House of Representatives
2937 shall jointly designate a member of the Legislature appointed under Subsection (1)(a) or (b) as
2938 a cochair of the commission.

2939 (b) The governor shall designate a representative from the Governor's Office of

2940 Economic [~~Development~~] Opportunity appointed under Subsection (1)(i) or (j) as a cochair of
2941 the commission.

2942 (3) Any vacancy shall be filled in the same manner under this section as the
2943 appointment of the member whose vacancy is being filled.

2944 (4) Each member of the commission shall serve until a successor is appointed and
2945 qualified.

2946 (5) A majority of members constitutes a quorum. The action of a majority of a quorum
2947 constitutes the action of the commission.

2948 Section 72. Section **63C-17-105** is amended to read:

2949 **63C-17-105. Commission staff and expenses.**

2950 The Office of Legislative Research and General Counsel, in coordination with the
2951 Governor's Office of Economic [~~Development~~] Opportunity, shall provide staff support for the
2952 commission.

2953 Section 73. Section **63G-21-102** is amended to read:

2954 **63G-21-102. Definitions.**

2955 As used in this chapter:

2956 (1) "Designated agency" means:

2957 (a) the Governor's Office of Economic [~~Development~~] Opportunity;

2958 (b) the Division of Wildlife Resources;

2959 (c) the Department of Public Safety;

2960 (d) the Department of Technology Services; or

2961 (e) the Department of Workforce Services.

2962 (2) (a) "State service" means a service or benefit regularly provided to the public by a
2963 designated agency.

2964 (b) "State service" includes:

2965 (i) for the Governor's Office of Economic [~~Development~~] Opportunity or the
2966 Department of Technology Services, public high-speed Internet access;

2967 (ii) for the Division of Wildlife Resources, fishing, hunting, and trapping licenses;

2968 (iii) for the Department of Public Safety, fingerprinting, an online driver license
2969 renewal, online appointment scheduling, an online motor vehicle record request, and an online
2970 change of address with the Driver License Division; and

2971 (iv) for the Department of Workforce Services, online job searches, verification of
2972 submission for benefits administered by the Department of Workforce Services, online
2973 unemployment applications, online food stamp applications, and online appointment
2974 scheduling.

2975 (3) "USPS" means the United States Postal Service.

2976 Section 74. Section **63G-21-201** is amended to read:

2977 **63G-21-201. Limited authorization to provide state services at post office**
2978 **locations.**

2979 (1) If allowed by federal law, a designated agency may negotiate and enter into an
2980 agreement with USPS that allows USPS to provide one or more state services at one or more
2981 post office locations within the state.

2982 (2) The designated agency shall ensure that the agreement described in Subsection (1)
2983 includes:

2984 (a) the term of the agreement, which may not extend beyond July 1, 2025;

2985 (b) provisions to ensure the security of state data and resources;

2986 (c) provisions to provide training to USPS employees on how to provide each state
2987 service in the agreement;

2988 (d) except as provided in Subsection (2)(e), provisions authorizing compensation to
2989 USPS for at least 100% of attributable costs of all property and services that USPS provides
2990 under the agreement; and

2991 (e) if the agreement is between USPS and the Division of Wildlife Resources to sell
2992 fishing, hunting, or trapping licenses, provisions requiring compliance with Section [23-19-15](#)
2993 regarding wildlife license agents, including remuneration for services rendered.

2994 (3) After one or more designated agencies enter into an agreement described in
2995 Subsection (1), the Governor's Office of Economic [~~Development~~] Opportunity shall create a
2996 marketing campaign to advertise and promote the availability of state services at each selected
2997 USPS location.

2998 Section 75. Section **63H-1-801** is amended to read:

2999 **63H-1-801. Dissolution of authority -- Restrictions -- Filing copy of ordinance --**
3000 **Authority records -- Dissolution expenses.**

3001 (1) The authority may not be dissolved unless the authority has no outstanding bonded

3002 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual
3003 obligations with persons or entities other than the state.

3004 (2) Upon the dissolution of the authority:

3005 (a) the Governor's Office of Economic [~~Development~~] Opportunity shall publish a
3006 notice of dissolution:

3007 (i) in a newspaper of general circulation in the county in which the dissolved authority
3008 is located; and

3009 (ii) as required in Section 45-1-101; and

3010 (b) all title to property owned by the authority vests in the state.

3011 (3) The books, documents, records, papers, and seal of each dissolved authority shall
3012 be deposited for safekeeping and reference with the state auditor.

3013 (4) The authority shall pay all expenses of the deactivation and dissolution.

3014 Section 76. Section **63H-2-204** is amended to read:

3015 **63H-2-204. Dissolution of authority.**

3016 (1) Subject to the other provisions of this section, the board may dissolve the authority:

3017 (a) if the board determines that the authority can no longer comply with the
3018 requirements of this chapter; and

3019 (b) by a vote of at least five members of the board.

3020 (2) The authority may not be dissolved if the authority has any of the following:

3021 (a) an outstanding bonded indebtedness;

3022 (b) an unpaid loan, indebtedness, or advance; or

3023 (c) a legally binding contractual obligation with a person other than the state.

3024 (3) Upon the dissolution of the authority:

3025 (a) the Governor's Office of Economic [~~Development~~] Opportunity shall publish a
3026 notice of dissolution:

3027 (i) in a newspaper of general circulation in each county in which a qualifying energy
3028 delivery project is located; and

3029 (ii) electronically, in accordance with Section 45-1-101;

3030 (b) the authority shall deposit its records with the state auditor, to be retained for the
3031 time period determined by the state auditor; and

3032 (c) the assets of the authority shall revert to the state.

3033 (4) The authority shall pay the expenses of dissolution and winding up the affairs of the
3034 authority.

3035 (5) If a dissolution under this section is part of a privatization of the authority, the
3036 dissolution is subject to Title 63E, Chapter 1, Part 4, Privatization of Independent Entities.

3037 Section 77. Section **63I-1-235** is amended to read:

3038 **63I-1-235. Repeal dates, Title 35A.**

3039 [~~(1)~~ Subsection ~~35A-1-109~~(4)(c), related to the Talent Ready Utah Board, is repealed
3040 January 1, 2023.]

3041 [~~(2)~~ (1) Subsection ~~35A-1-202~~(2)(d), related to the Child Care Advisory Committee, is
3042 repealed July 1, 2021.

3043 [~~(3)~~ (2) Section ~~35A-3-205~~, which creates the Child Care Advisory Committee, is
3044 repealed July 1, 2021.

3045 [~~(4)~~ (3) Subsection ~~35A-4-312~~(5)(p), describing information that may be disclosed to
3046 the federal Wage and Hour Division, is repealed July 1, 2022.

3047 [~~(5)~~ (4) Subsection ~~35A-4-502~~(5), which creates the Employment Advisory Council,
3048 is repealed July 1, 2022.

3049 [~~(6)~~ (5) Title 35A, Chapter 8, Part 22, Commission on Housing Affordability, is
3050 repealed July 1, 2023.

3051 [~~(7)~~ (6) Section ~~35A-9-501~~ is repealed January 1, 2023.

3052 [~~(8)~~ (7) Title 35A, Chapter 11, Women in the Economy Commission Act, is repealed
3053 January 1, 2025.

3054 [~~(9)~~ (8) Sections ~~35A-13-301~~ and ~~35A-13-302~~, which create the Governor's
3055 Committee on Employment of People with Disabilities, are repealed July 1, 2023.

3056 [~~(10)~~ (9) Section ~~35A-13-303~~, which creates the State Rehabilitation Advisory
3057 Council, is repealed July 1, 2024.

3058 [~~(11)~~ (10) Section ~~35A-13-404~~, which creates the advisory council for the Division of
3059 Services for the Blind and Visually Impaired, is repealed July 1, 2025.

3060 [~~(12)~~ (11) Sections ~~35A-13-603~~ and ~~35A-13-604~~, which create the Interpreter
3061 Certification Board, are repealed July 1, 2026.

3062 Section 78. Section **63I-1-263** is amended to read:

3063 **63I-1-263. Repeal dates, Titles 63A to 63N.**

- 3064 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 3065 (a) Subsection 63A-1-201(1) is repealed;
- 3066 (b) Subsection 63A-1-202(2)(c), the language "using criteria established by the board"
- 3067 is repealed;
- 3068 (c) Section 63A-1-203 is repealed;
- 3069 (d) Subsections 63A-1-204(1) and (2), the language "After consultation with the board,
- 3070 and" is repealed; and
- 3071 (e) Subsection 63A-1-204(1)(b), the language "using the standards provided in
- 3072 Subsection 63A-1-203(3)(c)" is repealed.
- 3073 (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
- 3074 improvement funding, is repealed July 1, 2024.
- 3075 (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
- 3076 2023.
- 3077 (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
- 3078 Committee, are repealed July 1, 2023.
- 3079 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
- 3080 1, 2028.
- 3081 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 3082 2025.
- 3083 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
- 3084 2024.
- 3085 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
- 3086 repealed July 1, 2021.
- 3087 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
- 3088 July 1, 2023.
- 3089 (10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.
- 3090 (11) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1,
- 3091 2025.
- 3092 (12) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities
- 3093 Advisory Board, is repealed July 1, 2026.
- 3094 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,

- 3095 2025.
- 3096 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
3097 2024.
- 3098 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 3099 (16) Subsection 63J-1-602.1(14), Nurse Home Visiting Restricted Account is repealed
3100 July 1, 2026.
- 3101 (17) (a) Subsection 63J-1-602.1(58), relating to the Utah Statewide Radio System
3102 Restricted Account, is repealed July 1, 2022.
- 3103 (b) When repealing Subsection 63J-1-602.1(58), the Office of Legislative Research and
3104 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
3105 necessary changes to subsection numbering and cross references.
- 3106 (18) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage
3107 Commission, is repealed July 1, 2023.
- 3108 (19) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed
3109 July 1, 2022.
- 3110 (20) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is
3111 repealed January 1, 2025.
- 3112 (21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is
3113 repealed July 1, 2027.
- 3114 (22) Subsection 63J-4-608(3), which creates the Federal Land Application Advisory
3115 Committee, is repealed on July 1, 2021.
- 3116 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
3117 January 1, 2023:
- 3118 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
3119 repealed;
- 3120 (b) Section 63M-7-305, the language that states "council" is replaced with
3121 "commission";
- 3122 (c) Subsection 63M-7-305(1) is repealed and replaced with:
3123 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
- 3124 (d) Subsection 63M-7-305(2) is repealed and replaced with:
3125 "(2) The commission shall:

3126 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
3127 Drug-Related Offenses Reform Act; and

3128 (b) coordinate the implementation of Section 77-18-1.1 and related provisions in
3129 Subsections 77-18-1(5)(b)(iii) and (iv).".

3130 (24) The Crime Victim Reparations and Assistance Board, created in Section
3131 63M-7-504, is repealed July 1, 2027.

3132 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
3133 1, 2022.

3134 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

3135 [~~(27)~~ Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed
3136 January 1, 2023.]

3137 [~~(28)~~] (27) Title 63N, Chapter 1, Part 5, Governor's Economic Development
3138 Coordinating Council, is repealed July 1, 2024.

3139 [~~(29)~~] (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

3140 [~~(30)~~] (29) Section 63N-2-512 is repealed July 1, 2021.

3141 [~~(31)~~] (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
3142 January 1, 2021.

3143 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
3144 calendar years beginning on or after January 1, 2021.

3145 (c) Notwithstanding Subsection [~~(31)~~] (30)(b), an entity may carry forward a tax credit
3146 in accordance with Section 59-9-107 if:

3147 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
3148 31, 2020; and

3149 (ii) the qualified equity investment that is the basis of the tax credit is certified under
3150 Section 63N-2-603 on or before December 31, 2023.

3151 [~~(32)~~] (31) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1,
3152 2023.

3153 [~~(33)~~] (32) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is
3154 repealed July 1, 2023.

3155 [~~(34)~~] (33) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed
3156 July 1, 2025.

3157 [~~(35)~~] (34) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
3158 Program, is repealed January 1, 2023.

3159 [~~(36) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,~~
3160 ~~2023.~~]

3161 Section 79. Section **63J-1-602.1** is amended to read:

3162 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

3163 Appropriations made from the following accounts or funds are nonlapsing:

3164 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
3165 and Leadership Restricted Account created in Section [4-42-102](#).

3166 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

3167 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
3168 Section [9-18-102](#).

3169 (4) The National Professional Men's Soccer Team Support of Building Communities
3170 Restricted Account created in Section [9-19-102](#).

3171 (5) Funds collected for directing and administering the C-PACE district created in
3172 Section [11-42a-106](#).

3173 (6) Money received by the Utah Inland Port Authority, as provided in Section
3174 [11-58-105](#).

3175 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).

3176 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).

3177 (9) The "Support for State-Owned Shooting Ranges Restricted Account" created in
3178 Section [23-14-13.5](#).

3179 (10) Award money under the State Asset Forfeiture Grant Program, as provided under
3180 Section [24-4-117](#).

3181 (11) Funds collected from the program fund for local health department expenses
3182 incurred in responding to a local health emergency under Section [26-1-38](#).

3183 (12) The Children with Cancer Support Restricted Account created in Section
3184 [26-21a-304](#).

3185 (13) State funds for matching federal funds in the Children's Health Insurance Program
3186 as provided in Section [26-40-108](#).

3187 (14) The Children with Heart Disease Support Restricted Account created in Section

- 3188 26-58-102.
- 3189 (15) The Nurse Home Visiting Restricted Account created in Section 26-63-601.
- 3190 (16) The Technology Development Restricted Account created in Section 31A-3-104.
- 3191 (17) The Criminal Background Check Restricted Account created in Section
- 3192 31A-3-105.
- 3193 (18) The Captive Insurance Restricted Account created in Section 31A-3-304, except
- 3194 to the extent that Section 31A-3-304 makes the money received under that section free revenue.
- 3195 (19) The Title Licensee Enforcement Restricted Account created in Section
- 3196 31A-23a-415.
- 3197 (20) The Health Insurance Actuarial Review Restricted Account created in Section
- 3198 31A-30-115.
- 3199 (21) The Insurance Fraud Investigation Restricted Account created in Section
- 3200 31A-31-108.
- 3201 (22) The Underage Drinking Prevention Media and Education Campaign Restricted
- 3202 Account created in Section 32B-2-306.
- 3203 (23) The School Readiness Restricted Account created in Section 35A-15-203.
- 3204 (24) Money received by the Utah State Office of Rehabilitation for the sale of certain
- 3205 products or services, as provided in Section 35A-13-202.
- 3206 (25) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 3207 (26) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 3208 (27) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to
- 3209 the Motor Vehicle Division.
- 3210 (28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
- 3211 created by Section 41-3-110 to the State Tax Commission.
- 3212 (29) The Utah Law Enforcement Memorial Support Restricted Account created in
- 3213 Section 53-1-120.
- 3214 (30) The State Disaster Recovery Restricted Account to the Division of Emergency
- 3215 Management, as provided in Section 53-2a-603.
- 3216 (31) The Department of Public Safety Restricted Account to the Department of Public
- 3217 Safety, as provided in Section 53-3-106.
- 3218 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section

- 3219 53-8-303.
- 3220 (33) The DNA Specimen Restricted Account created in Section 53-10-407.
- 3221 (34) The Canine Body Armor Restricted Account created in Section 53-16-201.
- 3222 (35) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.
- 3223 (36) The Higher Education Capital Projects Fund created in Section 53B-22-202.
- 3224 (37) A certain portion of money collected for administrative costs under the School
- 3225 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 3226 (38) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
- 3227 subject to Subsection 54-5-1.5(4)(d).
- 3228 (39) Funds collected from a surcharge fee to provide certain licensees with access to an
- 3229 electronic reference library, as provided in Section 58-3a-105.
- 3230 (40) Certain fines collected by the Division of Occupational and Professional Licensing
- 3231 for violation of unlawful or unprofessional conduct that are used for education and enforcement
- 3232 purposes, as provided in Section 58-17b-505.
- 3233 (41) Funds collected from a surcharge fee to provide certain licensees with access to an
- 3234 electronic reference library, as provided in Section 58-22-104.
- 3235 (42) Funds collected from a surcharge fee to provide certain licensees with access to an
- 3236 electronic reference library, as provided in Section 58-55-106.
- 3237 (43) Funds collected from a surcharge fee to provide certain licensees with access to an
- 3238 electronic reference library, as provided in Section 58-56-3.5.
- 3239 (44) Certain fines collected by the Division of Occupational and Professional Licensing
- 3240 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
- 3241 Section 58-63-103.
- 3242 (45) The Relative Value Study Restricted Account created in Section 59-9-105.
- 3243 (46) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 3244 (47) Funds paid to the Division of Real Estate for the cost of a criminal background
- 3245 check for a mortgage loan license, as provided in Section 61-2c-202.
- 3246 (48) Funds paid to the Division of Real Estate for the cost of a criminal background
- 3247 check for principal broker, associate broker, and sales agent licenses, as provided in Section
- 3248 61-2f-204.
- 3249 (49) Certain funds donated to the Department of Human Services, as provided in

- 3250 Section [62A-1-111](#).
- 3251 (50) The National Professional Men's Basketball Team Support of Women and
3252 Children Issues Restricted Account created in Section [62A-1-202](#).
- 3253 (51) Certain funds donated to the Division of Child and Family Services, as provided
3254 in Section [62A-4a-110](#).
- 3255 (52) The Choose Life Adoption Support Restricted Account created in Section
3256 [62A-4a-608](#).
- 3257 (53) Funds collected by the Office of Administrative Rules for publishing, as provided
3258 in Section [63G-3-402](#).
- 3259 (54) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 3260 (55) Money received by the military installation development authority, as provided in
3261 Section [63H-1-504](#).
- 3262 (56) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 3263 (57) The Unified Statewide 911 Emergency Service Account created in Section
3264 [63H-7a-304](#).
- 3265 (58) The Utah Statewide Radio System Restricted Account created in Section
3266 [63H-7a-403](#).
- 3267 (59) The Employability to Careers Program Restricted Account created in Section
3268 [63J-4-703](#).
- 3269 (60) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 3270 (61) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
3271 as provided under Section [~~63N-10-301~~] [13-58-301](#).
- 3272 (62) Funds collected by the housing of state probationary inmates or state parole
3273 inmates, as provided in Subsection [64-13e-104](#)(2).
- 3274 (63) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
3275 and State Lands, as provided in Section [65A-8-103](#).
- 3276 (64) The Transportation of Veterans to Memorials Support Restricted Account created
3277 in Section [71-14-102](#).
- 3278 (65) The Amusement Ride Safety Restricted Account, as provided in Section
3279 [72-16-204](#).
- 3280 (66) Certain funds received by the Office of the State Engineer for well drilling fines or

- 3281 bonds, as provided in Section [73-3-25](#).
- 3282 (67) The Water Resources Conservation and Development Fund, as provided in
3283 Section [73-23-2](#).
- 3284 (68) Funds donated or paid to a juvenile court by private sources, as provided in
3285 Subsection [78A-6-203\(1\)\(c\)](#).
- 3286 (69) Fees for certificate of admission created under Section [78A-9-102](#).
- 3287 (70) Funds collected for adoption document access as provided in Sections [78B-6-141](#),
3288 [78B-6-144](#), and [78B-6-144.5](#).
- 3289 (71) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
3290 Utah Indigent Defense Commission.
- 3291 (72) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
3292 Park, Jordan River State Park, and Green River State Park, as provided under Section
3293 [79-4-403](#).
- 3294 (73) Certain funds received by the Division of Parks and Recreation from the sale or
3295 disposal of buffalo, as provided under Section [79-4-1001](#).
- 3296 (74) The Drinking While Pregnant Prevention Media and Education Campaign
3297 Restricted Account created in Section [32B-2-308](#).
- 3298 Section 80. Section **63J-4-301** is amended to read:
- 3299 **63J-4-301. Duties of the executive director and office.**
- 3300 (1) The executive director and the office shall:
- 3301 (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary
3302 Procedures Act;
- 3303 (b) under the direct supervision of the governor, assist the governor in the preparation
3304 of the governor's budget recommendations;
- 3305 (c) review agency budget execution plans as specified in Section [63J-1-209](#);
- 3306 (d) establish benchmarking practices for measuring operational costs, quality of
3307 service, and effectiveness across all state agencies and programs;
- 3308 (e) assist agencies with the development of an operational plan that uses continuous
3309 improvement tools and operational metrics to increase statewide capacity and improve
3310 interagency integration;
- 3311 (f) review and assess agency budget requests and expenditures using a clear set of goals

3312 and measures;

3313 (g) develop and maintain enterprise portfolio and electronic information systems to
3314 select and oversee the execution of projects, ensure a return on investment, and trace and report
3315 performance metrics;

3316 (h) coordinate with the executive directors of the Department of Workforce Services
3317 and the Governor's Office of Economic ~~[Development]~~ Opportunity to review data and metrics
3318 to be reported to the Legislature as described in Subsection [63J-4-708\(2\)\(d\)](#); and

3319 (i) perform other duties and responsibilities as assigned by the governor.

3320 (2) (a) The executive director of the Governor's Office of Management and Budget or
3321 the executive director's designee is the Federal Assistance Management Officer.

3322 (b) In acting as the Federal Assistance Management Officer, the executive director or
3323 designee shall:

3324 (i) study the administration and effect of federal assistance programs in the state and
3325 advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and
3326 the Executive Appropriations Committee, of alternative recommended methods and procedures
3327 for the administration of these programs;

3328 (ii) assist in the coordination of federal assistance programs that involve or are
3329 administered by more than one state agency; and

3330 (iii) analyze and advise on applications for new federal assistance programs submitted
3331 to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

3332 Section 81. Section [63J-4-708](#) is amended to read:

3333 **[63J-4-708. Reporting.](#)**

3334 (1) On or before October 1, the board shall provide an annual written report to the
3335 Social Services Appropriations Subcommittee, the Economic Development and Workforce
3336 Services Interim Committee, and the ~~[Talent Ready Utah Board created in Section~~
3337 [63N-12-503](#)] Talent, Education, and Industry Alignment Subcommittee created in Section
3338 [63N-1b-301](#).

3339 (2) The written report shall include:

3340 (a) information regarding the fiscal intermediary, the programmatic intermediary, the
3341 eligible program provider, and the independent evaluator that have been selected;

3342 (b) the results of the feasibility analysis conducted in accordance with Section

3343 63J-4-706;

3344 (c) information regarding how many eligible participants have been served by the
3345 education, employability training, and workforce placement program;

3346 (d) data and metrics:

3347 (i) used to measure the progress, performance, effectiveness, and scope of the
3348 Employability to Careers Program, including summary data; and

3349 (ii) that are consistent and comparable for each state operation, activity, program, or
3350 service that primarily involves employment training or placement as determined by the
3351 executive directors of the office, the Department of Workforce Services, and the Governor's
3352 Office of Economic ~~Development~~ Opportunity;

3353 (e) a description of program expenses, including what payments have been made to the
3354 intermediary and the cost to the state for each successful eligible participant outcome; and

3355 (f) recommendations to the Legislature on any potential improvements to the
3356 Employability to Careers Program, including whether the program should continue to receive
3357 funding from the state.

3358 Section 82. Section **63L-2-301** is amended to read:

3359 **63L-2-301. Promoting or lobbying for a federal designation within the state.**

3360 (1) As used in this section:

3361 (a) "Federal designation" means the designation of a:

3362 (i) national monument;

3363 (ii) national conservation area;

3364 (iii) wilderness area or wilderness study area;

3365 (iv) area of critical environmental concern;

3366 (v) research natural area; or

3367 (vi) national recreation area.

3368 (b) (i) "Governmental entity" means:

3369 (A) a state-funded institution of higher education or public education;

3370 (B) a political subdivision of the state;

3371 (C) an office, agency, board, bureau, committee, department, advisory board, or
3372 commission that the government funds or establishes to carry out the public's business,

3373 regardless of whether the office, agency board, bureau, committee, department, advisory board,

3374 or commission is composed entirely of public officials or employees;

3375 (D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative
3376 undertaking as defined in Section 11-13-103;

3377 (E) a governmental nonprofit corporation as defined in Section 11-13a-102; or

3378 (F) an association as defined in Section 53G-7-1101.

3379 (ii) "Governmental entity" does not mean:

3380 (A) the School and Institutional Trust Lands Administration created in Section
3381 53C-1-201;

3382 (B) the School and Institutional Trust Lands Board of Trustees created in Section
3383 53C-1-202;

3384 (C) the Office of the Governor;

3385 (D) the Governor's Office of Management and Budget created in Section 63J-4-201;

3386 (E) the Public Lands Policy Coordinating Office created in Section 63J-4-602;

3387 (F) the Office of Energy Development created in Section 63M-4-401; or

3388 (G) the Governor's Office of Economic ~~[Development]~~ Opportunity created in Section

3389 ~~[63N-1-201]~~ 63N-1a-301, including the ~~[Office of Tourism and the Utah Office of Outdoor~~

3390 ~~Recreation created in Section 63N-9-104]~~ Talent, Education, and Industry Alignment

3391 Subcommittee created in Section 63N-1b-301.

3392 (2) (a) A governmental entity, or a person a governmental entity employs and
3393 designates as a representative, may investigate the possibility of a federal designation within
3394 the state.

3395 (b) A governmental entity that intends to advocate for a federal designation within the
3396 state shall:

3397 (i) notify the chairs of the following committees before the introduction of federal
3398 legislation:

3399 (A) the Natural Resources, Agriculture, and Environment Interim Committee, if
3400 constituted, and the Federalism Commission; or

3401 (B) if the notice is given during a General Session, the House and Senate Natural
3402 Resources, Agriculture, and Environment Standing Committees; and

3403 (ii) upon request of the chairs, meet with the relevant committee to review the proposal.

3404 (3) This section does not apply to a political subdivision supporting a federal

3405 designation if the federal designation:

3406 (a) applies to 5,000 acres or less; and

3407 (b) has an economical or historical benefit to the political subdivision.

3408 Section 83. Section **63M-5-306** is amended to read:

3409 **63M-5-306. Financial impact statement -- Alleviation plan -- Filing required --**

3410 **Contents -- Payments credited against tax -- Provisions neither exclusive nor mandatory.**

3411 (1) (a) A developer desiring to prepay ad valorem property taxes under Section

3412 63M-5-201 shall first prepare and file with the Governor's Office of Economic [~~Development~~]

3413 Opportunity and all units of local government likely to be affected with a significant financial

3414 impact due to a natural resource or industrial facility a financial impact statement together with

3415 a plan for alleviating these impacts.

3416 (b) The impact statement and the alleviation plan shall be prepared in cooperation with

3417 and after consultation with the Governor's Office of Economic [~~Development~~] Opportunity and

3418 the affected units of local government.

3419 (c) The financial impact statement shall assess the projected financial impact on state

3420 agencies and units of local government, including the impact on transportation systems,

3421 culinary water systems, waste treatment facilities, public safety, schools, public health,

3422 housing, planning and zoning, and general government administration.

3423 (d) The alleviation plan shall set out proposals for alleviating the impact and may

3424 include payments to local units of government or direct expenditures by the developer to

3425 alleviate the impact.

3426 (e) The impact statement and the alleviation plan may be amended by the developer in

3427 cooperation with and after consultation with the Governor's Office of Economic

3428 [~~Development~~] Opportunity and those units of local government affected by the amendment.

3429 (2) At least 90 days prior to commencement of construction of an industrial facility or

3430 natural resources facility by a major developer, an impact statement and alleviation plan as

3431 described in Subsection (1) shall be filed by the major developer whether or not the major

3432 developer desires to prepay ad valorem property taxes.

3433 (3) (a) Upon the filing of the financial impact statement and alleviation plan, a

3434 developer may apply to the governing body of the affected unit of local government for

3435 authorization to prepay a portion of the anticipated ad valorem property taxes to be expended

3436 consistent with the alleviation plan.

3437 (b) This authorization may provide that only a portion of the amounts so prepaid can be
3438 applied against the ad valorem property taxes due in any given year.

3439 (c) In addition to payments directly to the affected unit of local government, an affected
3440 unit of local government may authorize a tax credit on anticipated ad valorem property taxes
3441 for expenditures made by the developer to other persons so long as the expenditure is
3442 consistent with the alleviation plan.

3443 (4) (a) This chapter is designed to provide an additional mechanism for the alleviation
3444 of impacts on units of local government and is not intended to discourage the use of other
3445 mechanisms as may be available.

3446 (b) Nothing in this chapter requires a developer to prepay ad valorem property taxes or
3447 to make any other expenditure not otherwise required by law.

3448 Section 84. Section **63M-6-201** is amended to read:

3449 **63M-6-201. Acquisition of easements -- Restrictions -- Resale.**

3450 (1) (a) The Governor's Office of Economic [~~Development~~] Opportunity shall acquire,
3451 by purchase or condemnation, easements for the establishment, maintenance, and operation of
3452 a restrictive use area for the operation of aircraft to and from Hill Air Force Base because:

3453 (i) Hill Air Force Base is a military installation of vital importance to security of the
3454 United States of America and to the economic well-being of the citizens of Utah;

3455 (ii) there are certain portions of land around the entire base that are being developed for
3456 residential and other uses that are incompatible with current and future operations of the base
3457 because of noise, health, safety, and accident reasons; and

3458 (iii) it is the purpose of this chapter for the state to acquire those easements restricting
3459 the use of those lands and the air space above them in order to assure the continued operation
3460 of Hill Air Force Base as an active military base and to protect the health, safety, and economic
3461 well-being of the citizens of Utah.

3462 (b) The Governor's Office of Economic [~~Development~~] Opportunity may delegate its
3463 power to purchase or condemn easements under this subsection to other state agencies if the
3464 department ensures that those agencies comply with the procedures and requirements of this
3465 chapter.

3466 (2) (a) The Governor's Office of Economic [~~Development~~] Opportunity shall ensure

3467 that the easements restrict the land from those uses identified in the Hill Air Force Base
3468 AICUZ Land Use Compatibility Guidelines Study, as amended, dated October, 1982, as not
3469 being acceptable.

3470 (b) The Governor's Office of Economic [~~Development~~] Opportunity may allow certain
3471 other uses not prohibited by those guidelines if those uses are consistent with the purpose of
3472 this chapter.

3473 (c) Nothing in this chapter may be construed to authorize the Governor's Office of
3474 Economic [~~Development~~] Opportunity or any other state agency to:

3475 (i) acquire any ownership interest in real property other than an easement restricting the
3476 land from future uses inconsistent with the Hill Air Force Base AICUZ Land Use
3477 Compatibility Guidelines Study, as amended, dated October 1982;

3478 (ii) purchase businesses; or

3479 (iii) require people to relocate or move from their property.

3480 (d) To calculate the purchase price for the easements, the Governor's Office of
3481 Economic [~~Development~~] Opportunity shall subtract the market value of the real property and
3482 its improvements after the acquisition of the easements from the market value of the real
3483 property and its improvements before the acquisition of the easements.

3484 (e) When the Hill Air Force Base runways have not been used for seven years to
3485 accommodate the arrival and departure of airplanes, the Governor's Office of Economic
3486 [~~Development~~] Opportunity shall:

3487 (i) notify by certified mail each current owner of the property to which each easement
3488 is attached;

3489 (ii) inform that owner that the owner may purchase the easement from the state for the
3490 same price that the state paid for it originally or for the market value of the easement at the
3491 time of the buyback, whichever is smaller; and

3492 (iii) sell the easement to the owner of the property to which the easement is attached if
3493 the owner tenders the purchase price.

3494 (f) In addition to purchasing the easements required by this chapter, the Governor's
3495 Office of Economic [~~Development~~] Opportunity may provide reasonable relocation expenses to
3496 all churches, businesses, and schools that, as of March 1, 1994, were located either within the
3497 north Hill Air Force Base accident potential zone (APZ) identified in Subsection

3498 63M-6-202(1)(a) or within the south Hill Air Force Base accident potential zone (APZ)
3499 identified in Subsection 63M-6-202(1)(b) if those churches, businesses, and schools can
3500 reasonably demonstrate that expansion of the use would have been permitted before acquisition
3501 of the easements but is now prohibited because of the easement.

3502 (3) (a) The Governor's Office of Economic [~~Development~~] Opportunity may take
3503 action to enforce the provisions of this chapter.

3504 (b) The attorney general shall represent the Governor's Office of Economic
3505 [~~Development~~] Opportunity in that action.

3506 Section 85. Section 63M-6-202 is amended to read:

3507 **63M-6-202. Location of easements.**

3508 (1) The Governor's Office of Economic [~~Development~~] Opportunity or its designees
3509 may acquire easements on the land within the following boundaries:

3510 (a) beginning on the north Hill Air Force Base accident potential zone (APZ) at a point
3511 which is North 1,089,743.170 meters and East 459,346.946 meters based on the North zone,
3512 State of Utah, NAD 83 coordinates and runs north to North 63 degrees 10 minutes 44 seconds,
3513 East 457.109 meters, North 26 degrees 49 minutes 16 seconds, West 3,352.129 meters, South
3514 63 degrees 10 minutes 44 seconds, West 914.217 meters, South 26 degrees 49 minutes 16
3515 seconds, East 3,352.129 meters, North 63 degrees 10 minutes 44 seconds, East 457.109 meters
3516 back to the point of beginning; and

3517 (b) beginning on the south Hill Air Force Base APZ which is North 1,086,065.786
3518 meters and East 461,206.222 meters based on the North zone, State of Utah, NAD 83
3519 coordinates and runs South 63 degrees 10 minutes 44 seconds, West 457.109 meters, South 26
3520 degrees 49 minutes 16 seconds, East 502.179 meters, South 0 degrees 20 minutes 35 seconds,
3521 West 1,722.227 meters, South 89 degrees 39 minutes 25 seconds, East 883.743 meters, North
3522 63 degrees 10 minutes 44 seconds, East 914.217 meters, North 26 degrees 49 minutes 16
3523 seconds, West 2,437.912 meters, South 63 degrees 10 minutes 44 seconds, West 457.109
3524 meters back to the point of beginning.

3525 (2) The Governor's Office of Economic [~~Development~~] Opportunity or its designees
3526 may acquire easements on the following land that is located inside the 75 and 80 level
3527 day-night (LDN) noise contour as identified in the Hill Air Force Base AICUZ Land Use
3528 Compatibility Guidelines Study, as amended, dated October, 1982:

- 3529 (a) in the west half of Section 3, T4NR1W;
- 3530 (b) in the east half of Section 4, T4NR1W;
- 3531 (c) in the northeast quarter of Section 8, T4NR1W;
- 3532 (d) within all of Section 9, T4NR1W;
- 3533 (e) in the northwest quarter of Section 10, T4NR1W;
- 3534 (f) within the southwest quarter of Section 19, T5NR1W;
- 3535 (g) in the south half of Section 20, T5NR1W;
- 3536 (h) within the southwest quarter of Section 28, T5NR1W; and
- 3537 (i) within Section 29, T5NR1W.

3538 Section 86. Section **63M-6-203** is amended to read:

3539 **63M-6-203. Certain improvements, alterations, and expansions prohibited.**

3540 (1) A person or entity may not begin to develop, or authorize development, on any land
3541 identified in this chapter until the Governor's Office of Economic [~~Development~~] Opportunity
3542 has affirmatively authorized the development of the land because the development is consistent
3543 with those uses identified in the Hill Air Force Base AICUZ Land Use Compatibility
3544 Guidelines Study, as amended, dated October 1982.

3545 (2) Nothing in this chapter prohibits any property owner from improving, altering, or
3546 expanding any existing residential or commercial use of the property owner's property so long
3547 as the improvement, alteration, or expansion does not materially increase the human density of
3548 that present use.

3549 Section 87. Section **63M-11-201** is amended to read:

3550 **63M-11-201. Composition -- Appointments -- Terms -- Removal.**

3551 (1) The commission shall be composed of 20 voting members as follows:

- 3552 (a) the executive director of the Department of Health;
- 3553 (b) the executive director of the Department of Human Services;
- 3554 (c) the executive director of the Governor's Office of Economic [~~Development~~]

3555 Opportunity;

- 3556 (d) the executive director of the Department of Workforce Services; and
- 3557 (e) 16 voting members, appointed by the governor, representing each of the following:
 - 3558 (i) the Utah Association of Area Agencies on Aging;
 - 3559 (ii) higher education in Utah;

- 3560 (iii) the business community;
 - 3561 (iv) the Utah Association of Counties;
 - 3562 (v) the Utah League of Cities and Towns;
 - 3563 (vi) charitable organizations;
 - 3564 (vii) the health care provider industry;
 - 3565 (viii) financial institutions;
 - 3566 (ix) the legal profession;
 - 3567 (x) the public safety sector;
 - 3568 (xi) public transportation;
 - 3569 (xii) ethnic minorities;
 - 3570 (xiii) the industry that provides long-term care for the elderly;
 - 3571 (xiv) organizations or associations that advocate for the aging population;
 - 3572 (xv) the Alzheimer's Association; and
 - 3573 (xvi) the general public.
- 3574 (2) (a) A member appointed under Subsection (1)(e) shall serve a two-year term.
- 3575 (b) Notwithstanding the term requirements of Subsection (2)(a), the governor may
- 3576 adjust the length of the initial commission members' terms to ensure that the terms are
- 3577 staggered so that approximately 1/2 of the members appointed under Subsection (1)(e) are
- 3578 appointed each year.
- 3579 (c) When, for any reason, a vacancy occurs in a position appointed by the governor
- 3580 under Subsection (1)(e), the governor shall appoint a person to fill the vacancy for the
- 3581 unexpired term of the commission member being replaced.
- 3582 (d) Members appointed under Subsection (1)(e) may be removed by the governor for
- 3583 cause.
- 3584 (e) A member appointed under Subsection (1)(e) shall be removed from the
- 3585 commission and replaced by the governor if the member is absent for three consecutive
- 3586 meetings of the commission without being excused by the chair of the commission.
- 3587 (3) In appointing the members under Subsection (1)(e), the governor shall:
- 3588 (a) take into account the geographical makeup of the commission; and
- 3589 (b) strive to appoint members who are knowledgeable or have an interest in issues
- 3590 relating to the aging population.

3591 Section 88. Section **63N-1a-101**, which is renumbered from Section 63N-1-101 is
 3592 renumbered and amended to read:

3593 **TITLE 63N. ECONOMIC OPPORTUNITY ACT**

3594 **CHAPTER 1a. ECONOMIC OPPORTUNITY ORGANIZATION**

3595 **Part 1. General Provisions**

3596 ~~[63N-1-101].~~ **63N-1a-101. Title.**

3597 (1) This title is known as the [~~"Governor's Office of Economic Development."~~]
 3598 "Economic Opportunity Act."

3599 (2) This chapter is known as [~~"GOED General Provisions."~~] "Economic Opportunity
 3600 Organization."

3601 Section 89. Section **63N-1a-102**, which is renumbered from Section 63N-1-102 is
 3602 renumbered and amended to read:

3603 ~~[63N-1-102].~~ **63N-1a-102. Definitions.**

3604 As used in this title:

3605 (1) "Baseline jobs" means the number of full-time employee positions that existed
 3606 within a business entity in the state before the date on which a project related to the business
 3607 entity is approved by the office or by the GO Utah board.

3608 (2) "Baseline state revenue" means the amount of state tax revenue collected from a
 3609 business entity or the employees of a business entity during the year before the date on which a
 3610 project related to the business entity is approved by the office or by the GO Utah board.

3611 [~~(3) "Board" means the Board of Business and Economic Development created in~~
 3612 ~~Section 63N-1-401.~~]

3613 [~~(4) "Council" means the Governor's Economic Development Coordinating Council~~
 3614 ~~created in Section 63N-1-501.~~]

3615 (3) "Commission" means the Unified Economic Opportunity Commission created in
 3616 Section 63N-1a-201.

3617 (4) "Economic opportunity agency" includes:

3618 (a) the Department of Workforce Services;

3619 (b) the Department of Heritage and Arts;

3620 (c) the Department of Commerce;

3621 (d) the Department of Natural Resources;

- 3622 (e) the Office of Energy Development;
- 3623 (f) the State Board of Education;
- 3624 (g) institutions of higher education;
- 3625 (h) the Utah Multicultural Commission;
- 3626 (i) the World Trade Center Utah;
- 3627 (j) local government entities;
- 3628 (k) the Utah League of Cities and Towns;
- 3629 (l) the Utah Association of Counties;
- 3630 (m) the Economic Development Corporation of Utah;
- 3631 (n) the Small Business Administration;
- 3632 (o) chambers of commerce;
- 3633 (p) industry associations;
- 3634 (q) small business development centers; and
- 3635 (r) other entities identified by the commission or the executive director.
- 3636 (5) "Executive director" means the executive director of the office.
- 3637 (6) "Full-time employee" means an employment position that is filled by an employee
- 3638 who works at least 30 hours per week and:
 - 3639 (a) may include an employment position filled by more than one employee, if each
 - 3640 employee who works less than 30 hours per week is provided benefits comparable to a
 - 3641 full-time employee; and
 - 3642 (b) may not include an employment position that is shifted from one jurisdiction in the
 - 3643 state to another jurisdiction in the state.
- 3644 (7) "GO Utah board" means the Business and Economic Development Subcommittee
- 3645 created in Section [63N-1b-202](#).
- 3646 [~~(7)~~] (8) "High paying job" means a newly created full-time employee position where
- 3647 the aggregate average annual gross wage of the employment position, not including health care
- 3648 or other paid or unpaid benefits, is at least:
 - 3649 (a) 110% of the average wage of the county in which the employment position
 - 3650 exists[-], if the employment position exists in Davis County, Salt Lake County, Utah County, or
 - 3651 Weber County; or
 - 3652 (b) 100% of the average wage of the county in which the employment position exists,

3653 if the employment position is in a county other than one of the counties listed in Subsection
 3654 (8)(a).

3655 ~~[(8)]~~ (9) "Incremental job" means a full-time employment position in the state that:

3656 (a) did not exist within a business entity in the state before the beginning of a project
 3657 related to the business entity; and

3658 (b) is created in addition to the number of baseline jobs that existed within a business
 3659 entity.

3660 ~~[(9)]~~ (10) "New state revenue" means the state revenue collected from a business entity
 3661 or a business entity's employees during a calendar year minus the baseline state revenue
 3662 calculation.

3663 ~~[(10)]~~ (11) "Office" or [~~"GOED"~~] "GO Utah office" means the Governor's Office of
 3664 Economic [~~Development~~] Opportunity.

3665 ~~[(11)]~~ (12) "State revenue" means state tax liability paid by a business entity or a
 3666 business entity's employees under any combination of the following provisions:

3667 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

3668 (b) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and
 3669 Information;

3670 (c) Title 59, Chapter 10, Part 2, Trusts and Estates;

3671 (d) Title 59, Chapter 10, Part 4, Withholding of Tax; and

3672 (e) Title 59, Chapter 12, Sales and Use Tax Act.

3673 (13) "State strategic goals" means the strategic goals listed in Section [63N-1a-103](#).

3674 (14) "Statewide economic development strategy" means the economic development
 3675 strategy developed by the commission in accordance with Section [63N-1a-202](#).

3676 Section 90. Section **63N-1a-103** is enacted to read:

3677 **63N-1a-103. Purpose.**

3678 (1) The mission of the Economic Opportunity Act and the entities established herein is
 3679 to catalyze strategic economic opportunities for all residents of the state with a vision of
 3680 creating economically thriving communities, businesses, and families throughout the state.

3681 (2) The mission and vision are realized through targeted efforts that demonstrably
 3682 improve quality of life, measured by the extent to which the efforts accomplish the following
 3683 strategic goals:

- 3684 (a) catalyzing targeted industry growth;
- 3685 (b) supporting economically thriving communities;
- 3686 (c) empowering students and workers with market-relevant skills; and
- 3687 (d) stimulating economic growth in rural and multicultural communities through
- 3688 household level efforts.

3689 Section 91. Section **63N-1a-201** is enacted to read:

3690 **Part 2. Creation of Unified Economic Opportunity Commission**

3691 **63N-1a-201. Creation of commission.**

3692 (1) There is created in the office the Unified Economic Opportunity Commission,

3693 established to carry out the mission described in Section [63N-1a-103](#) and direct the office and

3694 other appropriate entities in fulfilling the state's strategic goals.

3695 (2) The commission consists of:

3696 (a) the following voting members:

- 3697 (i) the governor, who shall serve as the chair of the commission;
- 3698 (ii) the executive director, who shall serve as the vice chair of the commission;
- 3699 (iii) the executive director of the Department of Workforce Services;
- 3700 (iv) the executive director of the Department of Transportation;
- 3701 (v) the executive director of the Department of Natural Resources;
- 3702 (vi) the executive director of the Department of Commerce;
- 3703 (vii) the executive director of the Governor's Office of Management and Budget;
- 3704 (viii) the commissioner of higher education;
- 3705 (ix) the state superintendent of public instruction;
- 3706 (x) the president of the Senate or the president's designee;
- 3707 (xi) the speaker of the House of Representatives or the speaker's designee;
- 3708 (xii) one individual who is knowledgeable about housing needs in the state, including
- 3709 housing density and land use, appointed by the governor;

3710 (xiii) one individual who represents the interests of urban cities, appointed by the Utah

3711 League of Cities and Towns; and

3712 (xiv) one individual who represents the interests of rural counties, appointed by the

3713 Utah Association of Counties; and

3714 (b) the following non-voting members:

3715 (i) the chief executive officer of World Trade Center Utah;
3716 (ii) the chief executive officer of the Economic Development Corporation of Utah; and
3717 (iii) a senior advisor to the chair of the commission with expertise in rural affairs of the
3718 state, appointed by the chair of the commission.

3719 (3) A majority of commission members constitutes a quorum for the purposes of
3720 conducting commission business and the action of a majority of a quorum constitutes the action
3721 of the commission.

3722 (4) The executive director of the office, or the executive director's designee, is the
3723 executive director of the commission.

3724 (5) The office shall provide:

3725 (a) office space and administrative staff support for the commission; and

3726 (b) the central leadership and coordination of the commission's efforts in the field of
3727 economic development.

3728 (6) (a) A member may not receive compensation or benefits for the member's service
3729 on the commission, but may receive per diem and travel expenses in accordance with:

3730 (i) Sections [63A-3-106](#) and [63A-3-107](#); and

3731 (ii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
3732 [63A-3-107](#).

3733 (b) Compensation and expenses of a commission member who is a legislator are
3734 governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and
3735 Expenses.

3736 Section 92. Section **63N-1a-202** is enacted to read:

3737 **63N-1a-202. Commission duties.**

3738 (1) The commission shall:

3739 (a) develop, coordinate, and lead a comprehensive statewide economic development
3740 strategy that:

3741 (i) unifies and coordinates economic development efforts in the state;

3742 (ii) includes key performance indicators for long-term progress toward the state
3743 strategic goals;

3744 (iii) establishes reporting and accountability processes for the key performance
3745 indicators; and

- 3746 (iv) ensures the success of the statewide economic development strategy is shared
3747 among the urban and rural areas of the state;
- 3748 (b) receive feedback, input, and reports from economic opportunity agencies regarding
3749 programs related to statewide economic development strategy;
- 3750 (c) direct and facilitate changes to or recommend elimination of economic
3751 development programs to ensure alignment with the mission and vision described in Section
3752 [63N-1a-103](#);
- 3753 (d) at least once every five years, identify industry clusters on which the commission
3754 recommends the state focus recruiting and expansion efforts;
- 3755 (e) establish strategies for the recruitment and retention of targeted industry clusters
3756 while respecting the different needs of rural and urban areas throughout the state;
- 3757 (f) establish strategies for supporting entrepreneurship and small business development
3758 in the state;
- 3759 (g) analyze the state's projected long-term population and economic growth and plan
3760 for the anticipated impacts of the projected growth in a manner that improves quality of life
3761 and is consistent with the statewide economic development strategy and state strategic goals;
- 3762 (h) identify gaps and potential solutions related to improving infrastructure, especially
3763 as related to the state's projected long-term population growth;
- 3764 (i) support the development of a prepared workforce that can support critical industries
3765 and industry clusters identified by the commission;
- 3766 (j) coordinate and develop strategies that assist education providers and industry to
3767 cooperate in supporting students in developing market relevant skills to meet industry needs;
- 3768 (k) develop strategies and plans to ensure comprehensive economic development
3769 efforts are targeted to the unique needs of rural areas of the state;
- 3770 (l) study the unique needs of multicultural communities throughout the state and
3771 develop household-level plans to ensure residents of the state can participate in economic
3772 opportunities in the state;
- 3773 (m) ensure the commission's efforts are, to the extent practicable, data-driven and
3774 evidence-based;
- 3775 (n) support an integrated international trade strategy for the state;
- 3776 (o) facilitate coordination among public, private, and nonprofit economic opportunity

3777 agencies; and

3778 (p) in performing the commission's duties, consider the recommendations of the
3779 subcommittees described in Chapter 1b, Commission Subcommittees.

3780 (2) The commission shall provide a report to the office for inclusion in the office's
3781 annual written report described in Section 63N-1a-306, that includes:

3782 (a) the statewide economic development strategy;

3783 (b) a description of how the commission fulfilled the commission's statutory purposes
3784 and duties during the year, including any relevant findings;

3785 (c) the key performance indicators included in the commission's statewide economic
3786 development strategy, including data showing the extent to which the indicators are being met;

3787 and

3788 (d) any legislative recommendations.

3789 Section 93. Section **63N-1a-301**, which is renumbered from Section 63N-1-201 is
3790 renumbered and amended to read:

3791 **Part 3. Creation of Governor's Office of Economic Opportunity**

3792 ~~[63N-1-201].~~ **63N-1a-301. Creation of office -- Responsibilities.**

3793 (1) There is created the Governor's Office of Economic ~~[Development]~~ Opportunity.

3794 (2) The office is:

3795 (a) responsible for ~~[economic development and economic development planning in the~~
3796 state] implementing the statewide economic development strategy developed by the

3797 commission; and

3798 (b) the industrial and business promotion authority of the state.

3799 (3) The office shall:

3800 (a) consistent with the statewide economic development strategy, coordinate and align
3801 into a single effort the activities of the economic opportunity agencies in the field of economic
3802 development;

3803 (b) provide support and direction to economic opportunity agencies in establishing
3804 goals, metrics, and activities that align with the statewide economic development strategy;

3805 ~~[(a)]~~ (c) administer and coordinate state and federal economic development grant
3806 programs;

3807 ~~[(b)]~~ (d) promote and encourage the economic, commercial, financial, industrial,

3808 agricultural, and civic welfare of the state;

3809 ~~[(e)]~~ (e) promote and encourage the employment of workers in the state and the
3810 purchase of goods and services produced in the state by local businesses;

3811 ~~[(f)]~~ (f) act to create, develop, attract, and retain business, industry, and commerce in
3812 the state, in accordance with the statewide economic development plan and commission
3813 directives;

3814 ~~[(e)]~~ (g) act to enhance the state's economy;

3815 ~~[(f) administer programs over which the office is given administrative supervision by~~
3816 ~~the governor;]~~

3817 (h) act to assist strategic industries that are likely to drive future economic growth;

3818 (i) assist communities in the state in developing economic development capacity and
3819 coordination with other communities;

3820 (j) identify areas of education and workforce development in the state that can be
3821 improved to support economic and business development;

3822 (k) consistent with direction from the commission, develop core strategic priorities for
3823 the office, which may include:

3824 (i) enhancing statewide access to entrepreneurship opportunities and small business
3825 support;

3826 (ii) focusing industry recruitment and expansion on strategically chosen clusters of
3827 industries;

3828 (iii) ensuring that in awarding competitive economic development incentives the office
3829 accurately measures the benefits and costs of the incentives; and

3830 (iv) assisting communities with technical support to aid those communities in
3831 improving economic development opportunities;

3832 ~~[(g)]~~ (l) submit an annual written report as described in Section 63N-1-301; and

3833 ~~[(h)]~~ (m) perform other duties as provided by the Legislature.

3834 (4) In order to perform its duties under this title, the office may:

3835 (a) enter into a contract or agreement with, or make a grant to, a public or private
3836 entity, including a municipality, if the contract or agreement is not in violation of state statute
3837 or other applicable law;

3838 (b) except as provided in Subsection (4)(c), receive and expend funds from a public or

3839 private source for any lawful purpose that is in the state's best interest; and

3840 (c) solicit and accept a contribution of money, services, or facilities from a public or
3841 private donor, but may not use the contribution for publicizing the exclusive interest of the
3842 donor.

3843 (5) Money received under Subsection (4)(c) shall be deposited in the General Fund as
3844 dedicated credits of the office.

3845 (6) (a) The office shall:

3846 (i) obtain the advice of the GO Utah board before implementing a change to a policy,
3847 priority, or objective under which the office operates[-]; and

3848 (ii) provide periodic updates to the commission regarding the office's efforts under
3849 Subsections (3)(a) and (b).

3850 (b) Subsection (6)(a)(i) does not apply to the routine administration by the office of
3851 money or services related to the assistance, retention, or recruitment of business, industry, or
3852 commerce in the state.

3853 Section 94. Section **63N-1a-302**, which is renumbered from Section 63N-1-202 is
3854 renumbered and amended to read:

3855 ~~[63N-1-202].~~ **63N-1a-302. Executive director of office -- Appointment --**
3856 **Removal -- Compensation.**

3857 (1) The office shall be administered, organized, and managed by an executive director
3858 appointed by the governor, with the advice and consent of the Senate.

3859 (2) The executive director serves at the pleasure of the governor.

3860 (3) The salary of the executive director shall be established by the governor within the
3861 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3862 Section 95. Section **63N-1a-303**, which is renumbered from Section 63N-1-203 is
3863 renumbered and amended to read:

3864 ~~[63N-1-203].~~ **63N-1a-303. Powers and duties of executive director.**

3865 (1) Unless otherwise expressly provided by statute, the executive director may organize
3866 the office in any appropriate manner, including the appointment of deputy directors of the
3867 office.

3868 (2) The executive director may consolidate personnel and service functions for
3869 efficiency and economy in the office.

- 3870 (3) The executive director, with the approval of the governor:
3871 (a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal
3872 Funds Procedures Act, seek federal grants, loans, or participation in federal programs;
3873 (b) may enter into a lawful contract or agreement with another state, a chamber of
3874 commerce organization, a service club, or a private entity; and
3875 (c) shall annually prepare and submit to the governor a budget of the office's financial
3876 requirements.
- 3877 (4) With the governor's approval, if a federal program requires the expenditure of state
3878 funds as a condition for the state to participate in a fund, property, or service, the executive
3879 director may expend necessary funds from money provided by the Legislature for the use of the
3880 office.
- 3881 (5) The executive director shall coordinate with the executive directors of the
3882 Department of Workforce Services and the Governor's Office of Management and Budget to
3883 review data and metrics to be reported to the Legislature as described in Subsection
3884 [63N-1-301](#)(2)(b).

3885 Section 96. Section **63N-1a-304**, which is renumbered from Section 63N-1-204 is
3886 renumbered and amended to read:

3887 ~~[63N-1-204].~~ **63N-1a-304. Executive director and the Public Service**
3888 **Commission.**

- 3889 (1) The executive director or the executive director's designee shall:
3890 (a) become generally informed of significant rate cases and policy proceedings before
3891 the Public Service Commission; and
3892 (b) monitor and study the potential economic development impact of these
3893 proceedings.
- 3894 (2) In the discretion of the executive director or the executive director's designee, the
3895 office may appear in a proceeding before the Public Service Commission to testify, advise, or
3896 present argument regarding the economic development impact of a matter that is the subject of
3897 the proceeding.

3898 Section 97. Section **63N-1a-305**, which is renumbered from Section 63N-1-205 is
3899 renumbered and amended to read:

3900 ~~[63N-1-205].~~ **63N-1a-305. Incentive review process.**

3901 The Legislature intends that the [~~Governor's Office of Economic Development~~] office
3902 will develop an incentives review process under the direction of the speaker of the House and
3903 the president of the Senate.

3904 Section 98. Section **63N-1a-306**, which is renumbered from Section 63N-1-301 is
3905 renumbered and amended to read:

3906 ~~[63N-1-301]~~. **63N-1a-306. Annual report -- Content -- Format -- Strategic**
3907 **plan.**

3908 (1) The office shall prepare and submit to the governor and the Legislature, by October
3909 1 of each year, an annual written report of the operations, activities, programs, and services of
3910 the office, including the divisions, sections, boards, commissions, councils, and committees
3911 established under this title, for the preceding fiscal year.

3912 (2) For each operation, activity, program, or service provided by the office, the annual
3913 report shall include:

3914 (a) a description of the operation, activity, program, or service;

3915 (b) data and metrics:

3916 (i) selected and used by the office to measure progress, performance, effectiveness, and
3917 scope of the operation, activity, program, or service, including summary data; and

3918 (ii) that are consistent and comparable for each state operation, activity, program, or
3919 service that primarily involves employment training or placement as determined by the
3920 executive directors of the office, the Department of Workforce Services, and the Governor's
3921 Office of Management and Budget;

3922 (c) budget data, including the amount and source of funding, expenses, and allocation
3923 of full-time employees for the operation, activity, program, or service;

3924 (d) historical data from previous years for comparison with data reported under

3925 Subsections (2)(b) and (c);

3926 (e) goals, challenges, and achievements related to the operation, activity, program, or
3927 service;

3928 (f) relevant federal and state statutory references and requirements;

3929 (g) contact information of officials knowledgeable and responsible for each operation,
3930 activity, program, or service; and

3931 (h) other information determined by the office that:

- 3932 (i) may be needed, useful, or of historical significance; or
3933 (ii) promotes accountability and transparency for each operation, activity, program, or
3934 service with the public and elected officials.
- 3935 (3) The annual report shall be designed to provide clear, accurate, and accessible
3936 information to the public, the governor, and the Legislature.
- 3937 (4) The office shall:
- 3938 (a) submit the annual report in accordance with Section 68-3-14;
3939 (b) make the annual report, and previous annual reports, accessible to the public by
3940 placing a link to the reports on the office's website; and
- 3941 (c) provide the data and metrics described in Subsection (2)(b) to the [Talent Ready
3942 Utah Board created in Section 63N-12-503] Talent, Education, and Industry Alignment
3943 Subcommittee created in Section 63N-1b-301.
- 3944 [~~(5) (a) On or before October 1, 2019, the office shall:]~~
- 3945 [~~(i) in consultation with the organizations described in Subsection (5)(c), coordinate~~
3946 ~~the development of a written strategic plan that contains a coordinated economic development~~
3947 ~~strategy for the state; and]~~
- 3948 [~~(ii) provide the strategic plan to the president of the Senate, the speaker of the House~~
3949 ~~of Representatives, and the Economic Development and Workforce Services Interim~~
3950 ~~Committee.];~~
- 3951 [~~(b) The strategic plan shall:]~~
- 3952 [~~(i) establish a statewide economic development strategy that consists of a limited set~~
3953 ~~of clear, concise, and defined principles and goals;]~~
- 3954 [~~(ii) recommend targeted economic development policies that will further the~~
3955 ~~implementation of the economic development strategy described in this section;]~~
- 3956 [~~(iii) identify each of the relevant state-level economic development agencies,~~
3957 ~~including the agencies described in Subsection (5)(c);]~~
- 3958 [~~(iv) outline the functional role in furthering the state's economic development strategy~~
3959 ~~for each relevant state-level economic development agency;]~~
- 3960 [~~(v) establish specific principles and make specific recommendations to decrease~~
3961 ~~competition and increase communication and cooperation among state-level economic~~
3962 ~~development agencies, providers and administrators of economic development programs in the~~

3963 ~~state, nonprofit entities that participate in economic development in the state, and local~~
3964 ~~governments;]~~

3965 ~~[(vi) recommend a fundamental realignment of economic development programs in the~~
3966 ~~state to ensure each program's purpose is congruent with the mission of the organization within~~
3967 ~~which the program is located;]~~

3968 ~~[(vii) address rural economic development by:]~~

3969 ~~[(A) establishing goals and principles to ensure the state's economic development~~
3970 ~~strategy works for both urban and rural areas of the state; and]~~

3971 ~~[(B) providing recommendations on how existing rural economic development~~
3972 ~~programs should be restructured or realigned;]~~

3973 ~~[(viii) assess the effectiveness of the state's economic development incentives and~~
3974 ~~make recommendations regarding:]~~

3975 ~~[(A) how incentive policies could be improved; and]~~

3976 ~~[(B) how incentives could be better coordinated among state-level economic~~
3977 ~~development agencies and local governments;]~~

3978 ~~[(ix) make recommendations regarding how to align the state's economic development~~
3979 ~~strategy and policies in order to take advantage of the strengths and address the weaknesses of~~
3980 ~~the state's current and projected urban and rural workforce;]~~

3981 ~~[(x) make recommendations regarding how to monitor and assess whether certain~~
3982 ~~economic development policies further the statewide economic development strategy described~~
3983 ~~in this section, including recommendations on performance metrics to measure results; and]~~

3984 ~~[(xi) align the strategic plan with each element of the statewide economic development~~
3985 ~~strategy.]~~

3986 ~~[(c) The office shall coordinate the development of the strategic plan by working in~~
3987 ~~coordination with and obtaining information from other state agencies, including:]~~

3988 ~~[(i) the Department of Workforce Services;]~~

3989 ~~[(ii) the Office of Energy Development;]~~

3990 ~~[(iii) the State Board of Education; and]~~

3991 ~~[(iv) the Utah Board of Higher Education.]~~

3992 ~~[(d) If contacted by the office, other state agencies, including those described in~~
3993 ~~Subsection (5)(c), shall, in accordance with state and federal law, share information and~~

3994 cooperate with the office in coordinating the development of the strategic plan.]

3995 Section 99. Section **63N-1b-101** is enacted to read:

3996 **CHAPTER 1b. COMMISSION SUBCOMMITTEES**

3997 **Part 1. General Provisions**

3998 **63N-1b-101. Definitions.**

3999 As used in this chapter:

4000 (1) "Apprenticeship program" means a program that combines paid on-the-job learning
4001 with formal classroom instruction to prepare students for careers and that includes:

4002 (a) structured on-the-job learning for students under the supervision of a skilled
4003 employee;

4004 (b) classroom instruction for students related to the on-the-job learning;

4005 (c) ongoing student assessments using established competency and skills standards;

4006 and

4007 (d) the student receiving an industry-recognized credential or degree upon completion
4008 of the program.

4009 (2) "Career and technical education region" means an economic service area created in
4010 Section [35A-2-101](#).

4011 (3) "High quality professional learning" means the professional learning standards for
4012 teachers and principals described in Section [53G-11-303](#).

4013 (4) "Institution of higher education" means the University of Utah, Utah State
4014 University, Southern Utah University, Weber State University, Snow College, Dixie State
4015 University, Utah Valley University, or Salt Lake Community College.

4016 (5) "Local education agency" means a school district, a charter school, or the Utah
4017 Schools for the Deaf and the Blind.

4018 (6) "Master plan" means the computer science education master plan described in
4019 Section [63N-1b-304](#).

4020 (7) "Participating employer" means an employer that:

4021 (a) partners with an educational institution on a curriculum for an apprenticeship
4022 program or work-based learning program; and

4023 (b) provides an apprenticeship or work-based learning program for students.

4024 (8) "State board" means the State Board of Education.

- 4025 (9) "Talent program" means the Talent Ready Utah Program created in Section
4026 63N-1b-302.
- 4027 (10) "Talent subcommittee" means the Talent, Education, and Industry Alignment
4028 Subcommittee created in Section 63N-1b-301.
- 4029 (11) "Technical college" means:
- 4030 (a) a technical college described in Section 53B-2a-105;
4031 (b) the School of Applied Technology at Salt Lake Community College established in
4032 Section 53B-16-209;
- 4033 (c) Utah State University Eastern established in Section 53B-18-1201;
4034 (d) Utah State University Blanding established in Section 53B-18-1202; or
4035 (e) the Snow College Richfield campus established in Section 53B-16-205.
- 4036 (12) (a) "Work-based learning program" means a program that combines structured and
4037 supervised learning activities with authentic work experiences and that is implemented through
4038 industry and education partnerships.
- 4039 (b) "Work-based learning program" includes the following objectives:
- 4040 (i) providing students an applied workplace experience using knowledge and skills
4041 attained in a program of study that includes an internship, externship, or work experience;
4042 (ii) providing an educational institution with objective input from a participating
4043 employer regarding the education requirements of the current workforce; and
4044 (iii) providing funding for programs that are associated with high-wage, in-demand, or
4045 emerging occupations.
- 4046 (13) "Workforce programs" means education or industry programs that facilitate
4047 training the state's workforce to meet industry demand.
- 4048 Section 100. Section **63N-1b-102** is enacted to read:
- 4049 **63N-1b-102. Subcommittees generally.**
- 4050 (1) Each subcommittee created under this part or by the commission in accordance
4051 with this section serves under the direction of the commission and shall assist the commission
4052 in performing the commission's duties.
- 4053 (2) In addition to the subcommittees created under this part, the commission may
4054 establish one or more subcommittees to assist and advise the commission on specified topics or
4055 issues relevant to the commission's duties, including:

- 4056 (a) rural economic growth;
 4057 (b) sustainable community growth;
 4058 (c) small business and entrepreneurship;
 4059 (d) multicultural economic empowerment; and
 4060 (e) international relations, trade, and immigration.
 4061 (3) When establishing a subcommittee under Subsection (2), the commission shall:
 4062 (a) appoint members to the subcommittee that represent a range of views and expertise;
 4063 and
 4064 (b) adopt subcommittee procedures and directives.
 4065 (4) (a) A member of a subcommittee may not receive compensation or benefits for the
 4066 member's service, but may receive per diem and travel expenses in accordance with:
 4067 (i) Section [63A-3-106](#);
 4068 (ii) Section [63A-3-107](#); and
 4069 (iii) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).
 4070 (b) Compensation and expenses of a subcommittee member who is a legislator are
 4071 governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and
 4072 Expenses.
 4073 Section 101. Section **63N-1b-201**, which is renumbered from Section 63N-1-401 is
 4074 renumbered and amended to read:
 4075 **Part 2. Business and Economic Development Subcommittee**
 4076 ~~**[63N-1-401].**~~ **63N-1b-201. Business and Economic Development --**
 4077 **Subcommittee -- Creation -- Membership -- Expenses.**
 4078 (1) (a) There is created [~~within the office the Board of Business and Economic~~
 4079 ~~Development~~] a subcommittee of the commission, called the Business and Economic
 4080 Development Subcommittee, consisting of 15 members appointed by the [governor] chair of
 4081 the commission, in consultation with the executive director, to four-year terms of office with
 4082 the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,
 4083 Vacancies[-], including:
 4084 (i) a representative from a rural association of governments;
 4085 (ii) a rural representative of agriculture;
 4086 (iii) a rural representative of the travel industry;

4087 (iv) a representative of rural utilities; and

4088 (v) a representative from the oil, gas, or mineral extraction industry.

4089 (b) Notwithstanding the requirements of Subsection (1)(a), the [governor] chair of the
4090 commission shall, at the time of appointment or reappointment, adjust the length of terms to
4091 ensure that the terms of board members are staggered so that approximately half of the [board]
4092 subcommittee is appointed every two years.

4093 (c) The members may not serve more than two full consecutive terms except where the
4094 [governor] chair of the commission determines that an additional term is in the best interest of
4095 the state.

4096 (2) In appointing members of the committee, the [governor] chair of the commission
4097 shall ensure that:

4098 (a) no more than eight members of the [board] subcommittee are from one political
4099 party; and

4100 (b) members represent a variety of geographic areas and economic interests of the state.

4101 (3) When a vacancy occurs in the membership for any reason, the replacement shall be
4102 appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

4103 (4) Eight members of the [board] subcommittee constitute a quorum for conducting
4104 board business and exercising board power.

4105 (5) The [governor] chair of the commission shall select one [board] subcommittee
4106 member as the [board's] subcommittee's chair and one member as the subcommittee's vice
4107 chair.

4108 (6) A member may not receive compensation or benefits for the member's service, but
4109 may receive per diem and travel expenses in accordance with:

4110 (a) Section [63A-3-106](#);

4111 (b) Section [63A-3-107](#); and

4112 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

4113 (7) A member shall comply with the conflict of interest provisions described in Title
4114 63G, Chapter 24, Part 3, Conflicts of Interest.

4115 (8) Nothing in this section prohibits an individual who, on May 4, 2021, is a member
4116 of a board within the office known as the Board of Business and Economic Development from
4117 serving as a member of the GO Utah board.

4118 Section 102. Section **63N-1b-202**, which is renumbered from Section 63N-1-402 is
4119 renumbered and amended to read:

4120 ~~[63N-1-402]~~. **63N-1b-202. Business and Economic Development**

4121 **Subcommittee duties and powers.**

4122 (1) The [~~board~~] Business and Economic Development Subcommittee shall advise and
4123 assist the [~~office~~] commission to:

4124 (a) promote and encourage the economic, commercial, financial, industrial,
4125 agricultural, and civic welfare of the state;

4126 (b) promote and encourage the development, attraction, expansion, and retention of
4127 businesses, industries, and commerce in the state;

4128 (c) support the efforts of local government and regional nonprofit economic
4129 development organizations to encourage expansion or retention of businesses, industries, and
4130 commerce in the state;

4131 (d) act to enhance the state's economy;

4132 (e) work in conjunction with companies and individuals located or doing business in
4133 the state to secure favorable rates, fares, tolls, charges, and classification for transportation of
4134 persons or property by:

4135 (i) railroad;

4136 (ii) motor carrier; or

4137 (iii) other common carriers;

4138 (f) [~~recommend~~] develop policies, priorities, and objectives [~~to the office~~]
4139 the assistance, retention, or recruitment of business, industries, and commerce in the state;

4140 (g) [~~recommend how the office should~~] administer programs for the assistance,
4141 retention, or recruitment of businesses, industries, and commerce in the state;

4142 (h) [~~help~~] ensure that [~~economic-development~~] economic development programs are
4143 available to all areas of the state in accordance with federal and state law; [~~and~~]

4144 (i) identify local, regional, and statewide rural economic development and planning
4145 priorities;

4146 (j) understand, through study and input, issues relating to local, regional, and statewide
4147 rural economic development, including challenges, opportunities, best practices, policy,
4148 planning, and collaboration; and

4149 [(i)] (k) maintain ethical and conflict of interest standards consistent with those
 4150 imposed on a public officer under Title 67, Chapter 16, Utah Public Officers' and Employees'
 4151 Ethics Act.

4152 (2) The subcommittee shall:

4153 (a) serve as an advisory board to the commission on rural economic development
 4154 issues;

4155 (b) prepare an annual strategic plan that:

4156 (i) identifies rural economic development, planning, and leadership training challenges,
 4157 opportunities, priorities, and objectives; and

4158 (ii) includes a work plan for accomplishing the objectives referred to in Subsection
 4159 (1)(b)(i); and

4160 (c) oversee the Rural County Grant Program created in Section [17-54-103](#).

4161 [(2)] (3) The [board] subcommittee may:

4162 (a) in accordance with Subsection (1)(e), appear as a party litigant on behalf of an
 4163 individual or a company located or doing business in the state in a proceeding before a
 4164 regulatory commission of the state, another state, or the federal government; and

4165 (b) in consultation with the executive director, make, amend, or repeal rules for the
 4166 conduct of its business consistent with this part and in accordance with Title 63G, Chapter 3,
 4167 Utah Administrative Rulemaking Act.

4168 Section 103. Section **63N-1b-301**, which is renumbered from Section 63N-12-503 is
 4169 renumbered and amended to read:

4170 **Part 3. Talent, Education, and Industry Alignment Subcommittee**

4171 **~~[63N-12-503].~~ 63N-1b-301. Talent, Education, and Industry Alignment**
 4172 **Subcommittee -- Creation -- Membership -- Expenses -- Duties.**

4173 ~~[(1) There is created within GOED the Talent Ready Utah Board composed of the~~
 4174 ~~following 14 members:]~~

4175 (1) There is created a subcommittee of the commission called the Talent, Education,
 4176 and Industry Alignment Subcommittee composed of the following members:

4177 (a) the state superintendent of public instruction or the superintendent's designee;

4178 (b) the commissioner of higher education or the commissioner of higher education's
 4179 designee;

- 4180 (c) the chair of the State Board of Education or the chair's designee;
- 4181 (d) the executive director of the Department of Workforce Services or the executive
4182 director of the department's designee;
- 4183 (e) the executive director of [~~GOED~~] the GO Utah office or the executive director's
4184 designee;
- 4185 (f) the director of the Division of Occupational and Professional Licensing or the
4186 director's designee;
- 4187 (g) the governor's education advisor or the advisor's designee;
- 4188 (h) one member of the Senate, appointed by the president of the Senate;
- 4189 (i) one member of the House of Representatives, appointed by the speaker of the House
4190 of Representatives;
- 4191 (j) the president of the Salt Lake Chamber or the president's designee;
- 4192 (k) three representatives of private industry chosen by the talent ready board; [~~and~~]
- 4193 (l) a representative of the technology industry chosen by the talent ready board[~~;~~];
- 4194 (m) the lieutenant governor; and
- 4195 (n) any additional individuals appointed by the commission who represent:
- 4196 (i) one or more individual educational institutions; or
- 4197 (ii) education or industry professionals.
- 4198 (2) The [~~talent ready board~~] commission shall select a chair and vice chair from among
4199 the members of the talent [~~ready board~~] subcommittee.
- 4200 (3) The talent [~~ready board~~] subcommittee shall meet at least quarterly.
- 4201 (4) Attendance of a majority of the members of the talent [~~ready board~~] subcommittee
4202 constitutes a quorum for the transaction of official talent [~~ready board~~] subcommittee business.
- 4203 (5) Formal action by the talent [~~ready board~~] subcommittee requires the majority vote
4204 of a quorum.
- 4205 (6) A member of the talent [~~ready board~~] subcommittee:
- 4206 (a) may not receive compensation or benefits for the member's service; and
- 4207 (b) who is not a legislator may receive per diem and travel expenses in accordance
4208 with:
- 4209 (i) Section [63A-3-106](#);
- 4210 (ii) Section [63A-3-107](#); and

4211 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
4212 [63A-3-107](#).

4213 (7) The talent [~~ready board~~] subcommittee shall:

4214 (a) (i) review and develop metrics to measure the progress, performance, effectiveness,
4215 and scope of any state operation, activity, program, or service that primarily involves
4216 employment training or placement; and

4217 (ii) ensure that the metrics described in Subsection (7)(a) are consistent and
4218 comparable for each state operation, activity, program, or service that primarily involves
4219 employment training or placement;

4220 (b) make recommendations to the [~~center~~] commission regarding how to better align
4221 training and education in the state with industry demand;

4222 (c) make recommendations to the [~~center~~] commission regarding how to better align
4223 technical education with current and future workforce needs; and

4224 (d) coordinate with the [~~center~~] commission to meet the responsibilities described in
4225 Subsection [~~63N-12-502(4)~~] [63N-1b-303\(3\)](#).

4226 Section 104. Section **63N-1b-302**, which is renumbered from Section 63N-12-502 is
4227 renumbered and amended to read:

4228 ~~[63N-12-502]~~. **63N-1b-302. Talent Ready Utah Program.**

4229 (1) There is created within [~~GOED~~] the office the Talent Ready Utah [~~Center~~]
4230 Program.

4231 (2) The executive director shall appoint a director of the [~~center~~] talent program.

4232 (3) The director of the [~~center~~] talent program may appoint staff with the approval of
4233 the executive director.

4234 (4) The [~~center~~] talent program shall coordinate with the talent [~~ready board~~]
4235 subcommittee to:

4236 (a) further education and industry alignment in the state;

4237 (b) coordinate the development of new education programs that align with industry
4238 demand;

4239 (c) coordinate or partner with other state agencies to administer grant programs;

4240 (d) promote the inclusion of industry partners in education;

4241 (e) provide outreach and information to employers regarding workforce programs and

4242 initiatives;

4243 (f) develop and analyze stackable credential programs;

4244 (g) determine efficiencies among workforce providers;

4245 (h) map available workforce programs focusing on programs that successfully create

4246 high-paying jobs; and

4247 (i) support initiatives of the talent ready ~~[board]~~ subcommittee.

4248 Section 105. Section **63N-1b-303**, which is renumbered from Section 63N-12-504 is

4249 renumbered and amended to read:

4250 ~~[63N-12-504]~~. **63N-1b-303. Reporting.**

4251 The ~~[center]~~ talent program shall prepare an annual report describing the ~~[center's]~~

4252 talent program's operations and recommendations for inclusion in ~~[GOED's]~~ the office's annual

4253 written report described in Section **63N-1-301**, including the results of the apprenticeship pilot

4254 program described in Section ~~[63N-12-507]~~ 63N-1b-307.

4255 Section 106. Section **63N-1b-304**, which is renumbered from Section 63N-12-505 is

4256 renumbered and amended to read:

4257 ~~[63N-12-505]~~. **63N-1b-304. Computer science education master plan.**

4258 ~~[On or before August 30, 2019, the talent ready board]~~ The talent subcommittee, in

4259 consultation with the state board and the ~~[center]~~ talent program, shall develop a computer

4260 science education master plan that:

4261 (1) includes a statement of the objectives and goals of the master plan;

4262 (2) describes how the talent ~~[ready board]~~ subcommittee and the state board will

4263 administer the Computer Science for Utah Grant Program created in Section ~~[63N-12-506]~~

4264 63N-1b-106;

4265 (3) provides guidance for local education agencies in implementing computer science

4266 education opportunities for students in high school, middle school, and elementary school;

4267 (4) integrates recommendations and best practices from private and public entities that

4268 are seeking to improve and expand the opportunities for computer science education, including

4269 the Expanding Computer Education Pathways Alliance; and

4270 (5) makes recommendations to assist a local education agency in creating a local

4271 education agency computer science plan described in Subsection **63N-12-506(7)**, including:

4272 (a) providing recommendations regarding course offerings in computer science;

4273 (b) providing recommendations regarding professional development opportunities in
4274 computer science for licensed teachers;

4275 (c) providing recommendations regarding curriculum software for computer science
4276 courses;

4277 (d) providing recommendations regarding assessment solutions to measure the learning
4278 outcomes of students in computer science courses; and

4279 (e) providing information regarding how a local education agency can receive technical
4280 support from the talent [~~ready board~~] subcommittee in providing computer science education
4281 opportunities for students.

4282 Section 107. Section **63N-1b-305**, which is renumbered from Section 63N-12-506 is
4283 renumbered and amended to read:

4284 ~~[63N-12-506]~~. **63N-1b-305. Computer Science for Utah Grant Program.**

4285 (1) As used in this section, "grant program" means the Computer Science for Utah
4286 Grant Program created in Subsection (2).

4287 (2) The Computer Science for Utah Grant Program is created to provide grants to
4288 eligible local education agencies for improving computer science learning outcomes and course
4289 offerings as demonstrated by:

4290 (a) the creation and implementation of a local education agency computer science plan
4291 as described in Subsection (7); and

4292 (b) the effective implementation of approved courses and the provision of effective
4293 training opportunities for licensed teachers.

4294 (3) Subject to appropriations from the Legislature, and subject to the approval of the
4295 talent [~~ready board~~] subcommittee, the state board shall distribute to local education agencies
4296 money appropriated for the grant program in accordance with this section.

4297 (4) The state board shall:

4298 (a) solicit applications from local education agency boards to receive grant money
4299 under the grant program;

4300 (b) make recommendations to the talent [~~ready board~~] subcommittee regarding the
4301 awarding of grant money to a local education agency board on behalf of a local education
4302 agency based on the criteria described in Subsection (6); and

4303 (c) obtain final approval from the talent [~~ready board~~] subcommittee before awarding

4304 grant money.

4305 (5) In administering the Computer Science for Utah Grant Program, the state board and
4306 the office, in consultation with the talent [~~ready board~~] subcommittee, may make rules, in
4307 accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

4308 (a) describe the form and deadlines for a grant application by a local education agency
4309 under this section; and

4310 (b) describe the reporting requirements required by a local education agency after
4311 receiving a grant under this section.

4312 (6) In awarding a grant under Subsection (3), the state board shall consider the
4313 effectiveness of the local education agency in creating and implementing a local education
4314 agency computer science plan as described in Subsection (7).

4315 (7) Each local education agency that seeks a grant as described in this section shall
4316 submit a written computer science plan, in a form approved by the state board and the talent
4317 [~~ready board~~] subcommittee, that:

4318 (a) covers at least four years;

4319 (b) addresses the recommendations of the talent [~~ready board's~~] subcommittee's
4320 computer science education master plan described in Section [63N-12-505](#);

4321 (c) identifies targets for improved computer science offerings, student learning, and
4322 licensed teacher training;

4323 (d) describes a computer science professional development program and other
4324 opportunities for high quality professional learning for licensed teachers or individuals training
4325 to become licensed teachers;

4326 (e) provides a detailed budget, communications, and reporting structure for
4327 implementing the computer science plan;

4328 (f) commits to provide one computer science course offering, approved by the talent
4329 [~~ready board~~] subcommittee, in every middle and high school within the local education
4330 agency;

4331 (g) commits to integrate computer science education into the curriculum of each
4332 elementary school within the local education agency; and

4333 (h) includes any other requirement established by the state board or the office by rule,
4334 in consultation with the talent [~~ready board~~] subcommittee, in accordance with this part and

4335 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4336 (8) Each local education agency that receives a grant as described in this section shall
4337 provide an annual written assessment to the state board and the talent [~~ready board~~]
4338 subcommittee for each year that the local education agency receives a grant or expends grant
4339 money that includes:

4340 (a) how the grant money was used;

4341 (b) any improvements in the number and quality of computer science offerings
4342 provided by the local education agency and any increase in the number of licensed teachers
4343 providing computer science teaching to students;

4344 (c) any difficulties encountered during implementation of the local education agency's
4345 written computer science plan and steps that will be taken to address the difficulties; and

4346 (d) any other requirement established by the state board or the office by rule, in
4347 consultation with the talent ready board, in accordance with this part and Title 63G, Chapter 3,
4348 Utah Administrative Rulemaking Act.

4349 (9) (a) The state board and the talent [~~ready board~~] subcommittee shall review each
4350 annual written assessment described in Subsection (8).

4351 (b) As a result of the review described in Subsection (9)(a):

4352 (i) the state board or the talent [~~ready board~~] subcommittee may provide
4353 recommendations to improve the progress of the local education agency in meeting the
4354 objectives of the written computer science plan;

4355 (ii) the state board may determine not to renew or extend a grant under this section; or

4356 (iii) the state board or the talent [~~ready board~~] subcommittee may take other action to
4357 assist the local education agency.

4358 Section 108. Section **63N-1b-306**, which is renumbered from Section 63N-12-507 is
4359 renumbered and amended to read:

4360 [~~63N-12-507~~]. **63N-1b-306. Apprenticeships and work-based learning.**

4361 (1) The [~~center~~] talent program in collaboration with the talent [~~ready board~~]
4362 subcommittee may partner with one or more of the following to facilitate and encourage
4363 apprenticeship opportunities and work-based learning opportunities for Utah students:

4364 (a) the state board;

4365 (b) the Utah system of higher education; and

4366 (c) a participating employer in the state.

4367 (2) Subject to appropriations from the Legislature and in accordance with the proposal
4368 process and other provisions of this section, the talent [~~ready board~~] subcommittee, with the
4369 concurrence of the executive director, may provide funding for approved apprenticeship
4370 opportunities and work-based learning opportunities.

4371 (3) To receive funding under this section, an entity described in Subsection (1) seeking
4372 to partner with the [~~center~~] talent program shall submit a proposal through the [~~center~~] talent
4373 program, in a form approved by the [~~center~~] talent program and in accordance with deadlines
4374 determined by the [~~center~~] talent program, that contains the following elements:

4375 (a) the proposal shall include:

4376 (i) a description of the proposed apprenticeship program or work-based learning
4377 program that demonstrates the program will be:

4378 (A) responsive to the workforce needs of a high demand industry or occupation; and

4379 (B) a partnership between at least one participating employer and at least one public
4380 high school, technical college, or institution of higher education;

4381 (ii) an estimate of:

4382 (A) student enrollment in the program;

4383 (B) what school credit, credentials, certifications, or other workforce attainments will
4384 be provided by the program; and

4385 (C) job-placement rates for students who complete the program;

4386 (iii) a description of any financial contributions or in-kind contributions that will be
4387 provided by each participating employer in the program;

4388 (iv) if the program would require state board approval under the provisions of Section
4389 [53B-16-102](#), evidence that the state board has approved the program; and

4390 (v) the amount of funding requested for the program, including justification for the
4391 funding; and

4392 (b) while not required, a preference may be given to a proposal that includes:

4393 (i) a description of a stackable credentialing pathway for participating students that will
4394 be created by the program between at least two of the following:

4395 (A) a public high school;

4396 (B) a technical college; and

- 4397 (C) an institution of higher education; or
4398 (ii) the potential for participating students to obtain full-time employment with the
4399 participating employer upon completion of the program.
- 4400 (4) The talent [~~ready board~~] subcommittee shall review and prioritize each proposal
4401 received and determine whether the proposal should be funded, using the following criteria:
4402 (a) the quality and completeness of the elements of the proposal described in
4403 Subsection (3)(a);
4404 (b) the quality of the optional elements of the proposal described in Subsection (3)(b);
4405 (c) to what extent the proposal would expand the capacity to meet state or regional
4406 workforce needs; and
4407 (d) other relevant criteria as determined by the talent [~~ready board~~] subcommittee.
- 4408 (5) A partnership that receives funding under this section:
4409 (a) shall use the money to accomplish the proposed apprenticeship program or
4410 work-based learning program;
4411 (b) may use the money to offset a participating employer's direct operational costs
4412 associated with employing students as part of an approved apprenticeship program or
4413 work-based learning program;
4414 (c) except as provided in Subsection (5)(d), may not use the money for educational
4415 administration; and
4416 (d) may use the money to support one full-time employee within a career and technical
4417 education region if:
4418 (i) each participating local education agency, public high school, technical college, and
4419 institution of higher education agree on which entity will house the full-time employee;
4420 (ii) the full-time employee spends all of the employee's time working exclusively to
4421 develop apprentice programs or work-based learning programs; and
4422 (iii) the full-time employee is responsible for regular reporting to and receiving training
4423 from the director of the [~~center~~] talent program.
- 4424 (6) The [~~center~~] talent program shall be responsible for the administration of
4425 apprenticeship programs and work-based learning programs described in this section,
4426 including:
4427 (a) working with and providing technical assistance to the participating partners that

4428 establish apprentice programs and work-based learning programs and that receive funding
4429 under the provisions of this section;

4430 (b) establishing reporting requirements for participating partners that establish
4431 apprentice programs and work-based learning programs and that receive funding under the
4432 provisions of this section;

4433 (c) providing outreach and marketing to encourage more employers to participate; and

4434 (d) annually providing information to [GOED] the office regarding the activities,
4435 successes, and challenges of the center related to administering apprentice programs and
4436 work-based learning programs for inclusion in [GOED's] the office's annual written report
4437 described in Section 63N-1-301, including:

4438 (i) specific entities that received funding under this section;

4439 (ii) the amount of funding provided to each entity; and

4440 (iii) the number of participating students in each apprentice program and work-based
4441 learning program.

4442 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
4443 the provisions of this section, the [center] talent program may make rules regarding:

4444 (a) the method and deadlines for applying for funding under this section;

4445 (b) the distribution of funding under this section; and

4446 (c) the reporting requirements of each entity receiving funding under this section.

4447 Section 109. Section **63N-1b-307**, which is renumbered from Section 63N-12-508 is
4448 renumbered and amended to read:

4449 ~~[63N-12-508].~~ **63N-1b-307. Utah Works Program.**

4450 (1) There is created [~~within the center~~] the Utah Works Program.

4451 (2) The program, under the direction of [~~the center and~~] the talent [~~ready board~~]
4452 subcommittee, shall coordinate and partner with the entities described below to develop
4453 short-term pre-employment training and short-term early employment training for student and
4454 workforce participants that meet the needs of businesses that are creating jobs and economic
4455 growth in the state by:

4456 (a) partnering with the office, the Department of Workforce Services, and the Utah
4457 system of higher education;

4458 (b) partnering with businesses that have significant hiring demands for primarily newly

4459 created jobs in the state;

4460 (c) coordinating with the Department of Workforce Services, education agencies, and
4461 employers to create effective recruitment initiatives to attract student and workforce
4462 participants and business participants to the program;

4463 (d) coordinating with the Utah system of higher education to develop educational and
4464 training resources to provide student participants in the program qualifications to be hired by
4465 business participants in the program; and

4466 (e) coordinating with the State Board of Education and local education agencies when
4467 appropriate to develop educational and training resources to provide student participants in the
4468 program qualifications to be hired by business participants in the program.

4469 (3) (a) Subject to appropriation, beginning on August 5, 2020, the office, in
4470 consultation with the talent [~~ready board~~] subcommittee, may respond to the COVID-19
4471 pandemic by directing financial grants to institutions of higher education described in Section
4472 [53B-2-101](#) to offer short-term programs to:

4473 (i) provide training to furloughed, laid off, dislocated, underserved, or other
4474 populations affected by COVID-19 to fill employment gaps in the state;

4475 (ii) provide training and education related to industry needs; and

4476 (iii) provide students with certificates or other recognition after completion of training.

4477 (b) (i) As soon as is practicable but on or before July 31, 2020, the office shall report to
4478 the director of the Division of Finance about the grant program under this Subsection (3),
4479 including:

4480 (A) the process by which the office shall determine which institutions of higher
4481 education shall receive financial grants; and

4482 (B) the formula for awarding financial grants.

4483 (ii) The office shall:

4484 (A) participate in the presentation that the director of the Division of Finance provides
4485 to the president of the Senate, the speaker of the House of Representatives, the minority leader
4486 of the Senate, and the minority leader of the House of Representatives under Section
4487 [63A-3-111](#); and

4488 (B) consider any recommendations for adjustments to the grant program from the
4489 president of the Senate, the speaker of the House of Representatives, the minority leader of the

4490 Senate, and the minority leader of the House of Representatives.

4491 (c) To implement Subsection (3)(a), an institution of higher education that receives
4492 grant funds:

4493 (i) may use grant funds for:

4494 (A) costs associated with developing a new program; or

4495 (B) costs associated with expanding an existing program; and

4496 (ii) shall demonstrate industry needs and opportunities for partnership with industry.

4497 (d) (i) The office shall award grant funds:

4498 (A) after an initial application period that ends on or before August 31, 2020; and

4499 (B) if funds remain after the initial application period, on a rolling basis until the
4500 earlier of funds being exhausted or November 30, 2020.

4501 (ii) An institution of higher education that receives grant funds shall expend the grant
4502 funds on or before December 1, 2020.

4503 (e) The ~~[center]~~ office shall conduct outreach, including education about career
4504 guidance, training, and workforce programs, to the targeted populations.

4505 (4) The office, in consultation with the talent ~~[ready board]~~ subcommittee, may, in
4506 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in accordance
4507 with the provisions of this section, make rules regarding the development and administration of
4508 the Utah Works Program.

4509 (5) The ~~[center]~~ Utah Works Program shall report the following metrics to the office
4510 for inclusion in the office's annual report described in Section [63N-1-301](#):

4511 (a) the number of participants in the program;

4512 (b) how program participants learned about or were referred to the program, including
4513 the number of participants who learned about or were referred to the program by:

4514 (i) the Department of Workforce Services;

4515 (ii) marketing efforts of the ~~[center]~~ office or talent ~~[ready board]~~ subcommittee;

4516 (iii) a school counselor; and

4517 (iv) other methods;

4518 (c) the number of participants who have completed training offered by the program;

4519 and

4520 (d) the number of participants who have been hired by a business participating in the

4521 program.

4522 Section 110. Section **63N-2-103** is amended to read:

4523 **63N-2-103. Definitions.**

4524 As used in this part:

4525 (1) "Authority" means:

4526 (a) the Utah Inland Port Authority, created in Section [11-58-201](#); or

4527 (b) the Military Installation Development Authority, created in Section [63H-1-201](#).

4528 (2) "Authority project area" means a project area of:

4529 (a) the Utah Inland Port Authority, created in Section [11-58-201](#); or

4530 (b) the Military Installation Development Authority, created in Section [63H-1-201](#).

4531 (3) "Business entity" means a person that enters into an agreement with the office to

4532 initiate a new commercial project in Utah that will qualify the person to receive a tax credit

4533 under Section [59-7-614.2](#) or [59-10-1107](#).

4534 (4) "Community reinvestment agency" has the same meaning as that term is defined in

4535 Section [17C-1-102](#).

4536 (5) "Development zone" means an economic development zone created under Section

4537 [63N-2-104](#).

4538 (6) For purposes of this part only, "high paying job" includes a full-time employee

4539 position described in Subsection [63N-1a-102\(8\)](#) hired by a professional employer organization

4540 as defined in Section [31A-40-102](#), on behalf of a business entity.

4541 (7) For purposes of this part only, "incremental job" includes a full-time employee

4542 position described in Subsection [63N-1a-102\(9\)](#) hired by a professional employer organization

4543 as defined in Section [31A-40-102](#), on behalf of a business entity.

4544 [~~(6)~~] (8) "Local government entity" means a county, city, town, or authority that enters

4545 into an agreement with the office to have a new commercial project that:

4546 (a) is initiated within:

4547 (i) the boundary of the county, city, or town; or

4548 (ii) an authority project area; and

4549 (b) qualifies the county, city, town, or authority to receive a tax credit under Section

4550 [59-7-614.2](#).

4551 [~~(7)~~] (9) (a) "New commercial project" means an economic development opportunity

4552 that:

4553 (i) involves new or expanded industrial, manufacturing, distribution, or business
4554 services in [~~Utah.~~] the state; and

4555 (ii) advances the statewide economic development strategy.

4556 (b) "New commercial project" does not include retail business.

4557 [~~(8)~~] (10) "Significant capital investment" means an amount of at least \$10,000,000 to
4558 purchase capital or fixed assets, which may include real property, personal property, and other
4559 fixtures related to a new commercial project:

4560 (a) that represents an expansion of existing operations in the state; or

4561 (b) that maintains or increases the business entity's existing work force in the state.

4562 [~~(9)~~] (11) "Tax credit" means an economic development tax credit created by Section
4563 [59-7-614.2](#) or [59-10-1107](#).

4564 [~~(10)~~] (12) "Tax credit amount" means the amount the office lists as a tax credit on a
4565 tax credit certificate for a taxable year.

4566 [~~(11)~~] (13) "Tax credit certificate" means a certificate issued by the office that:

4567 (a) lists the name of the business entity, local government entity, or community
4568 development and renewal agency to which the office authorizes a tax credit;

4569 (b) lists the business entity's, local government entity's, or community development and
4570 renewal agency's taxpayer identification number;

4571 (c) lists the amount of tax credit that the office authorizes the business entity, local
4572 government entity, or community development and renewal agency for the taxable year; and

4573 (d) may include other information as determined by the office.

4574 Section 111. Section **63N-2-104** is amended to read:

4575 **63N-2-104. Creation of economic development zones -- Tax credits -- Assignment**
4576 **of tax credit.**

4577 (1) The office [~~with advice from the board,~~] may create an economic development
4578 zone in the state if the following requirements are satisfied:

4579 (a) the area is zoned commercial, industrial, manufacturing, business park, research
4580 park, or other appropriate business related use in a community-approved master plan that
4581 contemplates future growth;

4582 (b) the request to create a development zone has first been approved by an appropriate

4583 local government entity; and

4584 (c) local incentives have been or will be committed to be provided within the area in
4585 accordance with the community's approved incentive policy and application process.

4586 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4587 the office shall make rules establishing the requirements for a business entity or local
4588 government entity to qualify for a tax credit for a new commercial project in a development
4589 zone under this part.

4590 (b) The office shall ensure that the requirements described in Subsection (2)(a) include
4591 the following:

4592 (i) the new commercial project is within the development zone;

4593 (ii) the new commercial project includes direct investment within the geographic
4594 boundaries of the development zone;

4595 (iii) the new commercial project brings new incremental jobs to Utah;

4596 (iv) the new commercial project includes the creation of high paying jobs in the state,
4597 significant capital investment in the state, or significant purchases from vendors, contractors, or
4598 service providers in the state, or a combination of these three economic factors;

4599 (v) the new commercial project generates new state revenues; ~~and~~

4600 (vi) a business entity, a local government entity, or a community reinvestment agency
4601 to which a local government entity assigns a tax credit under this section meets the
4602 requirements of Section [63N-2-105](#)~~[-]~~; and

4603 (vii) unless otherwise advisable in light of economic circumstances, the new
4604 commercial project relates to the industry clusters identified by the commission under Section
4605 [63N-1a-202](#).

4606 (3) (a) The office, after consultation with the ~~board~~ GO Utah board, may enter into a
4607 written agreement with a business entity or local government entity authorizing a tax credit to
4608 the business entity or local government entity if the business entity or local government entity
4609 meets the requirements described in this section.

4610 (b) (i) With respect to a new commercial project, the office may authorize a tax credit
4611 to a business entity or a local government entity, but not both.

4612 (ii) In determining whether to authorize a tax credit with respect to a new commercial
4613 project to a business entity or a local government entity, the office shall authorize the tax credit

4614 in a manner that the office determines will result in providing the most effective incentive for
4615 the new commercial project.

4616 ~~[(c) (i) Except as provided in Subsection (3)(c)(ii), the]~~

4617 (c) The office may not authorize or commit to authorize a tax credit that exceeds:

4618 ~~[(A) (i) 50% of the new state revenues from the new commercial project in any given~~
4619 ~~year; or~~

4620 ~~[(B) (ii) 30% of the new state revenues from the new commercial project over the~~
4621 ~~lesser of the life of a new commercial project or 20 years.~~

4622 ~~[(ii) If the eligible business entity makes capital expenditures in the state of~~
4623 ~~\$1,500,000,000 or more associated with a new commercial project, the office may:]~~

4624 ~~[(A) authorize or commit to authorize a tax credit not exceeding 60% of new state~~
4625 ~~revenues over the lesser of the life of the project or 20 years, if the other requirements of this~~
4626 ~~part are met;]~~

4627 ~~[(B) establish the year that state revenues and incremental jobs baseline data are~~
4628 ~~measured for purposes of an incentive under this Subsection (3)(c)(ii); and]~~

4629 ~~[(C) offer an incentive under this Subsection (3)(c)(ii) or modify an existing incentive~~
4630 ~~previously granted under Subsection (3)(c)(i) that is based on the baseline measurements~~
4631 ~~described in Subsection (3)(c)(ii)(B), except that the incentive may not authorize or commit to~~
4632 ~~authorize a tax credit of more than 60% of new state revenues in any one year.]~~

4633 (d) (i) A local government entity may by resolution assign a tax credit authorized by
4634 the office to a community reinvestment agency.

4635 (ii) The local government entity shall provide a copy of the resolution described in
4636 Subsection (3)(d)(i) to the office.

4637 (iii) If a local government entity assigns a tax credit to a community reinvestment
4638 agency, the written agreement described in Subsection (3)(a) shall:

4639 (A) be between the office, the local government entity, and the community
4640 reinvestment agency;

4641 (B) establish the obligations of the local government entity and the community
4642 reinvestment agency; and

4643 (C) establish the extent to which any of the local government entity's obligations are
4644 transferred to the community reinvestment agency.

4645 (iv) If a local government entity assigns a tax credit to a community reinvestment
4646 agency:

4647 (A) the community reinvestment agency shall retain records as described in Subsection
4648 (4)(d); and

4649 (B) a tax credit certificate issued in accordance with Section 63N-2-105 shall list the
4650 community reinvestment agency as the named applicant.

4651 (4) The office shall ensure that the written agreement described in Subsection (3):

4652 (a) specifies the requirements that the business entity or local government entity shall
4653 meet to qualify for a tax credit under this part;

4654 (b) specifies the maximum amount of tax credit that the business entity or local
4655 government entity may be authorized for a taxable year and over the life of the new commercial
4656 project;

4657 (c) establishes the length of time the business entity or local government entity may
4658 claim a tax credit;

4659 (d) requires the business entity or local government entity to retain records supporting a
4660 claim for a tax credit for at least four years after the business entity or local government entity
4661 claims a tax credit under this part; and

4662 (e) requires the business entity or local government entity to submit to audits for
4663 verification of the tax credit claimed.

4664 (5) The office may attribute an incremental job or a high paying job to a new
4665 commercial project regardless of whether the job is performed in person, within the
4666 development zone or remotely from elsewhere in the state.

4667 Section 112. Section 63N-2-105 is amended to read:

4668 **63N-2-105. Qualifications for tax credit -- Procedure.**

4669 (1) The office shall certify a business entity's or local government entity's eligibility for
4670 a tax credit as provided in this part.

4671 (2) A business entity or local government entity seeking to receive a tax credit as
4672 provided in this part shall provide the office with:

4673 (a) an application for a tax credit certificate, including a certification, by an officer of
4674 the business entity, of any signature on the application;

4675 (b) (i) for a business entity, documentation of the new state revenues from the business

4676 entity's new commercial project that were paid during [~~the preceding~~] a calendar year; or

4677 (ii) for a local government entity, documentation of the new state revenues from the
4678 new commercial project within the area of the local government entity that were paid during
4679 [~~the preceding~~] a calendar year;

4680 (c) known or expected detriments to the state or existing businesses in the state;

4681 (d) if a local government entity seeks to assign the tax credit to a community
4682 reinvestment agency as described in Section 63N-2-104, a statement providing the name and
4683 taxpayer identification number of the community reinvestment agency to which the local
4684 government entity seeks to assign the tax credit;

4685 [~~(e) (i) with respect to a business entity, a document that expressly directs and
4686 authorizes the State Tax Commission to disclose to the office the business entity's returns and
4687 other information that would otherwise be subject to confidentiality under Section 59-1-403 or
4688 Section 6103, Internal Revenue Code;~~]

4689 (e) (i) with respect to a business entity that seeks to claim a tax credit:

4690 (A) a document that expressly directs and authorizes the State Tax Commission to
4691 disclose to the office the business entity's returns and other information that would otherwise
4692 be subject to confidentiality under Section 59-9-103 or Section 6103, Internal Revenue Code;
4693 and

4694 (B) a document that expressly directs and authorizes the Department of Workforce
4695 Services to disclose to the office the business entity's unemployment insurance contribution
4696 reports that would otherwise be subject to confidentiality under Section 35A-2-312;

4697 (ii) with respect to a local government entity that seeks to claim the tax credit:

4698 (A) a document that expressly directs and authorizes the State Tax Commission to
4699 disclose to the office the local government entity's returns and other information that would
4700 otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal
4701 Revenue Code; and

4702 (B) if the new state revenues collected as a result of a new commercial project are
4703 attributable in whole or in part to a new or expanded industrial, manufacturing, distribution, or
4704 business service within a new commercial project within the area of the local government
4705 entity, a document signed by an authorized representative of the new or expanded industrial,
4706 manufacturing, distribution, or business service that:

4707 (I) expressly directs and authorizes the State Tax Commission to disclose to the office
4708 the returns of the new or expanded industrial, manufacturing, distribution, or business service
4709 and other information that would otherwise be subject to confidentiality under Section
4710 59-1-403 or Section 6103, Internal Revenue Code; and

4711 (II) lists the taxpayer identification number of the new or expanded industrial,
4712 manufacturing, distribution, or business service; or

4713 (iii) with respect to a local government entity that seeks to assign the tax credit to a
4714 community reinvestment agency:

4715 (A) a document signed by the members of the governing body of the community
4716 reinvestment agency that expressly directs and authorizes the State Tax Commission to
4717 disclose to the office the returns of the community reinvestment agency and other information
4718 that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103,
4719 Internal Revenue Code; and

4720 (B) if the new state revenues collected as a result of a new commercial project are
4721 attributable in whole or in part to a new or expanded industrial, manufacturing, distribution, or
4722 business service within a new commercial project within the community reinvestment agency,
4723 a document signed by an authorized representative of the new or expanded industrial,
4724 manufacturing, distribution, or business service that:

4725 (I) expressly directs and authorizes the State Tax Commission to disclose to the office
4726 the returns of the new or expanded industrial, manufacturing, distribution, or business service
4727 and other information that would otherwise be subject to confidentiality under Section
4728 59-1-403 or Section 6103, Internal Revenue Code; and

4729 (II) lists the taxpayer identification number of the new or expanded industrial,
4730 manufacturing, distribution, or business service; and

4731 (f) for a business entity only, documentation that the business entity has satisfied the
4732 performance benchmarks outlined in the written agreement described in Subsection
4733 63N-2-104(3)(a), ~~including~~ and as defined by rule made in accordance with Title 63G,
4734 Chapter 3, Utah Administrative Rulemaking Act, including the creation of new:

4735 ~~[(i) the creation of new incremental jobs that are also high paying jobs;]~~

4736 ~~[(ii) significant capital investment;]~~

4737 ~~[(iii) significant purchases from Utah vendors and providers; or]~~

4738 ~~[(iv) a combination of these benchmarks:]~~

4739 (i) incremental jobs;

4740 (ii) high paying jobs; and

4741 (iii) state revenue.

4742 (3) (a) The office shall submit the documents described in Subsection (2)(e) to the
4743 State Tax Commission.

4744 (b) Upon receipt of a document described in Subsection (2)(e), the State Tax
4745 Commission shall provide the office with the returns and other information requested by the
4746 office that the State Tax Commission is directed or authorized to provide to the office in
4747 accordance with Subsection (2)(e).

4748 (4) If, with respect to an agreement described in Subsection 63N-2-104(3)(a) between
4749 the office and a business entity, the office identifies one of the following events, the office and
4750 the business entity shall amend or the office may terminate the agreement:

4751 (a) a change in the business entity's organization resulting from a merger with or
4752 acquisition of another entity located in the state;

4753 (b) a material increase in the business entity's retail operations that results in new state
4754 revenue not subject to the incentive; or

4755 (c) operations as defined in the agreement resulting in new state revenue within or
4756 outside the boundaries of a development zone.

4757 ~~[(4)]~~ (5) If, after review of the returns and other information provided by the State Tax
4758 Commission, or after review of the ongoing performance of the business entity or local
4759 government entity, the office determines that the returns and other information are inadequate
4760 to provide a reasonable justification for authorizing or continuing a tax credit, the office shall:

4761 (a) (i) deny the tax credit; or

4762 (ii) terminate the agreement described in Subsection 63N-2-104(3)(a) for failure to
4763 meet the performance standards established in the agreement; or

4764 (b) inform the business entity or local government entity that the returns or other
4765 information were inadequate and ask the business entity or local government entity to submit
4766 new documentation.

4767 ~~[(5)]~~ (6) If after review of the returns and other information provided by the State Tax
4768 Commission, the office determines that the returns and other information provided by the

4769 business entity or local government entity provide reasonable justification for authorizing a tax
4770 credit, the office shall, based upon the returns and other information:

4771 (a) determine the amount of the tax credit to be granted to the business entity, local
4772 government entity, or if the local government entity assigns the tax credit as described in
4773 Section 63N-2-104, to the community reinvestment agency to which the local government
4774 entity assigns the tax credit;

4775 (b) issue a tax credit certificate to the business entity, local government entity, or if the
4776 local government entity assigns the tax credit as described in Section 63N-2-104, to the
4777 community reinvestment agency to which the local government entity assigns the tax credit;
4778 and

4779 (c) provide a [~~duplicate copy~~] digital record of the tax credit certificate to the State Tax
4780 Commission.

4781 [~~(6)~~] (7) A business entity, local government entity, or community reinvestment agency
4782 may not claim a tax credit unless the business entity, local government entity, or community
4783 reinvestment agency has a tax credit certificate issued by the office.

4784 [~~(7)~~] (8) (a) A business entity, local government entity, or community reinvestment
4785 agency may claim a tax credit in the amount listed on the tax credit certificate on its tax return.

4786 (b) A business entity, local government entity, or community reinvestment agency that
4787 claims a tax credit under this section shall retain the tax credit certificate in accordance with
4788 Section 59-7-614.2 or 59-10-1107.

4789 Section 113. Section 63N-2-107 is amended to read:

4790 **63N-2-107. Reports of new state revenues, partial rebates, and tax credits.**

4791 (1) Before October 1 of each year, the office shall submit a report to the Governor's
4792 Office of Management and Budget, the Office of Legislative Fiscal Analyst, and the Division
4793 of Finance identifying:

4794 (a) (i) the total estimated amount of new state revenues created from new commercial
4795 projects in development zones;

4796 (ii) the estimated amount of new state revenues from new commercial projects in
4797 development zones that will be generated from:

4798 (A) sales tax;

4799 (B) income tax; and

4800 (C) corporate franchise and income tax; and
4801 (iii) the minimum number of new incremental jobs and high paying jobs that will be
4802 created before any tax credit is awarded; and

4803 (b) the total estimated amount of tax credits that the office projects that business
4804 entities, local government entities, or community reinvestment agencies will qualify to claim
4805 under this part.

4806 (2) By the first business day of each month, the office shall submit a report to the
4807 Governor's Office of Management and Budget, the Office of Legislative Fiscal Analyst, and the
4808 Division of Finance identifying:

4809 (a) each new agreement entered into by the office since the last report;

4810 (b) the estimated amount of new state revenues that will be generated under each
4811 agreement;

4812 (c) the estimated maximum amount of tax credits that a business entity, local
4813 government entity, or community reinvestment agency could qualify for under each agreement;
4814 and

4815 (d) the minimum number of new incremental jobs and high paying jobs that will be
4816 created before any tax credit is awarded.

4817 (3) At the reasonable request of the Governor's Office of Management and Budget, the
4818 Office of Legislative Fiscal Analyst, or the Division of Finance, the office shall provide
4819 additional information about the tax credit, new incremental jobs and high paying jobs, costs,
4820 and economic benefits related to this part, if the information is part of a public record as
4821 defined in Section [63G-2-103](#).

4822 (4) By June 30, the office shall submit to the Economic Development and Workforce
4823 Services Interim Committee, the Business, Economic Development, and Labor Appropriations
4824 Subcommittee, and the governor, a written report that provides an overview of the
4825 implementation and efficacy of the statewide economic development strategy, including an
4826 analysis of the extent to which the office's programs are aligned with the prevailing economic
4827 conditions expected in the next fiscal year.

4828 Section 114. Section **63N-2-213** is amended to read:

4829 **63N-2-213. State tax credits.**

4830 (1) The office shall certify a business entity's eligibility for a tax credit described in this

4831 section.

4832 (2) A business entity seeking to receive a tax credit as provided in this section shall
4833 provide the office with:

4834 (a) an application for a tax credit certificate in a form approved by the office, including
4835 a certification, by an officer of the business entity, of a signature on the application; and

4836 (b) documentation that demonstrates the business entity has met the requirements to
4837 receive the tax credit.

4838 (3) If, after review of an application and documentation provided by a business entity
4839 as described in Subsection (2), the office determines that the application and documentation are
4840 inadequate to provide a reasonable justification for authorizing the tax credit, the office shall:

4841 (a) deny the tax credit; or

4842 (b) inform the business entity that the application or documentation was inadequate
4843 and ask the business entity to submit additional documentation.

4844 (4) If, after review of an application and documentation provided by a business entity
4845 as described in Subsection (2), the office determines that the application and documentation
4846 provide reasonable justification for authorizing a tax credit, the office shall:

4847 (a) determine the amount of the tax credit to be granted to the business entity;

4848 (b) issue a tax credit certificate to the business entity; and

4849 (c) provide a [~~duplicate copy~~] digital record of the tax credit certificate to the State Tax
4850 Commission.

4851 (5) A business entity may not claim a tax credit under this section unless the business
4852 entity has a tax credit certificate issued by the office.

4853 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4854 office shall make rules describing:

4855 (a) the form and content of an application for a tax credit under this section;

4856 (b) the documentation requirements for a business entity to receive a tax credit
4857 certificate under this section; and

4858 (c) administration of the program, including relevant timelines and deadlines.

4859 (7) Subject to the limitations of Subsections (8) through (10), and if the requirements
4860 of this part are met, the following nonrefundable tax credits against a tax under Title 59,
4861 Chapter 7, Corporate Franchise and Income Taxes, or Title 59, Chapter 10, Individual Income

4862 Tax Act, are applicable in an enterprise zone:

4863 (a) a tax credit of \$750 may be claimed by a business entity for each new full-time
4864 employee position created within the enterprise zone;

4865 (b) an additional \$500 tax credit may be claimed if the new full-time employee position
4866 created within the enterprise zone pays at least 125% of:

4867 (i) the county average monthly nonagricultural payroll wage for the respective industry
4868 as determined by the Department of Workforce Services; or

4869 (ii) if the county average monthly nonagricultural payroll wage is not available for the
4870 respective industry, the total average monthly nonagricultural payroll wage in the respective
4871 county where the enterprise zone is located;

4872 (c) an additional tax credit of \$750 may be claimed if the new full-time employee
4873 position created within the enterprise zone is in a business entity that adds value to agricultural
4874 commodities through manufacturing or processing;

4875 (d) an additional tax credit of \$200 may be claimed for each new full-time employee
4876 position created within the enterprise zone that is filled by an employee who is insured under
4877 an employer-sponsored health insurance program if the employer pays at least 50% of the
4878 premium cost for the year for which the credit is claimed;

4879 (e) a tax credit of 25% of the first \$200,000 spent on rehabilitating a building in the
4880 enterprise zone that has been vacant for two years or more, including that the building has had
4881 or contained no occupants, tenants, furniture, or personal property for two years or more, in the
4882 time period immediately before the rehabilitation; and

4883 (f) an annual investment tax credit may be claimed in an amount equal to 5% of the first
4884 \$750,000 qualifying investment in plant, equipment, or other depreciable property.

4885 (8) (a) Subject to the limitations of Subsection (8)(b), a business entity claiming a tax
4886 credit under Subsections (7)(a) through (d) may claim the tax credit for no more than 30
4887 full-time employee positions in a taxable year.

4888 (b) A business entity that received a tax credit for one or more new full-time employee
4889 positions under Subsections (7)(a) through (d) in a prior taxable year may claim a tax credit for
4890 a new full-time employee position in a subsequent taxable year under Subsections (7)(a)
4891 through (d) if:

4892 (i) the business entity has created a new full-time position within the enterprise zone;

4893 and

4894 (ii) the total number of employee positions at the business entity at any point during the
4895 tax year for which the tax credit is being claimed is greater than the highest number of
4896 employee positions that existed at the business entity in the previous taxable year.

4897 (c) Construction jobs are not eligible for the tax credits under Subsections (7)(a)
4898 through (d).

4899 (9) If the amount of a tax credit under this section exceeds a business entity's tax
4900 liability under this chapter for a taxable year, the business entity may carry forward the amount
4901 of the tax credit exceeding the liability for a period that does not exceed the next three taxable
4902 years.

4903 (10) Tax credits under Subsections (7)(a) through (f) may not be claimed by a business
4904 entity primarily engaged in retail trade, residential rental property, or by a public utilities
4905 business.

4906 (11) A business entity that has no employees:

4907 (a) may not claim tax credits under Subsections (7)(a) through (d); and

4908 (b) may claim tax credits under Subsections (7)(e) through (f).

4909 (12) (a) A business entity may not claim or carry forward a tax credit available under
4910 this part for a taxable year during which the business entity has claimed the targeted business
4911 income tax credit available under Section [63N-2-304](#).

4912 (b) A business entity may not claim or carry forward a tax credit available under this
4913 section for a taxable year during which the business entity claims or carries forward a tax credit
4914 available under Section [59-7-610](#) or [59-10-1007](#).

4915 (13) (a) On or before November 30, 2018, and every three years after 2018, the
4916 Revenue and Taxation Interim Committee shall review the tax credits provided by this section
4917 and make recommendations concerning whether the tax credits should be continued, modified,
4918 or repealed.

4919 (b) In conducting the review required by Subsection (13)(a), the Revenue and Taxation
4920 Interim Committee shall:

4921 (i) schedule time on at least one committee agenda to conduct the review;

4922 (ii) invite state agencies, individuals, and organizations concerned with the credits
4923 under review to provide testimony;

- 4924 (iii) ensure that the recommendations described in this section include an evaluation of:
4925 (A) the cost of the tax credits to the state;
4926 (B) the purpose and effectiveness of the tax credits; and
4927 (C) the extent to which the state benefits from the tax credits; and
4928 (iv) undertake other review efforts as determined by the chairs of the Revenue and
4929 Taxation Interim Committee.

4930 Section 115. Section **63N-2-503** is amended to read:

4931 **63N-2-503. Agreement for development of new convention hotel -- Convention**
4932 **incentive authorized -- Agreement requirements.**

4933 (1) The office, with the board's advice, may enter into an agreement with a qualified
4934 hotel owner or a host local government:

- 4935 (a) for the development of a qualified hotel; and
4936 (b) to authorize a convention incentive:
4937 (i) to the qualified hotel owner or host local government, but not both;
4938 (ii) for a period not to exceed the eligibility period;
4939 (iii) in the amount of new tax revenue, subject to Subsection (2) and notwithstanding
4940 any other restriction provided by law;

4941 (iv) if:

4942 (A) the county in which the qualified hotel is proposed to be located has issued an
4943 endorsement letter endorsing the qualified hotel owner; and

4944 (B) all applicable requirements of this part and the agreement are met; and

4945 (v) that is reduced by \$1,900,000 per year during the first two years of the eligibility
4946 period, as described in Subsection (2)(c).

4947 (2) An agreement under Subsection (1) shall:

4948 (a) specify the requirements for the qualified hotel owner or host local government to
4949 qualify for a convention incentive;

4950 (b) require compliance with the terms of the endorsement letter issued by the county in
4951 which the qualified hotel is proposed to be located;

4952 (c) require the amount of certified claims for the first two years of the eligibility period
4953 to be reduced by \$1,900,000 per year;

4954 (d) with respect to the state portion of the convention incentive:

- 4955 (i) specify the maximum dollar amount that the qualified hotel owner or host local
4956 government may receive, subject to a maximum of:
- 4957 (A) for any calendar year, the amount of the state portion in that calendar year; and
4958 (B) \$75,000,000 in the aggregate for the qualified hotel owner or host local
4959 government during an eligibility period, calculated as though the two \$1,900,000 reductions of
4960 the [~~tax credit~~] convention incentive amount under Subsection (1)(b)(iv) had not occurred; and
- 4961 (ii) specify the maximum percentage of the state portion that may be used in
4962 calculating the portion of the convention incentive that the qualified hotel owner or host local
4963 government may receive during the eligibility period for each calendar year and in the
4964 aggregate;
- 4965 (e) establish a shorter period of time than the period described in Subsection
4966 [63N-2-502\(10\)\(a\)](#) during which the qualified hotel owner or host local government may claim
4967 the convention incentive or that the host agency may be paid incremental property tax revenue,
4968 if the office and qualified hotel owner or host local government agree to a shorter period of
4969 time;
- 4970 (f) require the qualified hotel owner to retain books and records supporting a claim for
4971 the convention incentive as required by Section [59-1-1406](#);
- 4972 (g) allow the transfer of the agreement to a third party if the third party assumes all
4973 liabilities and responsibilities in the agreement;
- 4974 (h) limit the expenditure of funds received under the convention incentive as provided
4975 in Section [63N-2-512](#); and
- 4976 (i) require the qualified hotel owner or host local government to submit to any audit
4977 and to provide any audit level [~~attestation~~] review or other level of review the office considers
4978 appropriate for verification of any claim.
- 4979 (3) Notwithstanding any other provision of law, a county or city in which a qualified
4980 hotel is located may contribute property to the qualified hotel owner or host local government
4981 without consideration, to be used as provided in Subsection [63N-2-508\(3\)\(a\)](#).
- 4982 Section 116. Section [63N-2-504](#) is amended to read:
- 4983 **63N-2-504. Independent review committee.**
- 4984 (1) In accordance with rules adopted by the office under Section [63N-2-509](#), the
4985 [~~board~~] GO Utah board shall establish a separate, independent review committee to provide

4986 recommendations to the office regarding the terms and conditions of an agreement and to
4987 consult with the office as provided in this part or in rule.

4988 (2) The review committee shall consist of:

4989 (a) one member appointed by the executive director to represent the office;

4990 (b) two members appointed by the mayor or chief executive of the county in which the
4991 qualified hotel is located or proposed to be located;

4992 (c) two members appointed by:

4993 (i) the mayor of the municipality in which the qualified hotel is located or proposed to
4994 be located, if the qualified hotel is located or proposed to be located within the boundary of a
4995 municipality; or

4996 (ii) the mayor or chief executive of the county in which the qualified hotel is located or
4997 proposed to be located, in addition to the two members appointed under Subsection (2)(b), if
4998 the qualified hotel is located or proposed to be located outside the boundary of a municipality;

4999 (d) an individual representing the hotel industry, appointed by the Utah Hotel and
5000 Lodging Association;

5001 (e) an individual representing the commercial development and construction industry,
5002 appointed by the president or chief executive officer of the local chamber of commerce;

5003 (f) an individual representing the convention and meeting planners industry, appointed
5004 by the president or chief executive officer of the local convention and visitors bureau; and

5005 (g) one member appointed by the [board] GO Utah board.

5006 (3) (a) A member serves an indeterminate term and may be removed from the review
5007 committee by the appointing authority at any time.

5008 (b) A vacancy may be filled in the same manner as an appointment under Subsection
5009 (2).

5010 (4) A member of the review committee may not be paid for serving on the review
5011 committee and may not receive per diem or expense reimbursement.

5012 (5) The office shall provide any necessary staff support to the review committee.

5013 Section 117. Section **63N-2-512** is amended to read:

5014 **63N-2-512. Hotel Impact Mitigation Fund.**

5015 (1) As used in this section:

5016 (a) "Affected hotel" means a hotel built in the state before July 1, 2014.

5017 (b) "Direct losses" means affected hotels' losses of hotel guest business attributable to
5018 the qualified hotel room supply being added to the market in the state.

5019 (c) "Mitigation fund" means the Hotel Impact Mitigation Fund, created in Subsection
5020 (2).

5021 (2) There is created an expendable special revenue fund known as the Hotel Impact
5022 Mitigation Fund.

5023 (3) The mitigation fund shall:

5024 (a) be administered by the [board] GO Utah board;

5025 (b) earn interest; and

5026 (c) be funded by:

5027 (i) payments required to be deposited into the mitigation fund by the Division of
5028 Finance under Subsection [59-12-103](#)(11);

5029 (ii) money required to be deposited into the mitigation fund under Subsection
5030 [17-31-9](#)(2) by the county in which a qualified hotel is located; and

5031 (iii) any money deposited into the mitigation fund under Subsection (6).

5032 (4) Interest earned by the mitigation fund shall be deposited into the mitigation fund.

5033 (5) (a) In accordance with office rules, the [board] GO Utah board shall annually pay
5034 up to \$2,100,000 of money in the mitigation fund:

5035 (i) to affected hotels;

5036 (ii) for four consecutive years, beginning 12 months after the date of initial occupancy
5037 of the qualified hotel occurs; and

5038 (iii) to mitigate direct losses.

5039 (b) (i) If the amount the [board] GO Utah board pays under Subsection (5)(a) in any
5040 year is less than \$2,100,000, the [board] GO Utah board shall pay to the Stay Another Day and
5041 Bounce Back Fund, created in Section [63N-2-511](#), the difference between \$2,100,000 and the
5042 amount paid under Subsection (5)(a).

5043 (ii) The [board] GO Utah board shall make any required payment under Subsection
5044 (5)(b)(i) within 90 days after the end of the year for which a determination is made of how
5045 much the [board] GO Utah board is required to pay to affected hotels under Subsection (5)(a).

5046 (6) A host local government or qualified hotel owner may make payments to the
5047 Division of Finance for deposit into the mitigation fund.

5048 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5049 office shall, in consultation with the Utah Hotel and Lodging Association and the county in
5050 which the qualified hotel is located, make rules establishing procedures and criteria governing
5051 payments under Subsection (5)(a) to affected hotels.

5052 Section 118. Section **63N-2-808** is amended to read:

5053 **63N-2-808. Agreements between office and tax credit applicant and life science**
5054 **establishment -- Tax credit certificate.**

5055 (1) (a) The office, with advice from the [board] GO Utah board, may enter into an
5056 agreement to grant a tax credit certificate to a tax credit applicant selected in accordance with
5057 this part, if the tax credit applicant meets the conditions established in the agreement and under
5058 this part.

5059 (b) The agreement described in Subsection (1)(a) shall:

5060 (i) detail the requirements that the tax credit applicant shall meet prior to receiving a
5061 tax credit certificate;

5062 (ii) require the tax credit certificate recipient to retain records supporting a claim for a
5063 tax credit for at least four years after the tax credit certificate recipient claims a tax credit under
5064 this part; and

5065 (iii) require the tax credit certificate recipient to submit to audits for verification of the
5066 tax credit claimed, including audits by the office and by the State Tax Commission.

5067 (2) (a) The office, with advice from the [board] GO Utah board, shall enter into an
5068 agreement with the life science establishment in which the tax credit applicant invested for
5069 purposes of claiming a tax credit.

5070 (b) The agreement described in Subsection (2)(a):

5071 (i) shall provide the office with a document that expressly and directly authorizes the
5072 State Tax Commission to disclose to the office the life science establishment's tax returns and
5073 other information that would otherwise be subject to confidentiality under Section [59-1-403](#) or
5074 Section 6103, Internal Revenue Code;

5075 (ii) shall authorize the Department of Workforce Services to disclose to the office the
5076 employment data that the life science establishment submits to the Department of Workforce
5077 Services;

5078 (iii) shall require the life science establishment to provide the office with the life

5079 science establishment's current capitalization tables; and

5080 (iv) may require the life science establishment to provide the office with other data

5081 that:

5082 (A) ensure compliance with the requirements of this chapter; and

5083 (B) demonstrate the economic impact of the tax credit applicant's investment in the life
5084 science establishment.

5085 Section 119. Section **63N-3-102** is amended to read:

5086 **63N-3-102. Definitions.**

5087 As used in this part:

5088 (1) "Administrator" means the executive director or the executive director's designee.

5089 ~~[(2) "Best available control technology" means a pollution control method that is~~

5090 ~~approved by the United States Environmental Protection Agency or the Department of~~

5091 ~~Environmental Quality to control a certain pollutant type to a specified degree.]~~

5092 ~~[(3) "Company creating an economic impediment" means a company that discourages~~

5093 ~~economic development within a reasonable radius of its location because of:]~~

5094 ~~[(a) odors;]~~

5095 ~~[(b) noise;]~~

5096 ~~[(c) pollution;]~~

5097 ~~[(d) health hazards; or]~~

5098 ~~[(e) other activities similar to those described in Subsections (3)(a) through (d).]~~

5099 ~~[(4)]~~ (2) "Economic opportunities" means unique business situations or community

5100 circumstances, including the development of recreation infrastructure and the promotion of the

5101 high tech sector in the state, which lend themselves to the furtherance of the economic interests

5102 of the state by providing a catalyst or stimulus to the growth or retention, or both, of commerce

5103 and industry in the state, including retention of companies whose relocation outside the state

5104 would have a significant detrimental economic impact on the state as a whole, regions of the

5105 state, or specific components of the state as determined by the [board] GO Utah board.

5106 ~~[(5) "Economically disadvantaged rural area" means a geographic area designated by~~

5107 ~~the board under Section 63N-3-111.]~~

5108 ~~[(6) "Nonattainment area" means a part of the state where air quality is determined to~~

5109 ~~exceed the National Ambient Air Quality Standards, as defined in the Clean Air Act~~

5110 ~~Amendments of 1970, Pub. L. No. 91-604, Sec. 109, for fine particulate matter (PM 2.5).]~~

5111 ~~[(7) "Replacement company" means a company locating its business or part of its~~
5112 ~~business in a location vacated by a company creating an economic impediment.]~~

5113 ~~[(8) (3) "Restricted Account" means the restricted account known as the Industrial~~
5114 ~~Assistance Account created in Section 63N-3-103.~~

5115 ~~[(9) (4) "Targeted industry" means an industry or group of industries targeted by the~~
5116 ~~[board] GO Utah board under Section 63N-3-111, for economic development in the state.~~

5117 ~~(5) "Talent development grant" means a grant awarded under Section 63N-3-112.~~

5118 Section 120. Section 63N-3-103 is amended to read:

5119 **63N-3-103. Industrial Assistance Account created -- Uses -- Administrator duties**
5120 **-- Costs.**

5121 (1) There is created a restricted account within the General Fund known as the
5122 "Industrial Assistance Account" ~~[of which annually:].~~

5123 ~~[(a) up to 50% of the unencumbered money in the account may be used in~~
5124 ~~economically disadvantaged rural areas, and]~~

5125 ~~[(b) up to the greater of \$250,000 or 25% of the unencumbered money in the account~~
5126 ~~may be used to take timely advantage of economic opportunities as they arise:].~~

5127 (2) The administrator shall administer the restricted account ~~[created under Subsection~~
5128 ~~(1) under the policy direction of the board].~~

5129 (3) The administrator may hire appropriate support staff to perform the duties required
5130 under this section.

5131 (4) The cost of administering the restricted account shall be paid from money in the
5132 restricted account.

5133 (5) Interest accrued from investment of money in the restricted account shall remain in
5134 the restricted account.

5135 (6) The office shall review the activities and progress of grant recipients under this
5136 chapter on a regular basis and, as part of the office's annual written report described in Section
5137 63N-1-301, report on the economic impact of activities funded by ~~[the grants]~~ each grant.

5138 Section 121. Section 63N-3-105 is amended to read:

5139 **63N-3-105. Qualification for assistance.**

5140 (1) (a) Except as provided in ~~[Section]~~ Sections 63N-3-108[;] and 63N-3-109, ~~[or~~

5141 ~~63N-3-109.5;~~] the administrator shall determine which industries, companies, and individuals
5142 qualify to receive money from the Industrial Assistance Account.

5143 (b) Except as provided by Subsection (2), to qualify for financial assistance from the
5144 restricted account, an applicant shall:

5145 ~~[(a)]~~ (i) demonstrate to the satisfaction of the administrator that the applicant will
5146 expend funds in ~~[Utah]~~ the state with employees, vendors, subcontractors, or other businesses
5147 in an amount proportional with money provided from the restricted account at a minimum ratio
5148 of ~~[2 to 1]~~ one to one per year or other more stringent requirements as established ~~[from time to~~
5149 ~~time by the board for a minimum period of five years beginning with the date the loan or grant~~
5150 ~~was approved]~~ on a per project basis by the administrator;

5151 ~~[(b)]~~ (ii) demonstrate to the satisfaction of the administrator the applicant's ability to
5152 sustain economic activity in the state sufficient to repay, by means of cash or appropriate
5153 credits, the loan provided by the restricted account; and

5154 ~~[(c)]~~ (iii) satisfy other criteria the administrator considers appropriate.

5155 (2) (a) The administrator may exempt an applicant from the requirements of Subsection
5156 (1)(a) or (b) if:

5157 ~~[(i) the financial assistance is provided to an applicant for the purpose of locating all or~~
5158 ~~any portion of its operations to an economically disadvantaged rural area;]~~

5159 ~~[(ii)]~~ (i) the applicant is part of a targeted industry;

5160 ~~[(iii)]~~ (ii) the applicant is a quasi-public corporation organized under Title 16, Chapter
5161 6a, Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent
5162 Corporations Act, and its operations, as demonstrated to the satisfaction of the administrator,
5163 will provide significant economic stimulus to the growth of commerce and industry in the state;
5164 or

5165 ~~[(iv)]~~ (iii) the applicant is an entity offering an economic opportunity under Section
5166 ~~63N-3-109.~~

5167 (b) The administrator may not exempt the applicant from the requirement under
5168 Subsection ~~63N-3-106~~(2)(b) that the loan be structured so that the repayment or return to the
5169 state equals at least the amount of the assistance together with an annual interest charge.

5170 (3) The administrator shall:

5171 (a) for applicants not described in Subsection (2)(a):

5172 (i) make findings as to whether or not each applicant has satisfied each of the
5173 conditions set forth in Subsection (1); and

5174 (ii) monitor the continued compliance by each applicant with each of the conditions set
5175 forth in Subsection (1) for five years;

5176 ~~[(b) for applicants described in Subsection (2)(a), make findings as to whether the~~
5177 ~~economic activities of each applicant has resulted in the creation of new jobs on a per capita~~
5178 ~~basis in the economically disadvantaged rural area or targeted industry in which the applicant is~~
5179 ~~located;]~~

5180 ~~[(c)]~~ (b) monitor the compliance by each applicant with the provisions of any contract
5181 or agreement entered into between the applicant and the state as provided in Section
5182 [63N-3-107](#); and

5183 ~~[(d)]~~ (c) make funding decisions based upon appropriate findings and compliance.
5184 Section 122. Section **63N-3-106** is amended to read:

5185 **63N-3-106. Loans, grants, and assistance -- Repayment -- Earned credits.**

5186 (1) (a) A company that qualifies under Section [63N-3-105](#) may receive loans, grants, or
5187 other financial assistance from the Industrial Assistance Account for expenses related to
5188 establishment, relocation, or development of industry in Utah.

5189 ~~[(b) A company creating an economic impediment that qualifies under Section~~
5190 ~~[63N-3-108](#) may in accordance with this part receive loans, grants, or other financial assistance~~
5191 ~~from the restricted account for the expenses of the company creating an economic impediment~~
5192 ~~related to:]~~

5193 ~~[(i) relocation to a rural area in Utah of the company creating an economic~~
5194 ~~impediment; and]~~

5195 ~~[(ii) the siting of a replacement company.]~~

5196 ~~[(e)]~~ (b) An entity offering an economic opportunity that qualifies under Section
5197 [63N-3-109](#) may:

5198 (i) receive loans, grants, or other financial assistance from the restricted account for
5199 expenses related to the establishment, relocation, retention, or development of industry in the
5200 state; and

5201 (ii) include infrastructure or other economic development precursor activities that act
5202 as a catalyst and stimulus for economic activity likely to lead to the maintenance or

5203 enlargement of the state's tax base.

5204 ~~[(d) An entity located in a nonattainment area that qualifies for assistance under~~
5205 ~~Section 63N-3-109.5 may receive loans, grants, or other financial assistance from the restricted~~
5206 ~~account for expenses related to the purchase and installation of best available control~~
5207 ~~technology for air quality, including related financing and interest costs at the discretion of the~~
5208 ~~administrator.]~~

5209 (2) (a) Subject to Subsection (2)(b), the administrator has authority to determine the
5210 structure, amount, and nature of any loan, grant, or other financial assistance from the restricted
5211 account.

5212 (b) Loans made under Subsection (2)(a) shall be structured so the intended repayment
5213 or return to the state, including cash or credit, equals at least the amount of the assistance
5214 together with an annual interest charge as negotiated by the administrator.

5215 (c) Payments resulting from grants awarded from the restricted account shall be made
5216 only after the administrator has determined that the company has satisfied the conditions upon
5217 which the payment or earned credit was based.

5218 (3) (a) (i) Except as provided in Subsection (3)(b), the administrator may provide for a
5219 system of earned credits that may be used to support grant payments or in lieu of cash
5220 repayment of a restricted account loan obligation.

5221 (ii) The value of the credits described in Subsection (3)(a)(i) shall be based on factors
5222 determined by the administrator, including:

5223 (A) the number of Utah jobs created;

5224 (B) the increased economic activity in Utah; or

5225 (C) other events and activities that occur as a result of the restricted account assistance.

5226 (b) (i) The administrator shall provide for a system of credits to be used to support
5227 grant payments or in lieu of cash repayment of a restricted account loan when loans are made to
5228 a company creating an economic impediment.

5229 (ii) The value of the credits described in Subsection (3)(b)(i) shall be based on factors
5230 determined by the administrator, including:

5231 (A) the number of Utah jobs created;

5232 (B) the increased economic activity in Utah; or

5233 (C) other events and activities that occur as a result of the restricted account assistance.

5234 (4) (a) A cash loan repayment or other cash recovery from a company receiving
5235 assistance under this section, including interest, shall be deposited into the restricted account.

5236 (b) The administrator and the Division of Finance shall determine the manner of
5237 recognizing and accounting for the earned credits used in lieu of loan repayments or to support
5238 grant payments as provided in Subsection (3).

5239 (5) (a) (i) At the end of each fiscal year, the Division of Finance shall set aside the
5240 balance of the General Fund revenue surplus as defined in Section 63J-1-312 after the transfers
5241 of General Fund revenue surplus described in Subsection (5)(b) to the Industrial Assistance
5242 Account in an amount equal to any credit that has accrued under this part.

5243 (ii) The set aside under Subsection (5)(a)(i) shall be capped at \$50,000,000, at which
5244 time no subsequent contributions may be made and any interest accrued above the \$50,000,000
5245 cap shall be deposited into the General Fund.

5246 (b) The set aside required by Subsection (5)(a) shall be made after the transfer of
5247 surplus General Fund revenue surplus is made:

5248 (i) to the Medicaid Growth Reduction and Budget Stabilization Restricted Account, as
5249 provided in Section 63J-1-315;

5250 (ii) to the General Fund Budget Reserve Account, as provided in Section 63J-1-312;
5251 and

5252 (iii) to the Wildland Fire Suppression Fund or State Disaster Recovery Restricted
5253 Account, as provided in Section 63J-1-314.

5254 (c) These credit amounts may not be used for purposes of the restricted account as
5255 provided in this part until appropriated by the Legislature.

5256 Section 123. Section 63N-3-109 is amended to read:

5257 **63N-3-109. Financial assistance to entities offering economic opportunities.**

5258 (1) Subject to the duties and powers of the [~~board under Section 63N-1-402~~] GO Utah
5259 board under Section 63N-1b-402, the administrator may provide money from the Industrial
5260 Assistance Account to an entity offering an economic opportunity if that entity:

5261 (a) applies to the administrator in a form approved by the administrator; and

5262 (b) meets the qualifications of Subsection (2).

5263 (2) As part of an application for receiving money under this section, an applicant shall:

5264 (a) demonstrate to the satisfaction of the administrator the nature of the economic

5265 opportunity and the related benefit to the economic well-being of the state by providing
5266 evidence documenting the logical and compelling linkage, either direct or indirect, between the
5267 expenditure of money necessitated by the economic opportunity and the likelihood that the
5268 state's tax base, regions of the state's tax base, or specific components of the state's tax base
5269 will not be reduced but will be maintained or enlarged;

5270 (b) demonstrate how the funding request will act in concert with other state, federal, or
5271 local agencies to achieve the economic benefit;

5272 (c) demonstrate how the funding request will act in concert with free market principles;

5273 and

5274 (d) satisfy other criteria the administrator considers appropriate[;].

5275 [~~e) if the applicant meets the requirements of Subsection (2)(f)(i):~~]

5276 [~~i) demonstrate that the funding request will be used primarily to reimburse an
5277 applicant for expenses related to a program of marketing and branding for an annual conference
5278 or festival with at least 10,000 attendees that is held on or after January 1, 2019; and]~~

5279 [~~ii) demonstrate that an annual conference or festival described in Subsection (2)(f)(i)
5280 has met post-performance requirements designated by the administrator, in coordination with
5281 the organizer of an annual conference or festival, which shall include metrics and reporting
5282 requirements related to:~~]

5283 [~~A) attendance;]~~

5284 [~~B) revenue;]~~

5285 [~~C) expenses;]~~

5286 [~~D) economic impact to the state;]~~

5287 [~~E) sponsorships; and]~~

5288 [~~F) conference or festival objectives; and]~~

5289 [~~f) be either:~~]

5290 [~~i) an entity whose purpose is to exclusively or substantially promote, develop, or
5291 maintain the economic welfare and prosperity of the state as a whole, regions of the state, or
5292 specific components of the state, including an entity that hosts an annual conference or festival
5293 with at least 10,000 attendees; or]~~

5294 [~~ii) a company or individual that meets the requirements of Subsections (2)(a) through
5295 (d) but does not otherwise qualify under Section 63N-3-105:]~~

5296 (3) [~~Subject to the duties and powers of the board under Section 63N-1-402~~] Before
5297 awarding any money under this section, the administrator shall:

5298 (a) make findings as to whether an applicant has satisfied [~~each of the conditions~~
5299 ~~described in~~] the requirements of Subsection (2);

5300 (b) establish benchmarks and timeframes in which progress toward the completion of
5301 the agreed upon activity is to occur;

5302 (c) monitor compliance by an applicant with any contract or agreement entered into by
5303 the applicant and the state as provided by Section 63N-3-107; and

5304 (d) make funding decisions based upon appropriate findings and compliance[~~;~~and].

5305 [~~(e) in cooperation with each entity that has received money from the Industrial~~
5306 ~~Assistance Account in accordance with Subsection (2)(e), provide a written report on or before~~
5307 ~~October 1 of each year describing the total amount of money provided by the state for each~~
5308 ~~annual conference or festival during the year and the total cost from all sources of holding each~~
5309 ~~annual conference or festival during the year to the:]~~

5310 [~~(i) office for inclusion in the office's annual report described in Section 63N-1-301;~~
5311 ~~and]~~

5312 [~~(ii) Economic Development and Workforce Services Interim Committee.]~~

5313 Section 124. Section 63N-3-111 is amended to read:

5314 **63N-3-111. Annual policy considerations.**

5315 (1) (a) The [~~board~~] GO Utah board shall determine annually which industries or groups
5316 of industries shall be targeted industries as defined in Section 63N-3-102.

5317 (b) The office shall make recommendations to state and federal agencies, local
5318 governments, the governor, and the Legislature regarding policies and initiatives that promote
5319 the economic development of targeted industries.

5320 (c) The office may create one or more voluntary advisory committees that may include
5321 public and private stakeholders to solicit input on policy guidance and best practices in
5322 encouraging the economic development of targeted industries.

5323 [~~(2) In designating an economically disadvantaged rural area, the board shall consider~~
5324 ~~the average agricultural and nonagricultural wage, personal income, unemployment, and~~
5325 ~~employment in the area.]~~

5326 [~~(3)~~] (2) In evaluating the economic impact of applications for assistance, the [~~board~~]

5327 GO Utah board shall use an econometric cost-benefit model [~~or models adopted by the~~
5328 ~~Governor's Office of Management and Budget~~].

5329 [~~(4)~~] (3) The [~~board~~] GO Utah board may establish:

5330 (a) minimum interest rates to be applied to loans granted that reflect a fair social rate of
5331 return to the state comparable to prevailing market-based rates such as the prime rate, U.S.
5332 Government T-bill rate, or bond coupon rate as paid by the state, adjusted by social indicators
5333 such as the rate of unemployment; and

5334 (b) minimum applicant expense ratios, as long as they are at least equal to those
5335 required under Subsection 63N-3-105(1)(a) [~~or 63N-3-108(1)(b)(i)(A)~~].

5336 Section 125. Section **63N-3-112** is enacted to read:

5337 **63N-3-112. Talent development grants.**

5338 (1) A for-profit business that is creating new incremental high paying jobs in the state,
5339 may apply to receive a talent development grant from the restricted account.

5340 (2) In accordance with the provisions of this section and in consultation with the board,
5341 the administrator may award up to \$10,000 per new job created.

5342 (3) The administrator shall designate an application process for a business to apply for
5343 the grant.

5344 (4) A business may apply to receive a grant only after each employee has been
5345 employed at qualifying wage levels for at least 12 consecutive months;

5346 (5) Money granted for a talent development grant under this section shall be deducted
5347 from any other money or incentive awarded by the office to the business.

5348 (6) Grants awarded under this section are only to reimburse a business for the costs
5349 incurred to recruit, hire, train, and otherwise employ an employee in a newly created job.

5350 (7) A business shall submit a hiring and training plan detailing what the grant money
5351 will be used for as part of the application process.

5352 (8) The administrator may only grant an award up to an amount that is no more than
5353 25% of the estimated costs to be incurred by the business for the costs in the hiring and training
5354 plan.

5355 Section 126. Section **63N-3-204** is amended to read:

5356 **63N-3-204. Administration -- Grants and loans.**

5357 (1) The office shall administer this part.

5358 (2) (a) (i) The office may award Technology Commercialization and Innovation
5359 Program grants or issue loans under this part to an applicant that is:

5360 (A) an institution of higher education;

5361 (B) a licensee; or

5362 (C) a small business.

5363 (ii) If loans are issued under Subsection (2)(a)(i), the Division of Finance may set up a
5364 fund or account as necessary for the proper accounting of the loans.

5365 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5366 office shall make rules for a process to determine whether an institution of higher education
5367 that receives a grant under this part must return the grant proceeds or a portion of the grant
5368 proceeds if the technology that is developed with the grant proceeds is licensed to a licensee
5369 that:

5370 (i) does not maintain a manufacturing or service location in the state from which the
5371 licensee or a sublicensee exploits the technology; or

5372 (ii) initially maintains a manufacturing or service location in the state from which the
5373 licensee or a sublicensee exploits the technology, but within five years after issuance of the
5374 license the licensee or sublicensee transfers the manufacturing or service location for the
5375 technology to a location out of the state.

5376 (c) A repayment by an institution of higher education of grant proceeds or a portion of
5377 the grant proceeds may only come from the proceeds of the license established between the
5378 licensee and the institution of higher education.

5379 (d) (i) An applicant that is a licensee or small business that receives a grant under this
5380 part shall return the grant proceeds or a portion of the grant proceeds to the office if the
5381 applicant:

5382 (A) does not maintain a manufacturing or service location in the state from which the
5383 applicant exploits the technology; or

5384 (B) initially maintains a manufacturing or service location in the state from which the
5385 applicant exploits the technology, but within five years after issuance of the grant, the applicant
5386 transfers the manufacturing or service location for the technology to an out-of-state location.

5387 (ii) A repayment by an applicant shall be prorated based on the number of full years the
5388 applicant operated in the state from the date of the awarded grant.

5389 (iii) A repayment by a licensee that receives a grant may only come from the proceeds
5390 of the license to that licensee.

5391 (3) (a) Funding allocations shall be made by the office with the advice of the [board]
5392 GO Utah board.

5393 (b) Each proposal shall receive the best available outside review.

5394 (4) (a) In considering each proposal, the office shall weigh technical merit, the level of
5395 matching funds from private and federal sources, and the potential for job creation and
5396 economic development.

5397 (b) Proposals or consortia that combine and coordinate related research at two or more
5398 institutions of higher education shall be encouraged.

5399 (5) The office shall review the activities and progress of grant recipients on a regular
5400 basis and, as part of the office's annual written report described in Section 63N-1-301, report
5401 on the accomplishments and direction of the Technology Commercialization and Innovation
5402 Program.

5403 (6) (a) On or before August 1, 2018, the office shall provide a written analysis and
5404 recommendations concerning the usefulness of the Technology Commercialization and
5405 Innovation Program described in this part, including whether:

5406 (i) the program is beneficial to the state and should continue; and

5407 (ii) other office programs or programs in other agencies could provide similar benefits
5408 to the state more effectively or at a lower cost.

5409 (b) The written analysis and recommendations described in this Subsection (6) shall be
5410 provided to:

5411 (i) the Business, Economic Development, and Labor Appropriations Subcommittee;

5412 (ii) the Economic Development and Workforce Services Interim Committee;

5413 (iii) the Business and Labor Interim Committee; and

5414 (iv) the governor.

5415 Section 127. Section 63N-4-101 is amended to read:

5416 **63N-4-101. Title -- Definitions.**

5417 (1) This chapter is known as the "Rural Development Act."

5418 [~~(2) This part is known as the "Office of Rural Development."~~]

5419 [~~(3) As used in this part:~~]

5420 [~~(a) "Office" or "GOED" means the Governor's Office of Economic Development.~~]

5421 [~~(b) "Program" means the Rural Development Program.~~]

5422 (2) As used in this part, "program" means the Rural Development Program created in

5423 Section 63N-4-102.

5424 Section 128. Section **63N-4-102** is amended to read:

5425 **63N-4-102. Rural Development Program -- Supervision by office.**

5426 (1) There is created within the [~~Governor's Office of Economic Development~~] office
5427 the Office of Rural Development.

5428 (2) The Office of Rural Development is under the administration and general
5429 supervision of the [~~Governor's Office of Economic Development~~] office.

5430 Section 129. Section **63N-4-103** is amended to read:

5431 **63N-4-103. Purpose of the Office of Rural Development.**

5432 The Office of Rural Development is established to:

5433 (1) foster and support economic development programs and activities for the benefit of
5434 rural counties and communities;

5435 (2) foster and support community, county, and resource management planning
5436 programs and activities for the benefit of rural counties and communities;

5437 (3) foster and support leadership training programs and activities for the benefit of:

5438 (a) rural leaders in both the public and private sectors;

5439 (b) economic development and planning personnel; and

5440 (c) rural government officials;

5441 (4) foster and support efforts to coordinate and focus the technical and other resources

5442 of appropriate institutions of higher education, local governments, private sector interests,

5443 associations, nonprofit organizations, federal agencies, and others, in ways that address the

5444 economic development, planning, and leadership challenges [~~and priorities of rural Utah as~~

5445 ~~identified in the strategic plan required under Subsection 63C-10-103(1)(b)~~];

5446 (5) work to enhance the capacity of GOED to address rural economic development,

5447 planning, and leadership training challenges and opportunities by establishing partnerships and

5448 positive working relationships with appropriate public and private sector entities, individuals,

5449 and institutions; and

5450 (6) foster government-to-government collaboration and good working relations

5451 between state and rural government regarding economic development and planning issues.

5452 Section 130. Section **63N-4-104** is amended to read:

5453 **63N-4-104. Duties.**

5454 (1) The Office of Rural Development shall:

5455 ~~[(a) provide staff support to the Governor's Rural Partnership Board in accordance with~~
5456 ~~Subsection **63C-10-102**(6);]~~

5457 ~~[(b) facilitate within GOED the implementation of the strategic plan prepared under~~
5458 ~~Subsection **63C-10-103**(1)(b);]~~

5459 ~~[(c)]~~ (a) work to enhance the capacity of GOED to address rural economic
5460 development, planning, and leadership training challenges and opportunities by establishing
5461 partnerships and positive working relationships with appropriate public and private sector
5462 entities, individuals, and institutions;

5463 ~~[(d)]~~ (b) work with the ~~[Governor's Rural Partnership Board]~~ GO Utah board to
5464 coordinate and focus available resources in ways that address the economic development,
5465 planning, and leadership training challenges and priorities in rural Utah;

5466 ~~[(e)]~~ (c) assist ~~[the Governor's Rural Partnership Board]~~ in administering the Rural
5467 County Grant Program created in Section **17-54-103**, including, as described in Subsection
5468 **17-54-103**(10), compiling reported information regarding the program for inclusion in
5469 ~~[GOED's]~~ the office's annual written report described in Section **63N-1-301**; and

5470 ~~[(f)]~~ (d) in accordance with economic development and planning policies set by state
5471 government, coordinate relations between:

5472 (i) the state;

5473 (ii) rural governments;

5474 (iii) other public and private groups engaged in rural economic planning and
5475 development; and

5476 (iv) federal agencies.

5477 (2) (a) The Office of Rural Development may:

5478 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5479 make rules necessary to carry out its duties;

5480 (ii) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of rural
5481 Utah citizens; and

5482 (iii) use those gifts, grants, devises, and property received under Subsection (2)(a)(ii)
5483 for the use and benefit of rural citizens within the state.

5484 (b) All resources received under Subsection (2)(a)(ii) shall be deposited in the General
5485 Fund as dedicated credits to be used as directed in Subsection (2)(a)(iii).

5486 Section 131. Section **63N-4-105** is amended to read:

5487 **63N-4-105. Program manager.**

5488 (1) The executive director [~~of GOED~~] shall appoint a director for the Office of Rural
5489 Development with the approval of the governor.

5490 (2) The director of the Office of Rural Development shall be a person knowledgeable
5491 in the field of rural economic development and planning and experienced in administration.

5492 (3) Upon change of the executive director [~~of GOED~~], the director of the Office of
5493 Rural Development may not be dismissed without cause for at least 180 days.

5494 [~~(4) The director of the Office of Rural Development shall serve as staff to the
5495 Governor's Rural Partnership Board and to the executive committee of the Governor's Rural
5496 Partnership Board in accordance with Subsection **63C-10-102**(6).]~~

5497 Section 132. Section **63N-4-704** is amended to read:

5498 **63N-4-704. Requirements for entering into a lease.**

5499 (1) In accordance with the provisions of this part and in accordance with Title 63G,
5500 Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules establishing the
5501 eligibility and reporting criteria for an applicant to participate in the program as a lessor of a
5502 rural speculative industrial building, including:

- 5503 (a) the form and process of submitting an application to the office;
- 5504 (b) the eligibility requirements of an applicant;
- 5505 (c) the method and formula for determining lease terms between the office and a lessor
5506 of a rural speculative industrial building; and
- 5507 (d) the reporting requirements of participants in the program.

5508 (2) In determining whether to approve an application for participation in the program,
5509 the office may prioritize a project:

- 5510 (a) that will serve underprivileged or underserved communities, including communities
5511 with high unemployment or low median incomes;
- 5512 (b) where an applicant demonstrates comprehensive planning of the project, including

5513 a business case;

5514 (c) where the applicant, as determined by the office, is likely to have success in
5515 attracting a tenant to assume the office's lease of a rural speculative industrial building in a
5516 short amount of time; and

5517 (d) that maximizes economic development opportunities in accordance with the
5518 economic development needs or plans of a county or a municipality.

5519 (3) Subject to legislative appropriation, a lease may only be entered into by the office
5520 if:

5521 (a) the executive director, after consultation with the [board] GO Utah board, approves
5522 entering into the lease;

5523 (b) the local municipal entity supports the program through the provision of local
5524 incentives, reduced impact fees, or other monetary support for the rural speculative industrial
5525 building; and

5526 (c) the lease terms are not more than \$100,000 per year with a maximum five-year
5527 lease term.

5528 (4) The office shall include in the annual written report described in Section
5529 [63N-1-301](#):

5530 (a) an overview of each lease entered into under this program; and

5531 (b) the success of this program in attracting new or expanding businesses into rural
5532 areas.

5533 Section 133. Section **63N-8-102** is amended to read:

5534 **63N-8-102. Definitions.**

5535 As used in this chapter:

5536 (1) "Digital media company" means a company engaged in the production of a digital
5537 media project.

5538 (2) "Digital media project" means all or part of a production of interactive
5539 entertainment or animated production that is produced for distribution in commercial or
5540 educational markets, which shall include projects intended for Internet or wireless distribution.

5541 (3) "Dollars left in the state" means expenditures made in the state for a state-approved
5542 production, including:

5543 (a) an expenditure that is subject to:

5544 (i) a corporate franchise or income tax under Title 59, Chapter 7, Corporate Franchise
5545 and Income Taxes;

5546 (ii) an individual income tax under Title 59, Chapter 10, Individual Income Tax Act;
5547 and

5548 (iii) a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act,
5549 notwithstanding any sales and use tax exemption allowed by law; or

5550 (iv) a combination of Subsections (3)(a)(i), (ii), and (iii);

5551 (b) payments made to a nonresident only to the extent of the income tax paid to the
5552 state on the payments, the amount of per diems paid in the state, and other direct
5553 reimbursements transacted in the state; and

5554 (c) payments made to a payroll company or loan-out corporation that is registered to do
5555 business in the state, only to the extent of the amount of withholding under Section 59-10-402.

5556 (4) "Loan-out corporation" means a corporation owned by one or more artists that
5557 provides services of the artists to a third party production company.

5558 (5) "Motion picture company" means a company engaged in the production of:

5559 (a) motion pictures;

5560 (b) television series; or

5561 (c) made-for-television movies.

5562 (6) "Motion picture incentive" means either a cash rebate from the Motion Picture
5563 Incentive Account or a refundable tax credit under Section 59-7-614.5 or 59-10-1108.

5564 (7) "New state revenues" means:

5565 (a) incremental new state sales and use tax revenues generated as a result of a digital
5566 media project that a digital media company pays under Title 59, Chapter 12, Sales and Use Tax
5567 Act;

5568 (b) incremental new state tax revenues that a digital media company pays as a result of
5569 a digital media project under:

5570 (i) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

5571 (ii) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and
5572 Information;

5573 (iii) Title 59, Chapter 10, Part 2, Trusts and Estates;

5574 (iv) Title 59, Chapter 10, Part 4, Withholding of Tax; or

- 5575 (v) a combination of Subsections (7)(b)(i), (ii), (iii), and (iv);
- 5576 (c) incremental new state revenues generated as individual income taxes under Title
- 5577 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information, paid by
- 5578 employees of the new digital media project as evidenced by payroll records from the digital
- 5579 media company; or
- 5580 (d) a combination of Subsections (7)(a), (b), and (c).
- 5581 (8) "Payroll company" means a business entity that handles the payroll and becomes
- 5582 the employer of record for the staff, cast, and crew of a motion picture production.
- 5583 (9) "Refundable tax credit" means a refundable motion picture tax credit authorized
- 5584 under Section 63N-8-103 and claimed under Section 59-7-614.5 or 59-10-1108.
- 5585 (10) "Restricted account" means the Motion Picture Incentive Account created in
- 5586 Section 63N-8-103.
- 5587 (11) "State-approved production" means a production under Subsections (2) and (5)
- 5588 that is:
- 5589 (a) approved by the office and ratified by the [board] GO Utah board; and
- 5590 (b) produced in the state by a motion picture company.
- 5591 (12) "Tax credit amount" means the amount the office lists as a tax credit on a tax
- 5592 credit certificate for a taxable year.
- 5593 (13) "Tax credit certificate" means a certificate issued by the office that:
- 5594 (a) lists the name of the applicant;
- 5595 (b) lists the applicant's taxpayer identification number;
- 5596 (c) lists the amount of tax credit that the office awards the applicant for the taxable
- 5597 year; and
- 5598 (d) may include other information as determined by the office.
- 5599 Section 134. Section 63N-8-103 is amended to read:
- 5600 **63N-8-103. Motion Picture Incentive Account created -- Cash rebate incentives --**
- 5601 **Refundable tax credit incentives.**
- 5602 (1) (a) There is created within the General Fund a restricted account known as the
- 5603 Motion Picture Incentive Account, which the office shall use to provide cash rebate incentives
- 5604 for state-approved productions by a motion picture company.
- 5605 (b) All interest generated from investment of money in the restricted account shall be

5606 deposited in the restricted account.

5607 (c) The restricted account shall consist of an annual appropriation by the Legislature.

5608 (d) The office shall:

5609 (i) with the advice of the [board] GO Utah board, administer the restricted account; and

5610 (ii) make payments from the restricted account as required under this section.

5611 (e) The cost of administering the restricted account shall be paid from money in the
5612 restricted account.

5613 (2) (a) A motion picture company or digital media company seeking disbursement of
5614 an incentive allowed under an agreement with the office shall follow the procedures and
5615 requirements of this Subsection (2).

5616 (b) The motion picture company or digital media company shall provide the office with
5617 an incentive request form, provided by the office, identifying and documenting the dollars left
5618 in the state and new state revenues generated by the motion picture company or digital media
5619 company for state-approved production, including any related tax returns by the motion picture
5620 company, payroll company, digital media company, or loan-out corporation under Subsection
5621 (2)(d).

5622 (c) For a motion picture company, an independent certified public accountant shall:

5623 (i) review the incentive request form submitted by the motion picture company; and

5624 (ii) provide a report on the accuracy and validity of the incentive request form,
5625 including the amount of dollars left in the state, in accordance with the agreed upon procedures
5626 established by the office by rule.

5627 (d) The motion picture company, digital media company, payroll company, or loan-out
5628 corporation shall provide the office with a document that expressly directs and authorizes the
5629 State Tax Commission to disclose the entity's tax returns and other information concerning the
5630 entity that would otherwise be subject to confidentiality under Section [59-1-403](#) or Section
5631 6103, Internal Revenue Code, to the office.

5632 (e) The office shall submit the document described in Subsection (2)(d) to the State
5633 Tax Commission.

5634 (f) Upon receipt of the document described in Subsection (2)(d), the State Tax
5635 Commission shall provide the office with the information requested by the office that the
5636 motion picture company, digital media company, payroll company, or loan-out corporation

5637 directed or authorized the State Tax Commission to provide to the office in the document
5638 described in Subsection (2)(d).

5639 (g) Subject to Subsection (3), for a motion picture company the office shall:

5640 (i) review the incentive request form from the motion picture company described in
5641 Subsection (2)(b) and verify that the incentive request form was reviewed by an independent
5642 certified public accountant as described in Subsection (2)(c); and

5643 (ii) based upon the independent certified public accountant's report under Subsection
5644 (2)(c), determine the amount of the incentive that the motion picture company is entitled to
5645 under the motion picture company's agreement with the office.

5646 (h) Subject to Subsection (3), for a digital media company, the office shall:

5647 (i) ensure the digital media project results in new state revenues; and

5648 (ii) based upon review of new state revenues, determine the amount of the incentive
5649 that a digital media company is entitled to under the digital media company's agreement with
5650 the office.

5651 (i) Subject to Subsection (3), if the incentive is in the form of a cash rebate, the office
5652 shall pay the incentive from the restricted account to the motion picture company,
5653 notwithstanding Subsections 51-5-3(23)(b) and 63J-1-105(6).

5654 (j) If the incentive is in the form of a refundable tax credit under Section 59-7-614.5 or
5655 59-10-1108, the office shall:

5656 (i) issue a tax credit certificate to the motion picture company or digital media
5657 company; and

5658 (ii) provide a [~~duplicate copy~~] digital record of the tax credit certificate to the State Tax
5659 Commission.

5660 (k) A motion picture company or digital media company may not claim a motion
5661 picture tax credit under Section 59-7-614.5 or 59-10-1108 unless the motion picture company
5662 or digital media company has received a tax credit certificate for the claim issued by the office
5663 under Subsection (2)(j)(i).

5664 (l) A motion picture company or digital media company may claim a motion picture
5665 tax credit on the motion picture company's or the digital media company's tax return for the
5666 amount listed on the tax credit certificate issued by the office.

5667 (m) A motion picture company or digital media company that claims a tax credit under

5668 Subsection (2)(1) shall retain the tax credit certificate and all supporting documentation in
5669 accordance with Subsection 63N-8-104(6).

5670 (3) (a) Subject to Subsection (3)(b), the office may issue \$6,793,700 in tax credit
5671 certificates under this part in a fiscal year.

5672 (b) If the office does not issue tax credit certificates in a fiscal year totaling the amount
5673 authorized under Subsection (3)(a), the office may carry over that amount for issuance in
5674 subsequent fiscal years.

5675 Section 135. Section 63N-8-104 is amended to read:

5676 **63N-8-104. Motion picture incentives -- Standards to qualify for an incentive --**
5677 **Limitations -- Content of agreement between office and motion picture company or**
5678 **digital media company.**

5679 (1) In addition to the requirements for receiving a motion picture incentive as set forth
5680 in this part, the office, in accordance with Title 63G, Chapter 3, Utah Administrative
5681 Rulemaking Act, shall make rules establishing:

5682 (a) the standards that a motion picture company or digital media company must meet to
5683 qualify for the motion picture incentive; and

5684 (b) criteria for determining the amount of the incentive.

5685 (2) The office shall ensure that those standards include the following:

5686 (a) an incentive may only be issued for a state-approved production by a motion picture
5687 company or digital media company;

5688 (b) financing has been obtained and is in place for the production; and

5689 (c) the economic impact of the production on the state represents new incremental
5690 economic activity in the state as opposed to existing economic activity.

5691 (3) With respect to a digital media project, the office shall consider economic
5692 modeling, including the costs and benefits of the digital media project to state and local
5693 governments in determining the motion picture incentive amount.

5694 (4) The office may also consider giving preference to a production that stimulates
5695 economic activity in rural areas of the state or that has Utah content, such as recognizing that
5696 the production was made in the state or uses Utah as Utah in the production.

5697 (5) (a) The office, with advice from the [board] GO Utah board, may enter into an
5698 agreement with a motion picture company or digital media company that meets the standards

5699 established under this section and satisfies the other qualification requirements under this part.

5700 (b) Subject to Subsection 63N-8-103(3), the office may commit or authorize a motion
5701 picture incentive:

5702 (i) to a motion picture company of up to 20% of the dollars left in the state by the
5703 motion picture company, and a motion picture company can receive an additional 5%, not to
5704 exceed 25% of the dollars left in the state by the motion picture company if the company
5705 fulfills certain requirements determined by the office including:

5706 (A) employing a significant percentage of cast and crew from Utah;

5707 (B) highlighting the state of Utah and the Utah Film Commission in the motion picture
5708 credits; or

5709 (C) other promotion opportunities as agreed upon by the office and the motion picture
5710 company; and

5711 (ii) to a digital media company, if the incentive does not exceed 100% of the new state
5712 revenue less the considerations under Subsection (3), but not to exceed 20% of the dollars left
5713 in the state by the digital media company.

5714 (c) The office may not give a cash rebate incentive from the Motion Picture Incentive
5715 Restricted Account for a digital media project.

5716 (6) The office shall ensure that the agreement entered into with a motion picture
5717 company or digital media company under Subsection (5)(a):

5718 (a) details the requirements that the motion picture company or digital media company
5719 must meet to qualify for an incentive under this part;

5720 (b) specifies:

5721 (i) the nature of the incentive; and

5722 (ii) the maximum amount of the motion picture incentive that the motion picture
5723 company or digital media company may earn for a taxable year and over the life of the
5724 production;

5725 (c) establishes the length of time over which the motion picture company or digital
5726 media company may claim the motion picture incentive;

5727 (d) requires the motion picture company or digital media company to retain records
5728 supporting its claim for a motion picture incentive for at least four years after the motion
5729 picture company or digital media company claims the incentive under this part; and

5730 (e) requires the motion picture company or digital media company to submit to audits
5731 for verification of the claimed motion picture incentive.

5732 Section 136. Section **63N-9-104** is amended to read:

5733 **63N-9-104. Creation of outdoor recreation office and appointment of director --**
5734 **Responsibilities of outdoor recreation office.**

5735 (1) There is created within the [~~Governor's Office of Economic Development~~] office
5736 the Utah Office of Outdoor Recreation.

5737 (2) (a) The executive director shall appoint a director of the outdoor recreation office.

5738 (b) The director [~~shall report to the executive director and~~] may appoint staff.

5739 (3) The outdoor recreation office shall:

5740 (a) coordinate outdoor recreation policy, management, and promotion:

5741 (i) among state and federal agencies and local government entities in the state; [~~and~~]

5742 (ii) with the Public Lands Policy Coordinating Office created in Section [63J-4-602](#), if
5743 public land is involved; and

5744 (iii) on a quarterly basis, with the executive director and the executive director of the
5745 Department of Natural Resources;

5746 (b) promote economic development in the state by:

5747 (i) coordinating with outdoor recreation stakeholders;

5748 (ii) improving recreational opportunities; and

5749 (iii) recruiting outdoor recreation business;

5750 (c) promote all forms of outdoor recreation, including vehicular and non-vehicular
5751 outdoor recreation;

5752 [~~(e)~~] (d) recommend to the governor and Legislature policies and initiatives to enhance
5753 recreational amenities and experiences in the state and help implement those policies and
5754 initiatives;

5755 (e) in performing the outdoor recreation office's duties, seek to ensure safe and
5756 adequate access to outdoor recreation for all user groups and for all forms of recreation;

5757 [~~(f)~~] (f) develop data regarding the impacts of outdoor recreation in the state; and

5758 [~~(g)~~] (g) promote the health and social benefits of outdoor recreation, especially to
5759 young people.

5760 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal

5761 Funds Procedures Act, the outdoor recreation office may:

5762 (a) seek federal grants or loans;

5763 (b) seek to participate in federal programs; and

5764 (c) in accordance with applicable federal program guidelines, administer federally

5765 funded outdoor recreation programs.

5766 (5) For purposes of administering this part, the outdoor recreation office may make

5767 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5768 Section 137. Section **63N-9-203** is amended to read:

5769 **63N-9-203. Rulemaking and requirements for awarding an infrastructure grant.**

5770 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

5771 outdoor recreation office shall make rules establishing the eligibility and reporting criteria for

5772 an entity to receive an infrastructure grant, including:

5773 (a) the form and process of submitting an application to the outdoor recreation office

5774 for an infrastructure grant;

5775 (b) which entities are eligible to apply for an infrastructure grant;

5776 (c) specific categories of recreational infrastructure projects that are eligible for an

5777 infrastructure grant;

5778 (d) the method and formula for determining grant amounts; and

5779 (e) the reporting requirements of grant recipients.

5780 (2) In determining the award of an infrastructure grant, the outdoor recreation office

5781 may prioritize a recreational infrastructure project that will serve an underprivileged or

5782 underserved community.

5783 (3) An infrastructure grant may only be awarded by the executive director after

5784 consultation with the director and the ~~[board]~~ GO Utah board.

5785 (4) The following entities may not receive an infrastructure grant under this part:

5786 (a) a federal government entity;

5787 (b) a state agency; and

5788 (c) a for-profit entity.

5789 (5) An infrastructure grant may only be awarded under this part:

5790 (a) for a recreational infrastructure project that is accessible to the general public; and

5791 (b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching

5792 funds having a value equal to or greater than the amount of the infrastructure grant.

5793 (6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be
5794 provided through an in-kind contribution by the grant recipient, if:

5795 (a) approved by the executive director after consultation with the director and the
5796 [~~board~~] GO Utah board; and

5797 (b) the in-kind donation does not include real property.

5798 (7) An infrastructure grant may not be awarded under this part if the grant, or the grant
5799 recipient match described in Subsection (5)(b), will be used for the purchase of real property or
5800 for the purchase or transfer of a conservation easement.

5801 Section 138. Section **63N-9-403** is amended to read:

5802 **63N-9-403. Rulemaking and requirements for awarding a UCORE grant.**

5803 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5804 outdoor recreation office shall make rules establishing the eligibility and reporting criteria for
5805 an entity to receive a UCORE grant, including:

5806 (a) the form and process of submitting an application to the outdoor recreation office
5807 for a UCORE grant;

5808 (b) which entities are eligible to apply for a UCORE grant;

5809 (c) specific categories of children's programs that are eligible for a UCORE grant;

5810 (d) the method and formula for determining grant amounts; and

5811 (e) the reporting requirements of grant recipients.

5812 (2) In determining the award of a UCORE grant, the outdoor recreation office may
5813 prioritize a children's program that will serve an underprivileged or underserved community in
5814 the state.

5815 (3) A UCORE grant may only be awarded by the executive director after consultation
5816 with the director and the [~~board~~] GO Utah board.

5817 (4) The following entities may not receive a UCORE grant under this part:

5818 (a) a federal government entity;

5819 (b) a state agency, except for public schools and institutions of higher education; and

5820 (c) a for-profit entity.

5821 (5) In awarding UCORE grants, consideration shall be given to entities that implement
5822 programs that:

- 5823 (a) contribute to healthy and active lifestyles through outdoor recreation; and
- 5824 (b) include one or more of the following attributes in their programs or initiatives:
- 5825 (i) serve children with the greatest needs in rural, suburban, and urban areas of the
- 5826 state;
- 5827 (ii) provide students with opportunities to directly experience nature;
- 5828 (iii) maximize the number of children who can participate;
- 5829 (iv) commit matching and in-kind resources;
- 5830 (v) create partnerships with public and private entities;
- 5831 (vi) include ongoing program evaluation and assessment;
- 5832 (vii) utilize veterans in program implementation;
- 5833 (viii) include outdoor or nature-based programming that incorporates concept learning
- 5834 in science, technology, engineering, or math; or
- 5835 (ix) utilize educated volunteers in program implementation.

5836 Section 139. Section **63N-13-101** is amended to read:

5837 **63N-13-101. Title -- Projects to assist companies to secure new business with**
5838 **federal, state, and local governments.**

5839 (1) This chapter is known as "Procurement Programs."

5840 (2) The Legislature recognizes that:

5841 (a) many Utah companies provide products and services which are routinely procured
5842 by a myriad of governmental entities at all levels of government, but that attempting to
5843 understand and comply with the numerous certification, registration, proposal, and contract
5844 requirements associated with government procurement often raises significant barriers for
5845 those companies with no government contracting experience;

5846 (b) the costs associated with obtaining a government contract for products or services
5847 often prevent most small businesses from working in the governmental procurement market;

5848 (c) currently a majority of federal procurement opportunities are contracted to
5849 businesses located outside of the state;

5850 (d) the [~~Governor's Office of Economic Development~~] office currently administers
5851 programs and initiatives that help create and grow companies in Utah and recruit companies to
5852 Utah through the use of state employees, public-private partnerships, and contractual services;
5853 and

5854 (e) there exists a significant opportunity for Utah companies to secure new business
5855 with federal, state, and local governments.

5856 (3) The office, through its executive director:

5857 (a) shall manage and direct the administration of state and federal programs and
5858 initiatives whose purpose is to procure federal, state, and local governmental contracts;

5859 (b) may require program accountability measures; and

5860 (c) may receive and distribute legislative appropriations and public and private grants
5861 for projects and programs that:

5862 (i) are focused on growing Utah companies and positively impacting statewide
5863 revenues by helping these companies secure new business with federal, state, and local
5864 governments;

5865 (ii) provide guidance to Utah companies interested in obtaining new business with
5866 federal, state, and local governmental entities;

5867 (iii) would facilitate marketing, business development, and expansion opportunities for
5868 Utah companies in cooperation with the [~~Governor's Office of Economic Development's~~
5869 office's Procurement Technical Assistance Center Program and with public, nonprofit, or
5870 private sector partners such as local chambers of commerce, trade associations, or private
5871 contractors as determined by the office's director to successfully match Utah businesses with
5872 government procurement opportunities; and

5873 (iv) may include the following components:

5874 (A) recruitment, individualized consultation, and an introduction to government
5875 contracting;

5876 (B) specialized contractor training for companies located in Utah;

5877 (C) a Utah contractor matching program for government requirements;

5878 (D) experienced proposal and bid support; and

5879 (E) specialized support services.

5880 (4) (a) The office, through its executive director, shall make any distribution referred to
5881 in Subsection (3) on a semiannual basis.

5882 (b) A recipient of money distributed under this section shall provide the office with a
5883 set of standard monthly reports, the content of which shall be determined by the office to
5884 include at least the following information:

- 5885 (i) consultive meetings with Utah companies;
- 5886 (ii) seminars or training meetings held;
- 5887 (iii) government contracts awarded to Utah companies;
- 5888 (iv) increased revenues generated by Utah companies from new government contracts;
- 5889 (v) jobs created;
- 5890 (vi) salary ranges of new jobs; and
- 5891 (vii) the value of contracts generated.

5892 Section 140. Section **63N-16-101** is enacted to read:

5893 **CHAPTER 16. UTAH BROADBAND CENTER AND ACCESS ACT**

5894 **Part 1. General Provisions**

5895 **63N-16-101. Title.**

5896 This chapter is known as the "Utah Broadband Center and Access Act."

5897 Section 141. Section **63N-16-102** is enacted to read:

5898 **63N-16-102. Definitions.**

5899 As used in this chapter:

5900 (1) "Broadband center" means the Utah Broadband Center created in Section

5901 [63N-16-201.](#)

5902 (2) "Eligible applicant" means:

5903 (a) a local government entity and one or more private entities, collectively, who are
5904 parties to a public-private partnership established for the purpose of expanding affordable
5905 broadband access in rural or underserved areas of the state; or

5906 (b) a tribal government.

5907 (3) "Public-private partnership" means an arrangement or agreement between a
5908 government entity and one or more private persons to fund and provide for a public need
5909 through the development or operation of a public project in which the private person or persons
5910 share with the government entity the responsibility or risk of developing, owning, maintaining,
5911 financing, or operating the project.

5912 (4) "Underserved area" means the same as that term is defined by the Federal
5913 Communications Commission.

5914 (5) "Unserved area" means the same as that term is defined by the Federal
5915 Communications Commission.

5916 Section 142. Section **63N-16-201** is enacted to read:

5917 **Part 2. Utah Broadband Center**

5918 **63N-16-201. Utah Broadband Center -- Creation -- Director -- Duties.**

5919 (1) There is created within the office the Utah Broadband Center.

5920 (2) The executive director shall appoint a director of the broadband center to oversee
5921 the operations of the broadband center.

5922 (3) The broadband center shall:

5923 (a) ensure that publically funded broadband projects continue to be publicly accessible
5924 and provide a public benefit;

5925 (b) develop a statewide digital connectivity plan;

5926 (c) carry out the duties described in Section [63N-16-202](#); and

5927 (d) administer the broadband access grant program in accordance with Part 3,

5928 Broadband Access Grant Program.

5929 Section 143. Section **63N-16-202**, which is renumbered from Section 63N-3-501 is
5930 renumbered and amended to read:

5931 ~~[63N-3-501].~~ **63N-16-202. Infrastructure and broadband coordination.**

5932 (1) The ~~[office]~~ broadband center shall partner with the Automated Geographic
5933 Reference Center created in Section [63F-1-506](#) to collect and maintain a database and
5934 interactive map that displays economic development data statewide, including:

5935 (a) voluntarily submitted broadband availability, speeds, and other broadband data;

5936 (b) voluntarily submitted public utility data;

5937 (c) workforce data, including information regarding:

5938 (i) enterprise zones designated under Section [63N-2-206](#);

5939 ~~[(ii) business resource centers;]~~

5940 ~~[(iii)]~~ (ii) public institutions of higher education; and

5941 ~~[(iv)]~~ (iii) procurement technical assistance centers;

5942 (d) transportation data, which may include information regarding railway routes,
5943 commuter rail routes, airport locations, and major highways;

5944 (e) lifestyle data, which may include information regarding state parks, national parks
5945 and monuments, United States Forest Service boundaries, ski areas, golf courses, and hospitals;
5946 and

5947 (f) other relevant economic development data as determined by the office, including
5948 data provided by partner organizations.

5949 (2) The ~~[office]~~ broadband center may:

5950 (a) make recommendations to state and federal agencies, local governments, the
5951 governor, and the Legislature regarding policies and initiatives that promote the development
5952 of broadband-related infrastructure in the state and help implement those policies and
5953 initiatives;

5954 (b) facilitate coordination between broadband providers and public and private entities;

5955 (c) collect and analyze data on broadband availability and usage in the state, including
5956 Internet speed, capacity, the number of unique visitors, and the availability of broadband
5957 infrastructure throughout the state;

5958 (d) create a voluntary broadband advisory committee, which shall include broadband
5959 providers and other public and private stakeholders, to solicit input on broadband-related policy
5960 guidance, best practices, and adoption strategies;

5961 (e) work with broadband providers, state and local governments, and other public and
5962 private stakeholders to facilitate and encourage the expansion and maintenance of broadband
5963 infrastructure throughout the state; and

5964 (f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds
5965 Procedures Act, and in accordance with federal requirements:

5966 (i) apply for federal grants;

5967 (ii) participate in federal programs; and

5968 (iii) administer federally funded broadband-related programs.

5969 Section 144. Section **63N-16-301** is enacted to read:

5970 **Part 3. Broadband Access Grant Program**

5971 **63N-16-301. Creation of Broadband Access Grant Program.**

5972 (1) There is established a grant program known as the Broadband Access Grant
5973 Program that is administered by the broadband center in accordance with this part.

5974 (2) (a) The broadband center may award a grant under this part to an eligible applicant
5975 who submits to the broadband center an application that includes a proposed project:

5976 (i) to extend broadband access to individuals and businesses in an unserved area of the
5977 state or an underserved area of the state; and

- 5978 (ii) that provides last-mile connections to end users.
5979 (b) Subsection (2)(a)(ii) does not prohibit the broadband center from awarding a grant
5980 for a proposed project that also includes mid-mile elements that are necessary for the last-mile
5981 connections.
5982 (3) In awarding grants under this part, the broadband center shall:
5983 (a) give priority to proposed projects:
5984 (i) in unserved areas of the state, followed by proposed projects in underserved areas
5985 located in rural areas of the state, as determined by the broadband center by rule made in
5986 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
5987 (ii) for which the eligible applicant provides at least 25% of the money needed for the
5988 project, with higher priority to projects for which the eligible applicant provides a greater
5989 percentage of the money needed for the project;
5990 (iii) located in an economically distressed area of the state, as measured by indices of
5991 unemployment, poverty, or population loss; and
5992 (iv) that include scalable wireline installation;
5993 (b) consider the impact of available funding for the proposed project from other
5994 sources, including money from matching federal grant programs; and
5995 (c) consider the anticipated internet speed the proposed project will provide end users.
5996 (4) The broadband center may not award a grant under this part that exceeds
5997 \$7,500,000.
5998 (5) For a project that the eligible applicant cannot complete in a single fiscal year, the
5999 broadband center may distribute grant proceeds for the project over the course of the project's
6000 construction.

6001 Section 145. Section **63N-16-302** is enacted to read:

6002 **63N-16-302. Duties of the broadband center.**

6003 (1) The broadband center shall:

6004 (a) establish an application process by which an eligible applicant may apply for a
6005 grant under this part, which application shall include:

6006 (i) a declaration, signed under penalty of perjury, that the application is complete, true,
6007 and correct; and

6008 (ii) an acknowledgment that the eligible applicant is subject to audit;

6009 (b) establish a method for the broadband center to determine which eligible applicants
 6010 qualify to receive a grant;

6011 (c) establish a formula to award grant funds; and

6012 (d) report the information described in Subsections (1)(a) through (c) to the director of
 6013 the Division of Finance.

6014 (2) Subject to appropriation, the broadband center shall:

6015 (a) collect applications for grant funds from eligible applicants;

6016 (b) determine which applicants qualify for receiving a grant; and

6017 (c) award the grant funds in accordance with the process established under Subsection
 6018 (1) and in accordance with Section [63N-3-602](#).

6019 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 6020 broadband center may make rules to administer the grant program.

6021 Section 146. Section **72-1-209** is amended to read:

6022 **72-1-209. Department to cooperate in programs relating to scenic centers.**

6023 The department shall cooperate in planning and promoting road-building programs into
 6024 the scenic centers of the state and in providing camping grounds and facilities in scenic centers
 6025 for tourists with:

6026 (1) the Governor's Office of Economic [~~Development~~] Opportunity;

6027 (2) other states;

6028 (3) all national, state, and local planning and zoning agencies and boards;

6029 (4) municipal and county officials; and

6030 (5) other agencies.

6031 Section 147. Section **72-4-302** is amended to read:

6032 **72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership --**

6033 **Meetings -- Expenses.**

6034 (1) There is created the Utah State Scenic Byway Committee.

6035 (2) (a) The committee shall consist of the following 13 members:

6036 (i) a representative from each of the following entities appointed by the governor:

6037 (A) the Governor's Office of Economic [~~Development~~] Opportunity;

6038 (B) the Utah Department of Transportation;

6039 (C) the Department of Heritage and Arts;

- 6040 (D) the Division of Parks and Recreation;
- 6041 (E) the Federal Highway Administration;
- 6042 (F) the National Park Service;
- 6043 (G) the National Forest Service; and
- 6044 (H) the Bureau of Land Management;
- 6045 (ii) one local government tourism representative appointed by the governor;
- 6046 (iii) a representative from the private business sector appointed by the governor; and
- 6047 (iv) three local elected officials from a county, city, or town within the state appointed
- 6048 by the governor.
- 6049 (b) Except as provided in Subsection (2)(c), the members appointed in this Subsection
- 6050 (2) shall be appointed for a four-year term of office.
- 6051 (c) The governor shall, at the time of appointment or reappointment for appointments
- 6052 made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the
- 6053 terms of committee members are staggered so that approximately half of the committee is
- 6054 appointed every two years.
- 6055 (3) (a) The representative from the Governor's Office of Economic [~~Development~~]
- 6056 Opportunity shall chair the committee.
- 6057 (b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as
- 6058 nonvoting, ex officio members of the committee.
- 6059 (4) The Governor's Office of Economic [~~Development~~] Opportunity and the
- 6060 department shall provide staff support to the committee.
- 6061 (5) (a) The chair may call a meeting of the committee only with the concurrence of the
- 6062 department.
- 6063 (b) A majority of the voting members of the committee constitute a quorum.
- 6064 (c) Action by a majority vote of a quorum of the committee constitutes action by the
- 6065 committee.
- 6066 (6) A member may not receive compensation or benefits for the member's service, but
- 6067 may receive per diem and travel expenses as allowed in:
- 6068 (a) Section [63A-3-106](#);
- 6069 (b) Section [63A-3-107](#); and
- 6070 (c) rules made by the Division of Finance according to Sections [63A-3-106](#) and

6071 63A-3-107.

6072 Section 148. Section 72-7-504 is amended to read:

6073 72-7-504. Advertising prohibited near interstate or primary system -- Exceptions
6074 -- Logo advertising -- Department rules.

6075 (1) As used in this section, "specific service trailblazer sign" means a guide sign that
6076 provides users with business identification or directional information for services and eligible
6077 activities that are advertised on a logo advertising sign authorized under Subsection (3)(a)(i).

6078 (2) Outdoor advertising that is capable of being read or comprehended from any place
6079 on the main-traveled way of an interstate or primary system may not be erected or maintained,
6080 except:

6081 (a) directional and other official signs and notices authorized or required by law,
6082 including signs and notices pertaining to natural wonders and scenic and historic attractions,
6083 informational or directional signs regarding utility service, emergency telephone signs, buried
6084 or underground utility markers, and above ground utility closure signs;

6085 (b) on-premise signs advertising the sale or lease of property upon which the
6086 on-premise signs are located;

6087 (c) on-premise signs advertising major activities conducted on the property where the
6088 on-premise signs are located;

6089 (d) public assembly facility signs;

6090 (e) unified commercial development signs that have received a waiver as described in
6091 Section 72-7-504.6;

6092 (f) signs located in a commercial or industrial zone;

6093 (g) signs located in unzoned industrial or commercial areas as determined from actual
6094 land uses; and

6095 (h) logo advertising under Subsection (3).

6096 (3) (a) The department may itself or by contract erect, administer, and maintain
6097 informational signs:

6098 (i) on the main-traveled way of an interstate or primary system, as it existed on June 1,
6099 1991, specific service signs for the display of logo advertising and information of interest,
6100 excluding specific service trailblazer signs as defined in rules adopted in accordance with
6101 Section 41-6a-301, to the traveling public if:

6102 (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in
6103 the lease or other contract agreement with a private party for the sign or sign space; and

6104 (B) the private party for the lease of the sign or sign space pays an amount set by the
6105 department to be paid to the department or the party under contract with the department under
6106 this Subsection (3); and

6107 (ii) only on rural conventional roads as defined in rules adopted in accordance with
6108 Section 41-6a-301 in a county of the fourth, fifth, or sixth class for tourist-oriented directional
6109 signs that display logo advertising and information of interest to the traveling public if:

6110 (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in
6111 the lease or other contract agreement with a private party for the tourist-oriented directional
6112 sign or sign space; and

6113 (B) the private party for the lease of the sign or sign space pays an amount set by the
6114 department to be paid to the department or the party under contract with the department under
6115 this Subsection (3).

6116 (b) The amount shall be sufficient to cover the costs of erecting, administering, and
6117 maintaining the signs or sign spaces.

6118 (c) (i) Any sign erected pursuant to this Subsection (3) which was existing as of March
6119 1, 2015, shall be permitted as if it were in compliance with this Subsection (3).

6120 (ii) A noncompliant sign shall only be permitted for the contract period of the
6121 advertising contract.

6122 (iii) A new advertising contract may not be issued for a noncompliant sign.

6123 (d) The department may consult the Governor's Office of Economic [~~Development~~]
6124 Opportunity in carrying out this Subsection (3).

6125 (4) (a) Revenue generated under Subsection (3) shall be:

6126 (i) applied first to cover department costs under Subsection (3); and

6127 (ii) deposited [~~in~~] into the Transportation Fund.

6128 (b) Revenue in excess of costs under Subsection (3)(a) shall be deposited [~~in~~] into the
6129 General Fund as a dedicated credit for use by the Governor's Office of Economic
6130 [~~Development~~] Opportunity no later than the following fiscal year.

6131 (5) Outdoor advertising under Subsections (2)(a), (f), (g), and (h) shall conform to the
6132 rules made by the department under Sections 72-7-506 and 72-7-507.

6133 Section 149. Section **79-4-1103** is amended to read:

6134 **79-4-1103. Governor's duties -- Priority of federal property.**

6135 (1) During a fiscal emergency, the governor shall:

6136 (a) if financially practicable, work with the federal government to open and maintain
6137 the operation of one or more national parks, national monuments, national forests, and national
6138 recreation areas in the state, in the order established under this section; and

6139 (b) report to the speaker of the House and the president of the Senate on the need, if
6140 any, for additional appropriations to assist the division in opening and operating one or more
6141 national parks, national monuments, national forests, and national recreation areas in the state.

6142 (2) The director of the Outdoor Recreation Office, created in Section **63N-9-104**, in
6143 consultation with the executive director of the Governor's Office of Economic [~~Development~~]
6144 Opportunity, shall determine, by rule, the priority of national parks, national monuments,
6145 national forests, and national recreation areas in the state.

6146 (3) In determining the priority described in Subsection (2), the director of the Outdoor
6147 Recreation Office shall consider the:

6148 (a) economic impact of the national park, national monument, national forest, or
6149 national recreation area in the state; and

6150 (b) recreational value offered by the national park, national monument, national forest,
6151 or national recreation area.

6152 (4) The director of the Outdoor Recreation Office shall:

6153 (a) report the priority determined under Subsection (2) to the Natural Resources,
6154 Agriculture, and Environment Interim Committee by November 30, 2014; and

6155 (b) annually review the priority set under Subsection (2) to determine whether the
6156 priority list should be amended.

6157 Section 150. **Repealer.**

6158 This bill repeals:

6159 Section **63C-10-101, Title.**

6160 Section **63C-10-102, Governor's Rural Partnership Board -- Creation --**
6161 **Membership -- Vacancies -- Chairs -- Expenses.**

6162 Section **63C-10-103, Duties.**

6163 Section **63N-1-501, Governor's Economic Development Coordinating Council --**

6164 **Membership -- Expenses.**

6165 Section **63N-1-502**, Council powers and duties.

6166 Section **63N-3-108**, Financial assistance to companies that create economic
6167 **impediments.**

6168 Section **63N-3-109.5**, Financial assistance to entities offering economic
6169 **opportunities in the nonattainment area.**

6170 Section **63N-3-201**, Title.

6171 Section **63N-3-202**, Purpose.

6172 Section **63N-3-203**, Definitions.

6173 Section **63N-3-205**, Business team consultants.

6174 Section **63N-3-301**, Title.

6175 Section **63N-3-302**, Purpose.

6176 Section **63N-3-303**, Definitions.

6177 Section **63N-3-304**, Establishment and administration of business resource centers

6178 **-- Components.**

6179 Section **63N-3-305**, Duties and responsibilities of a business resource center.

6180 Section **63N-3-306**, Advisory group.

6181 Section **63N-3-307**, Office duties.

6182 Section **63N-12-501**, Definitions.