

Chris H. Wilson proposes the following substitute bill:

**Economic Development Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jon Hawkins**

Senate Sponsor: Chris H. Wilson

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Governor's Office of Economic Opportunity.

**Highlighted Provisions:**

This bill:

- amends and defines terms;
- amends provisions of the Governor's Office of Economic Opportunity;
- repeals the Unified Economic Opportunity Commission and associated committees and subcommittees;
- renumbers and amends the Utah Broadband Center and Access Act;
- makes technical and conforming changes; and
- provides intent language regarding the transfer of funding from the Utah Board of Higher Education - Administration fund to the Utah Board of Higher Education Nucleus Institute upon passage of this bill and H.B. 530, Utah Innovation Lab Modifications.

**Money Appropriated in this Bill:**

This bill transfers money from the funds or accounts of the Governor's Office of Economic Opportunity - Economic Prosperity to the funds or accounts of the Utah Board of Higher Education - Administration.

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**11-59-203**, as last amended by Laws of Utah 2024, Chapter 413

**35A-8-2203**, as last amended by Laws of Utah 2022, Chapters 118, 406

**36-12-23**, as last amended by Laws of Utah 2024, Chapter 506

**36-29-109**, as enacted by Laws of Utah 2022, Chapter 458

- 29       **53B-34-101**, as renumbered and amended by Laws of Utah 2022, Chapter 362  
30       **53B-34-102**, as renumbered and amended by Laws of Utah 2022, Chapter 362  
31       **53B-34-111**, as enacted by Laws of Utah 2024, Chapter 482  
32       **63I-1-263**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 4  
33       **63N-1a-102**, as last amended by Laws of Utah 2024, Chapter 159  
34       **63N-1a-301**, as last amended by Laws of Utah 2024, Chapter 159  
35       **63N-1a-303**, as last amended by Laws of Utah 2022, Chapter 362  
36       **63N-1a-304**, as renumbered and amended by Laws of Utah 2021, Chapter 282  
37       **63N-1a-305**, as renumbered and amended by Laws of Utah 2021, Chapter 282  
38       **63N-1a-306**, as last amended by Laws of Utah 2022, Chapter 362  
39       **63N-1a-401**, as last amended by Laws of Utah 2024, Chapter 159  
40       **63N-2-103**, as last amended by Laws of Utah 2024, Chapter 438  
41       **63N-2-104.3**, as last amended by Laws of Utah 2023, Chapter 499  
42       **63N-2-107**, as last amended by Laws of Utah 2024, Chapter 159  
43       **63N-16-302**, as enacted by Laws of Utah 2024, Chapter 157  
44       **72-1-203**, as last amended by Laws of Utah 2024, Chapter 517  
45       **72-1-303**, as last amended by Laws of Utah 2024, Chapter 498

46   RENUMBERS AND AMENDS:

- 47       **72-19-101**, (Renumbered from 63N-17-102, as last amended by Laws of Utah 2024,  
48       Chapter 159)  
49       **72-19-201**, (Renumbered from 63N-17-201, as last amended by Laws of Utah 2024,  
50       Chapter 159)  
51       **72-19-202**, (Renumbered from 63N-17-202, as last amended by Laws of Utah 2024,  
52       Chapter 159)  
53       **72-19-203**, (Renumbered from 63N-17-203, as last amended by Laws of Utah 2024,  
54       Chapter 159)  
55       **72-19-301**, (Renumbered from 63N-17-301, as last amended by Laws of Utah 2024,  
56       Chapter 159)  
57       **72-19-302**, (Renumbered from 63N-17-302, as enacted by Laws of Utah 2021,  
58       Chapter 282)  
59       **72-19-401**, (Renumbered from 63N-17-401, as enacted by Laws of Utah 2024,  
60       Chapter 159)

61   REPEALS:

- 62       **63N-1a-201**, as last amended by Laws of Utah 2024, Chapter 159

63 **63N-1a-202**, as last amended by Laws of Utah 2024, Chapter 159  
64 **63N-1b-102**, as last amended by Laws of Utah 2022, Chapter 118  
65 **63N-1b-401**, as renumbered and amended by Laws of Utah 2022, Chapter 362  
66 **63N-1b-402**, as last amended by Laws of Utah 2023, Chapter 499  
67 **63N-1b-403**, as last amended by Laws of Utah 2023, Chapter 499  
68 **63N-1b-404**, as last amended by Laws of Utah 2024, Chapter 159  
69 **63N-3-204**, as last amended by Laws of Utah 2022, Chapter 362

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

72 Section 1. Section **11-59-203** is amended to read:

73 **11-59-203 . Authority duties and responsibilities.**

- 74 (1) As the authority plans, manages, and implements the development of the point of the  
75 mountain state land, the authority shall pursue development strategies and objectives  
76 designed to:
- 77 (a) maximize the creation of high-quality jobs and encourage and facilitate a highly  
78 trained workforce;
  - 79 (b) ensure strategic residential and commercial growth;
  - 80 (c) promote a high quality of life for residents on and surrounding the point of the  
81 mountain state land, including strategic planning to facilitate:
    - 82 (i) jobs close to where people live;
    - 83 (ii) vibrant urban centers;
    - 84 (iii) housing types that incorporate affordability factors and match workforce needs;
    - 85 (iv) parks, connected trails, and open space, including the preservation of natural  
86 lands to the extent practicable and consistent with the overall development plan;  
87 and
    - 88 (v) preserving and enhancing recreational opportunities;
  - 89 (d) complement the development on land in the vicinity of the point of the mountain  
90 state land;
  - 91 (e) improve air quality and minimize resource use;
  - 92 (f) accommodate and incorporate the planning, funding, and development of an  
93 enhanced and expanded future transit and transportation infrastructure and other  
94 investments, including:
    - 95 (i) the acquisition of rights-of-way and property necessary to ensure transit access to  
96 the point of the mountain state land; and

- (ii) a world class mass transit infrastructure, to service the point of the mountain state land and to enhance mobility and protect the environment; and
- (g) if appropriate, exercise its land use authority to increase the supply of housing in the state.

(2) In planning the development of the point of the mountain state land, the authority shall:

- (a) consult with applicable governmental planning agencies, including:
  - (i) relevant metropolitan planning organizations; and
  - (ii) Draper City and Salt Lake County planning and governing bodies; ~~[-and]~~
  - ~~[(iii) in regards to the factors described in Subsections (1)(c)(i) and (iii), the Unified Economic Opportunity Commission created in Section 63N-1a-201;]~~
- (b) research and explore the feasibility of attracting a nationally recognized research center; and
- (c) research and explore the appropriateness of including labor training centers and a higher education presence on the point of the mountain state land.

Section 2. Section **35A-8-2203** is amended to read:

**35A-8-2203 . Duties of the commission.**

(1) The commission shall:

- ~~[(a) serve as a subcommittee of the Unified Economic Opportunity Commission and assist the Unified Economic Opportunity Commission in performing the Unified Economic Opportunity Commission's duties under Section 63N-1a-202;]~~
- ~~[(b)]~~ (a) increase public and government awareness and understanding of the housing affordability needs of the state and how those needs may be most effectively and efficiently met, through empirical study and investigation;
- ~~[(c)]~~ (b) identify and recommend implementation of specific strategies, policies, procedures, and programs to address the housing affordability needs of the state;
- ~~[(d)]~~ (c) facilitate the communication and coordination of public and private entities that are involved in developing, financing, providing, advocating for, and administering affordable housing in the state;
- ~~[(e)]~~ (d) study, evaluate, and report on the status and effectiveness of policies, procedures, and programs that address housing affordability in the state;
- ~~[(f)]~~ (e) study and evaluate the policies, procedures, and programs implemented by other states that address housing affordability;
- ~~[(g)]~~ (f) provide a forum for public comment on issues related to housing affordability;
- ~~[(h)]~~ (g) provide recommendations to the ~~[Unified Economic Opportunity Commission~~

and the Legislature on strategies, policies, procedures, and programs to address the housing affordability needs of the state; and

~~(f)~~ (h) on or before December 31, 2022, approve the methodology developed by the division under Subsection 35A-8-803(1)(a)(ix).

(2) To accomplish its duties, the commission may:

(a) request and receive from a state or local government agency or institution summary information relating to housing affordability, including:

(i) reports;

(ii) audits;

(iii) projections; and

(iv) statistics; and

(b) appoint one or more advisory groups to advise and assist the commission.

(3)(a) A member of an advisory group described in Subsection (2)(b):

(i) shall be appointed by the commission;

(ii) may be:

(A) a member of the commission; or

(B) an individual from the private or public sector; and

(iii) notwithstanding Section 35A-8-2202, may not receive reimbursement or pay for any work done in relation to the advisory group.

(b) An advisory group described in Subsection (2)(b) shall report to the commission on the progress of the advisory group.

Section 3. Section **36-12-23** is amended to read:

**36-12-23 . Legislative committees -- Staffing.**

(1) As used in this section:

(a) "Chair" means a presiding officer or a co-presiding officer of a committee.

(b) "Committee" means a standing committee, interim committee, subcommittee, special committee, authority, commission, council, task force, panel, or board in which legislative participation is required by statute or legislative rule.

(c) "Legislative committee" means a committee:

(i) formed by the Legislature to study or oversee subjects of legislative concern; and

(ii) that is required by statute or legislative rule to have a chair who is a legislator.

(d) "Legislator" means a member of either chamber of the Legislature.

(e) "Professional legislative office" means the Office of Legislative Research and General Counsel, the Office of the Legislative Fiscal Analyst, the Office of the

Legislative Auditor General, or similar office of the Legislature.

(2)(a) Except as provided in Subsections (3) and (4), a professional legislative office shall provide each legislative committee's staff support, regardless of whether statute or legislative rule directs another entity to provide the staff support.

(b) Unless a legislative committee's enacting statute or legislative rule names a particular professional legislative office to provide the legislative committee's staff support, the professional legislative offices shall select, based on subject matter expertise, which professional legislative office will staff the legislative committee.

(3)(a) Subject to Subsection (3)(b), the provisions of this section control over any conflicting provision of statute or legislative rule.

(b)(i) If another provision of statute or legislative rule directs an entity other than a professional legislative office to provide a legislative committee's staff support, notwithstanding Subsection (2), a legislator who is a chair of the legislative committee may elect to have the other entity provide the legislative committee's staff support.

(ii) If the legislative committee has more than one chair who is a legislator, the chairs who are legislators shall collectively make the election under Subsection (3)(b)(i).

(iii) A chair or chairs who make an election under Subsection (3)(b)(i) may change the chair's or chairs' election no more than once each calendar year.

(4) This section does not apply to:

(a) the Point of the Mountain State Land Authority created in Section 11-59-201;

(b) the Utah Broadband Center Advisory Commission created in Section 36-29-109;

(c) the Blockchain and Digital Innovation Task Force created in Section 36-29-110;

(d) the Public Safety Data Management Task Force created in Section 36-29-111;

(e) the Constitutional Defense Council created in Section 63C-4a-202;

~~[(f) the Women in the Economy Subcommittee created in Section 63N-1b-402;]~~

~~[(g)]~~ (f) the House Ethics Committee established under Legislative Joint Rule JR6-2-101;

or

~~[(h)]~~ (g) the Senate Ethics Committee established under Legislative Joint Rule JR6-2-101.

Section 4. Section **36-29-109** is amended to read:

**36-29-109 . Utah Broadband Center Advisory Commission.**

(1) As used in this section:

(a) "Broadband infrastructure funds" means the funds available for broadband infrastructure pursuant to:

- 199 (i) the Infrastructure Investment and Jobs Act, Pub. L. No. 115-58;  
200 (ii) legislative appropriations; and  
201 (iii) state and federal grants.
- 202 (b) [~~"Center"~~] "Broadband center" means the Utah Broadband Center created in Section [  
203 ~~63N-17-201~~] 72-19-201.
- 204 (c) [~~"Commission"~~] "Broadband commission" means the Utah Broadband Center  
205 Advisory Commission created in Subsection (2).
- 206 (d) "Strategic plan" means the statewide digital connectivity plan described in Section [  
207 ~~63N-17-203~~] 72-19-203.
- 208 (2) There is created the Utah Broadband Center Advisory Commission consisting of the  
209 following nine voting members:
- 210 (a) two members of the Senate, appointed by the president of the Senate;  
211 (b) two members of the House of Representatives, appointed by the speaker of the  
212 House of Representatives;  
213 (c) the executive director of the Governor's Office of Planning and Budget, or the  
214 executive director's designee;  
215 (d) the governor shall appoint four members who currently work in the public sector and  
216 who have professional experience in:
- 217 (i) broadband or broadband infrastructure;  
218 (ii) applying for federal grants; or  
219 (iii) financing infrastructure.
- 220 (3) In addition to the nine voting members, the director of the broadband center, or the  
221 director's designee, shall serve on the broadband commission in a nonvoting capacity.
- 222 (4)(a) The president of the Senate shall designate one of the members described in  
223 Subsection (2)(a) to serve as cochair of the broadband commission.
- 224 (b) The speaker of the House of Representatives shall designate one of the members  
225 described in Subsection (2)(b) to serve as cochair of the broadband commission.
- 226 (5)(a) If a vacancy occurs in the membership of the broadband commission, the member  
227 shall be replaced in the same manner in which the original appointment was made.
- 228 (b) A member shall serve until the member's successor is appointed and qualified.
- 229 (6)(a) A majority of the members of the broadband commission constitutes a quorum.
- 230 (b) The action of a majority of a quorum constitutes an action of the broadband  
231 commission.
- 232 (7)(a) Salaries and expenses of the members of the broadband commission who are

legislators shall be paid in accordance with:

(i) Section 36-2-2;

(ii) Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation Expenses; and

(iii) Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

(b) A member of the broadband commission who is not a legislator may not receive compensation for the member's work associated with the broadband commission but may receive per diem and reimbursement for travel expenses incurred as a member of the broadband commission at the rates established by the Division of Finance under:

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

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

(8) The broadband center shall provide staff support to the broadband commission.

(9) The broadband commission shall:

(a) make recommendations to the broadband center with respect to:

(i) strategic plan development; and

(ii) the application for and use of broadband infrastructure funds;

(b) solicit input from relevant stakeholders, including:

(i) public and private entities who may assist in developing and implementing the strategic plan; and

(ii) public and private entities whom the strategic plan may impact;

(c) provide recommendations for strategic plan development and implementation based on the input described in Subsection (9)(b);

(d) review strategic plan drafts; and

(e) recommend changes.

(10) The broadband commission shall meet as needed.

Section 5. Section **53B-34-101** is amended to read:

**53B-34-101 . Definitions.**

As used in this chapter:

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

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

(b) includes:

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



- 267 employee;
- 268 (ii) classroom instruction for students related to the on-the-job learning;
- 269 (iii) ongoing student assessments using established competency and skills standards;
- 270 and
- 271 (iv) the student receiving an industry-recognized credential or degree upon
- 272 completion of the program.
- 273 (2) "Career and technical education region" means an economic service area created in
- 274 Section 35A-2-101.
- 275 (3) "GOEO" means the Governor's Office of Economic Opportunity created in Section
- 276 63N-1a-301.
- 277 [~~(3) "Commission" means the Unified Economic Opportunity Commission created in~~
- 278 ~~Section 63N-1a-201.]~~
- 279 (4) "High quality professional learning" means the professional learning standards for
- 280 teachers and principals described in Section 53G-11-303.
- 281 (5) "Institution of higher education" means the University of Utah, Utah State University,
- 282 Southern Utah University, Weber State University, Snow College, Utah Tech
- 283 University, Utah Valley University, or Salt Lake Community College.
- 284 (6) "Local education agency" means a school district, a charter school, or the Utah Schools
- 285 for the Deaf and the Blind.
- 286 (7) "Master plan" means the computer science education master plan described in Section
- 287 53B-34-105.
- 288 (8) "Participating employer" means an employer that:
- 289 (a) partners with an educational institution on a curriculum for an apprenticeship
- 290 program or work-based learning program; and
- 291 (b) provides an apprenticeship or work-based learning program for students.
- 292 (9) "State board" means the State Board of Education.
- 293 (10) "Talent board" means the Talent, Education, and Industry Alignment Board created in
- 294 Section 53B-34-102.
- 295 (11) "Talent program" means the Talent Ready Utah Program created in Section
- 296 53B-34-103.
- 297 (12) "Targeted industry" means an industry or group of industries targeted by [the
- 298 ~~commission~~] GOEO for economic development in the state.
- 299 (13) "Technical college" means:
- 300 (a) the same as that term is defined in Section 53B-1-101.5; and

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

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

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

- (i) providing students an applied workplace experience using knowledge and skills attained in a program of study that includes an internship, externship, or work experience;
- (ii) providing an educational institution with objective input from a participating employer regarding the education requirements of the current workforce; and
- (iii) providing funding for programs that are associated with high-wage, in-demand, or emerging occupations.

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

Section 6. Section **53B-34-102** is amended to read:

**53B-34-102 . Talent, Education, and Industry Alignment Board -- Creation -- Membership -- Expenses -- Duties.**

(1) There is created the Talent, Education, and Industry Alignment Board composed of the following members:

- (a) the state superintendent of public instruction or the superintendent's designee;
- (b) the commissioner or the commissioner's designee;
- (c) the chair of the State Board of Education or the chair's designee;
- (d) the executive director of the Department of Workforce Services or the executive director's designee;
- (e) the executive director of the Governor's Office of Economic Opportunity or the executive director's designee;
- (f) the director of the Division of Professional Licensing or the director's designee;
- (g) the governor's education advisor or the advisor's designee;
- (h) one member of the Senate, appointed by the president of the Senate;
- (i) one member of the House of Representatives, appointed by the speaker of the House of Representatives;
- (j) the president of the Salt Lake Chamber or the president's designee;
- (k) six representatives of private industry chosen to represent targeted industries,

- 335 appointed by ~~[the commission]~~ GOEO;
- 336 (l) the lieutenant governor or the lieutenant governor's designee; and
- 337 (m) any additional individuals appointed by ~~[the commission]~~ GOEO who represent:
- 338 (i) one or more individual educational institutions; or
- 339 (ii) education or industry professionals.
- 340 (2) The talent board shall select a chair and vice chair from among the members of the
- 341 talent board.
- 342 (3) The talent board shall meet at least quarterly.
- 343 (4) Attendance of a majority of the members of the talent board constitutes a quorum for
- 344 the transaction of official talent board business.
- 345 (5) Formal action by the talent board requires the majority vote of a quorum.
- 346 (6) A member of the talent board:
- 347 (a) may not receive compensation or benefits for the member's service; and
- 348 (b) who is not a legislator may receive per diem and travel expenses in accordance with:
- 349 (i) Section 63A-3-106;
- 350 (ii) Section 63A-3-107; and
- 351 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 352 63A-3-107.
- 353 (7) The talent board shall:
- 354 (a)(i) review and develop metrics to measure the progress, performance,
- 355 effectiveness, and scope of any state operation, activity, program, or service that
- 356 primarily involves employment training or placement; and
- 357 (ii) ensure that the metrics described in Subsection (7)(a) are consistent and
- 358 comparable for each state operation, activity, program, or service that primarily
- 359 involves employment training or placement;
- 360 (b) make recommendations to the board and ~~[the commission]~~ GOEO regarding how to
- 361 better align training and education in the state with industry demand;
- 362 (c) make recommendations to the board and ~~[the commission]~~ GOEO regarding how to
- 363 better align technical education with current and future workforce needs;
- 364 (d) coordinate with the talent program to meet the responsibilities described in [
- 365 ~~Subsection 53B-34-103(4)]~~ Section 53B-34-103;
- 366 (e) develop a computer science education master plan in accordance with Section
- 367 53B-34-105;
- 368 (f) coordinate with the talent program to meet the responsibilities described in Section

53B-34-107; and

(g) administer the Utah Works Program in accordance with Section 53B-34-108.

- (8) Nothing in this section prohibits an individual who, on June 30, 2022, is a member of a subcommittee within the Governor's Office of Economic Opportunity known as the Talent, Education, and Industry Alignment Subcommittee from serving as a member of the talent board.

Section 7. Section **53B-34-111** is amended to read:

**53B-34-111 . Youth apprenticeship governance study.**

- (1) As used in this section:

(a) "Apprenticeship" means the same as the term is defined in Section 35A-6-102.

(b) "Study" means the study created in Subsection (2).

- (2) There is created a study to design a framework and system for maximizing efficiencies and expanding youth apprenticeship opportunities for students.

- (3) The study shall be conducted collaboratively by the following entities:

(a) the ~~[Governor's Office]~~ governor's office;

(b) the State Board of Education;

(c) the Department of Workforce Services;

(d) the Talent Ready Utah Program; and

(e) relevant participating employers as determined by the entities described in Subsections (3)(a) through (d).

- (4) The study shall examine framework and system design recommendations regarding:

(a) ways to increase youth apprenticeship offerings;

(b) increasing student and employer participation in youth apprenticeships;

(c) formalizing roles and streamlining use of existing infrastructure described in:

(i) Title 35A, Chapter 6, Apprenticeship Act;

(ii) Title 53B, Chapter 34, Talent, Education, and Industry Alignment, including the role of the state apprenticeship intermediary described in Section 53B-34-103; and

(iii) Section 53G-7-902;

(d) aligning youth apprenticeship efforts to meet the definition of youth apprenticeship defined in Section 35A-6-102;

(e) identifying metrics to assess the success of youth apprenticeship programs;

(f) opportunities to leverage secondary and post-secondary educational programs in conjunction with youth apprenticeships, including:

(i) career and technical education;

- (ii) concurrent enrollment; and
- (iii) stackable credentials; and
- (g) the creation of career competencies to prepare a qualified workforce.

(5) The staff of the Talent Ready Utah Program shall staff the study.

(6) No later than May 1, 2025, the entities described in [~~Subsections (3)(a) through (e)~~]  
Subsection (3) shall report the recommendations described in Subsection (4) to[~~:~~]  
 [(a)] the talent board[~~;~~and] .

[~~(b) the Unified Economic Opportunity Commission.~~]

Section 8. Section **63I-1-263** is amended to read:

**63I-1-263 . Repeal dates: Titles 63A to 63O.**

(1) Subsection 63A-5b-405(5), regarding prioritizing and allocating capital improvement funding, is repealed July 1, 2024.

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

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

(4) Title 63C, Chapter 18, Behavioral Health Crisis Response Committee, is repealed December 31, 2026.

(5) Title 63C, Chapter 23, Education and Mental Health Coordinating Committee, is repealed December 31, 2024.

(6) Title 63C, Chapter 25, State Finance Review Commission, is repealed July 1, 2027.

(7) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.

(8) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.

(9) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is repealed July 1, 2028.

(10) Section 63G-6a-805, Purchase from community rehabilitation programs, is repealed July 1, 2026.

(11) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2028.

(12) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2029.

(13) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

(14) Subsection 63J-1-602.2(16), related to the Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program, is repealed July 1, 2029.

(15) Subsection 63J-1-602.2(26), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.

- (16) Section 63L-11-204, Canyon resource management plan, is repealed July 1, 2025.
- (17) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is repealed July 1, 2027.
- (18) Title 63M, Chapter 7, Part 7, Domestic Violence Offender Treatment Board, is repealed July 1, 2027.
- (19) Section 63M-7-902, Creation -- Membership -- Terms -- Vacancies -- Expenses, is repealed July 1, 2029.
- (20) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- ~~[(21) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is repealed January 1, 2030.]~~
- ~~[(22)]~~ (21) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- ~~[(23)]~~ (22) Subsection 63N-2-511(1)(b), regarding the Board of Tourism Development, is repealed July 1, 2025.
- ~~[(24)]~~ (23) Section 63N-2-512, Hotel Impact Mitigation Fund, is repealed July 1, 2028.
- ~~[(25)]~~ (24) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is repealed July 1, 2027.
- ~~[(26)]~~ (25) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is repealed July 1, 2025.
- ~~[(27)]~~ (26) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2028.
- ~~[(28)]~~ (27) Section 63N-4-804, which creates the Rural Opportunity Advisory Committee, is repealed July 1, 2027.
- ~~[(29)]~~ (28) Subsection 63N-4-805(5)(b), regarding the Rural Employment Expansion Program, is repealed July 1, 2028.
- ~~[(30)]~~ (29) Subsection 63N-7-101(1), regarding the Board of Tourism Development, is repealed July 1, 2025.
- ~~[(31)]~~ (30) Subsection 63N-7-102(3)(c), regarding a requirement for the Utah Office of Tourism to receive approval from the Board of Tourism Development, is repealed July 1, 2025.
- ~~[(32)]~~ (31) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed July 1, 2025.
- Section 9. Section **63N-1a-102** is amended to read:
- 63N-1a-102 . Definitions.**
- As used in this title:

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

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

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

~~[(4)]~~ (3) "Economic opportunity agency" includes:

- (a) the Department of Workforce Services;
- (b) the Department of Cultural and Community Engagement;
- (c) the Department of Commerce;
- (d) the Department of Natural Resources;
- (e) the Office of Energy Development;
- (f) the State Board of Education;
- (g) institutions of higher education;
- (h) the Utah Multicultural Commission;
- (i) the World Trade Center Utah;
- (j) local government entities;
- (k) associations of governments;
- (l) the Utah League of Cities and Towns;
- (m) the Utah Association of Counties;
- (n) the Economic Development Corporation of Utah;
- (o) the Small Business Administration;
- (p) chambers of commerce;
- (q) industry associations;
- (r) small business development centers; and
- (s) other entities identified by the commission or the executive director.

~~[(5)]~~ (4) "Executive director" means the executive director of the office.

~~[(6)]~~ (5) "Full-time employee" means an employment position that is filled by an employee who works at least 30 hours per week and:

- (a) may include an employment position filled by more than one employee, if each employee who works less than 30 hours per week is provided benefits comparable to

- 505 a full-time employee; and
- 506 (b) may not include an employment position that is shifted from one jurisdiction in the  
507 state to another jurisdiction in the state.
- 508 [~~(7)~~] (6) "GOEO board" means the Board of Economic Opportunity created in Section  
509 63N-1a-401.
- 510 [~~(8)~~] (7) "High paying job" means a newly created full-time employee position where the  
511 aggregate average annual gross wage of the employment position, not including health  
512 care or other paid or unpaid benefits, is:
- 513 (a) at least 110% of the average wage of the county in which the employment position  
514 exists; or
- 515 (b) for an employment position related to a project described in Chapter 2, Part 1,  
516 Economic Development Tax Increment Financing, and that is located within the  
517 boundary of a county of the third, fourth, fifth, or sixth class, or located within a  
518 municipality in a county of the second class and where the municipality has a  
519 population of 10,000 or less:
- 520 (i) at least 100% of the average wage of the county in which the employment position  
521 exists; or
- 522 (ii) an amount determined by rule made by the office in accordance with Title 63G,  
523 Chapter 3, Utah Administrative Rulemaking Act, if the office determines the  
524 project is in a county experiencing economic distress.
- 525 [~~(9)~~] (8)(a) "Incremental job" means a full-time employment position in the state that:
- 526 (i) did not exist within a business entity in the state before the beginning of a project  
527 related to the business entity; and
- 528 (ii) is created in addition to the number of baseline jobs that existed within a business  
529 entity.
- 530 (b) "Incremental job" includes a full-time employment position where the employee is  
531 hired:
- 532 (i) directly by a business entity; or
- 533 (ii) by a professional employer organization, as defined in Section 31A-40-102, on  
534 behalf of a business entity.
- 535 [~~(10)~~] (9) "New state revenue" means the state revenue collected from a business entity or a  
536 business entity's employees during a calendar year minus the baseline state revenue  
537 calculation.
- 538 [~~(11)~~] (10) "Office" or "GOEO" means the Governor's Office of Economic Opportunity.



- 539 [(12)] (11) "State revenue" means state tax liability paid by a business entity or a business  
 540 entity's employees under any combination of the following provisions:
- 541 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
  - 542 (b) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and  
 543 Information;
  - 544 (c) Title 59, Chapter 10, Part 2, Trusts and Estates;
  - 545 (d) Title 59, Chapter 10, Part 4, Withholding of Tax; and
  - 546 (e) Title 59, Chapter 12, Sales and Use Tax Act.
- 547 [(13)] (12) "State strategic goals" means the strategic goals listed in Section 63N-1a-103.
- 548 [(14)] (13) "Statewide economic development strategy" means the economic development  
 549 strategy developed by the ~~[commission in accordance with Section 63N-1a-202]~~ office in  
 550 accordance with Section 63N-1a-301.
- 551 [(15)] "Talent board" means the Talent, Education, and Industry Alignment Board created in  
 552 ~~Section 53B-34-102.]~~
- 553 [(16)] (14) "Targeted industry" means an industry or group of industries targeted by the [  
 554 ~~commission under Section 63N-1a-202]~~ office under Section 63N-1a-301, for economic  
 555 development in the state.
- 556 Section 10. Section **63N-1a-301** is amended to read:
- 557 **63N-1a-301 . Creation of office -- Responsibilities.**
- 558 (1) There is created the Governor's Office of Economic Opportunity.
  - 559 (2) The office is:
    - 560 (a) responsible for creating and implementing the statewide economic development  
 561 strategy [developed by the commission; and] that:
      - 562 (i) unifies and coordinates economic development efforts in the state;
      - 563 (ii) includes key performance indicators for long-term progress toward the state  
 564 strategic goals;
      - 565 (iii) establishes reporting and accountability processes for the key performance  
 566 indicators; and
      - 567 (iv) ensures the success of statewide economic development; and
    - 568 (b) the industrial and business promotion authority of the state.
  - 569 (3) The office shall:
    - 570 (a) consistent with the statewide economic development strategy, coordinate and align  
 571 into a single effort the activities of the economic opportunity agencies in the field of  
 572 economic development;

- (b) provide support and direction to economic opportunity agencies in establishing goals, metrics, and activities that align with the statewide economic development strategy;
- (c) administer and coordinate state and federal economic development grant programs;
- (d) promote and encourage the economic, commercial, financial, industrial, agricultural, and civic welfare of the state;
- (e) develop the statewide economic development strategy consistent with the state water policy described in Section 73-1-21, including the state's commitment to appropriate:
- (i) conservation;
  - (ii) efficient and optimal use of water resources;
  - (iii) infrastructure development and improvement;
  - (iv) optimal agricultural use;
  - (v) water quality;
  - (vi) reasonable access to recreational activities;
  - (vii) effective wastewater treatment; and
  - (viii) protecting and restoring health ecosystems;
- (f) at least once every five years, identify which industry or groups of industries shall be targeted for economic development in the state;
- [~~(e)~~] (g) promote and encourage the employment of workers in the state and the purchase of goods and services produced in the state by local businesses;
- [~~(f)~~] (h) act to create, develop, attract, and retain business, industry, and commerce in the state:
- (i) in accordance with the statewide economic development [~~plan and commission directives~~] strategy; and
  - (ii) subject to the restrictions in Section 11-41-103;
- [~~(g)~~] (i) act to enhance the state's economy;
- (j) analyze the state's projected long-term population and economic growth and plan for the anticipated impacts of the projected growth in a manner that improves quality of life and is consistent with the statewide economic development strategy and state strategic goals;
- [~~(h)~~] (k) act to assist strategic industries that are likely to drive future economic growth;
- [~~(i)~~] (l) assist communities in the state in developing economic development capacity and coordination with other communities;
- (m) develop strategies and plans to ensure comprehensive economic development efforts

are targeted to the unique needs of rural areas of the state;

~~[(j)]~~ ~~(n)~~ identify areas of education and workforce development in the state that can be improved to support economic and business development;

~~[(k)]~~ ~~(o)~~ ~~[consistent with direction from the commission,]~~ develop core strategic priorities for the office, which may include:

(i) enhancing statewide access to entrepreneurship opportunities and small business support;

(ii) focusing industry recruitment and expansion of targeted industries;

(iii) ensuring that in awarding competitive economic development incentives the office accurately measures the benefits and costs of the incentives; and

(iv) assisting communities with technical support to aid those communities in improving economic development opportunities;

~~[(t)]~~ ~~(p)~~ submit an annual written report as described in Section 63N-1a-306; and

~~[(m)]~~ ~~(q)~~ perform other duties as provided by the Legislature.

(4) To perform the office's duties under this title, the office may:

(a) enter into a contract or agreement with, or make a grant to, a public or private entity, including a municipality, if the contract or agreement is not in violation of state statute or other applicable law;

(b) except as provided in Subsection (4)(c), receive and expend funds from a public or private source for any lawful purpose that is in the state's best interest; and

(c) solicit and accept a contribution of money, services, or facilities from a public or private donor, but may not use the contribution for publicizing the exclusive interest of the donor.

(5) Money received under Subsection (4)(c) shall be deposited into the General Fund as dedicated credits of the office.

~~[(6)(a) The office shall:]~~

~~[(i) obtain the advice of the GOEO board before implementing a change to a policy, priority, or objective under which the office operates; and]~~

~~[(ii) provide periodic updates to the commission regarding the office's efforts under Subsections (3)(a) and (b).]~~

~~[(b) Subsection (6)(a)(i) does not apply to the routine administration by the office of money or services related to the assistance, retention, or recruitment of business, industry, or commerce in the state.]~~

Section 11. Section **63N-1a-303** is amended to read:

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

- (1) Unless otherwise expressly provided by statute, the executive director may organize the office in any appropriate manner, including the appointment of deputy directors of the office.
- (2) The executive director may consolidate personnel and service functions for efficiency and economy in the office.
- (3) The executive director, with the approval of the governor:
- (a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in federal programs;
  - (b) may enter into a lawful contract or agreement with another state, a chamber of commerce organization, a service club, or a private entity; and
  - (c) shall annually prepare and submit to the governor a budget of the office's financial requirements.
- (4) With the governor's approval, if a federal program requires the expenditure of state funds as a condition for the state to participate in a fund, property, or service, the executive director may expend necessary funds from money provided by the Legislature for the use of the office.
- (5) The executive director shall coordinate with the executive directors of the Department of Workforce Services and the Governor's Office of Planning and Budget to review data and metrics to be reported to the Legislature as described in [Subsection ~~63N-1a-306(2)(b)~~] Section 63N-1a-306.
- (6) Unless otherwise provided in this title, the executive director may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary for the administration of programs established under state law.

Section 12. Section **63N-1a-304** is amended to read:

**63N-1a-304 . Executive director and the Public Service Commission.**

- (1) The executive director or the executive director's designee shall:
- (a) become generally informed of significant rate cases and policy proceedings before the Public Service Commission; and
  - (b) monitor and study the potential economic development impact of [these] the proceedings.
- (2) In the discretion of the executive director or the executive director's designee, the office may appear in a proceeding before the Public Service Commission to testify, advise, or to present argument regarding the economic development impact of a matter that is the

subject of the proceeding.

Section 13. Section **63N-1a-305** is amended to read:

**63N-1a-305 . Incentive review process.**

[The Legislature intends that the] The office [will] shall develop an [incentives] incentive review process under the direction of the speaker of the House of Representatives and the president of the Senate.

Section 14. Section **63N-1a-306** is amended to read:

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

- (1) The office shall prepare and submit to the governor and the Legislature, by October 1 of each year, an annual written report of the operations, activities, programs, and services of the office, including the divisions, sections, boards, commissions, councils, and committees established under this title, for the preceding fiscal year.
- (2) For each operation, activity, program, or service provided by the office, the annual report shall include:
  - (a) a description of the operation, activity, program, or service;
  - (b) data and metrics:
    - (i) selected and used by the office to measure progress, performance, effectiveness, and scope of the operation, activity, program, or service, including summary data; and
    - (ii) that are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement as determined by the executive directors of the office, the Department of Workforce Services, and the Governor's Office of Planning and Budget;
  - (c) budget data, including the amount and source of funding, expenses, and allocation of full-time employees for the operation, activity, program, or service;
  - (d) historical data from previous years for comparison with data reported under Subsections (2)(b) and (c);
  - (e) goals, challenges, and achievements related to the operation, activity, program, or service;
  - (f) relevant federal and state statutory references and requirements;
  - (g) contact information of officials knowledgeable and responsible for each operation, activity, program, or service; and
  - (h) other information determined by the office that:
    - (i) may be needed, useful, or of historical significance; or

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

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

(4) The office shall:

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

(b) make the annual report, and previous annual reports, accessible to the public by placing a link to the reports on the office's website[; ~~and~~] .

~~[(c) provide the data and metrics described in Subsection (2)(b) to the talent board.]~~

Section 15. Section **63N-1a-401** is amended to read:

**63N-1a-401 . Creation of Board of Economic Opportunity.**

(1)(a) There is created within the office the Board of Economic Opportunity, consisting of nine members appointed by the ~~[chair of the commission]~~ executive director of the office, in consultation with the ~~[executive director]~~ governor, to four-year terms of office with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

(b) The nine members described in Subsection (1)(a) shall include:

(i) one member associated with the state's rural communities;

(ii) one member associated with direct entrepreneurship in the state;

(iii) one member associated with higher education in the state;

(iv) five members, other than the members described in Subsections (1)(b)(i) through (iii), that are associated with a targeted industry; and

(v) one at-large member.

(c) Notwithstanding the requirements of Subsection (1)(a), the ~~[chair of the commission]~~ executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(d) The members may not serve more than two full consecutive terms except when the ~~[chair of the commission]~~ executive director determines that an additional term is in the best interest of the state.

(2) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

(3) A majority of board members, not including a vacancy, constitutes a quorum for

conducting board business and exercising board power.

- (4) ~~[The chair of the commission-]~~ The executive director shall select one board member as the board's chair and one member as the board's vice chair.

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

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

- (6) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Section 16. Section **63N-2-103** is amended to read:

**63N-2-103 . Definitions.**

As used in this part:

- (1)(a) "Business entity" means a person that enters into a written agreement with the office to initiate a new commercial project in Utah that will qualify the person to receive a tax credit under Section 59-7-614.2 or 59-10-1107.
- (b) With respect to a tax credit authorized by the office in accordance with Subsection 63N-2-104.3(2), "business entity" includes a nonprofit entity.
- (2) "Commercial or industrial zone" means an area zoned agricultural, commercial, industrial, manufacturing, business park, research park, or other appropriate business related use in a general plan that contemplates future growth.
- (3) "Development zone" means an economic development zone created under Section 63N-2-104.
- (4) "Local government entity" means a county, city, or town.
- (5) "New commercial project" means an economic development opportunity that:
  - (a) involves a targeted industry; or
  - (b) is located within:
    - (i) a county of the third, fourth, fifth, or sixth class; or
    - (ii) a municipality that has a population of 10,000 or less and the municipality is located within a county of the second class~~[-or-]~~ .
  - ~~[(c) involves an economic development opportunity that the commission determines to be eligible for a tax credit under this part.]~~
- (6) "Remote work opportunity" means a new commercial project that:
  - (a) does not require a physical office in the state where employees associated with the

new commercial project are required to work; and

(b) requires employees associated with the new commercial project to:

(i) work remotely from a location within the state; and

(ii) maintain residency in the state.

(7) "Significant capital investment" means an investment in capital or fixed assets, which may include real property, personal property, and other fixtures related to a new commercial project that represents an expansion of existing operations in the state or that increases the business entity's existing workforce in the state.

(8) "Tax credit" means an economic development tax credit created by Section 59-7-614.2 or 59-10-1107.

(9) "Tax credit amount" means the amount the office lists as a tax credit on a tax credit certificate for a taxable year.

(10) "Tax credit certificate" means a certificate issued by the office that:

(a) lists the name of the business entity to which the office authorizes a tax credit;

(b) lists the business entity's taxpayer identification number;

(c) lists the amount of tax credit that the office authorizes the business entity for the taxable year; and

(d) may include other information as determined by the office.

(11) "Written agreement" means a written agreement entered into between the office and a business entity under Section 63N-2-104.2.

Section 17. Section **63N-2-104.3** is amended to read:

**63N-2-104.3 . Limitations on tax credit amount.**

(1) Except as provided in Subsection (2)(a), for a new commercial project that is located within the boundary of a county of the first or second class, the office may not authorize a tax credit that exceeds:

(a) 50% of the new state revenues from the new commercial project in any given year; or

(b) 30% of the new state revenues from the new commercial project over a period of up to 20 years[; ~~or~~] .

~~[(c) 35% of the new state revenues from the new commercial project over a period of up to 20 years, if:]~~

~~[(i) the new commercial project brings 2,500 or more new incremental jobs to the state;]~~

~~[(ii) the amount of capital expenditures associated with the new commercial project is \$1,000,000,000 or more; and]~~



811           ~~[(iii) the commission approves the tax credit.]~~

812       (2) If the office authorizes a tax credit for a new commercial project located within the  
813       boundary of:

- 814       (a) a municipality with a population of 10,000 or less located within a county of the  
815           second class and that is experiencing economic hardship as determined by the office,  
816           the office may authorize a tax credit of up to 50% of new state revenues from the new  
817           commercial project over a period of up to 20 years;
- 818       (b) a county of the third class, the office may authorize a tax credit of up to 50% of new  
819           state revenues from the new commercial project over a period of up to 20 years; and
- 820       (c) a county of the fourth, fifth, or sixth class, the office may authorize a tax credit of  
821           50% of new state revenues from the new commercial project over a period of up to  
822           20 years.

823       Section 18. Section **63N-2-107** is amended to read:

824       **63N-2-107 . Reports of new state revenue, partial rebates, and tax credits.**

825       (1) Before October 1 of each year, the office shall submit a report to the Governor's Office  
826       of Planning and Budget, the Office of the Legislative Fiscal Analyst, and the Division of  
827       Finance identifying:

- 828       (a)(i) the total estimated amount of new state revenue created from new commercial  
829           projects;
- 830       (ii) the estimated amount of new state revenue from new commercial projects that  
831           will be generated from:
- 832           (A) sales tax;
- 833           (B) income tax; and
- 834           (C) corporate franchise and income tax; and
- 835       (iii) the minimum number of new incremental jobs and high paying jobs that will be  
836           created before any tax credit is awarded; and
- 837       (b) the total estimated amount of tax credits that the office projects that business entities  
838           will qualify to claim under this part.

839       (2) By the first business day of each month, the office shall submit a report to the  
840       Governor's Office of Planning and Budget, the Office of the Legislative Fiscal Analyst,  
841       and the Division of Finance identifying:

- 842       (a) each new written agreement that the office entered into since the last report;
- 843       (b) the estimated amount of new state revenue that will be generated under each written  
844       agreement described in Subsection (2)(a);

- (c) the estimated maximum amount of tax credits that a business entity could qualify for under each written agreement described in Subsection (2)(a); and
- (d) the minimum number of new incremental jobs and high paying jobs that will be created before any tax credit is awarded.

(3) At the reasonable request of the Governor's Office of Planning and Budget, the Office of the Legislative Fiscal Analyst, or the Division of Finance, the office shall provide additional information about the tax credit, new incremental jobs and high paying jobs, costs, and economic benefits related to this part, if the information is part of a public record as defined in Section 63G-2-103.

~~[(4) By October 1, the office shall submit to the Economic Development and Workforce Services Interim Committee, the Business, Economic Development, and Labor Appropriations Subcommittee, and the governor, a written report that provides an overview of the implementation and efficacy of the statewide economic development strategy, including an analysis of the extent to which the office's programs are aligned with the prevailing economic conditions expected in the next fiscal year.]~~

Section 19. Section **63N-16-302** is amended to read:

**63N-16-302 . Proactive regulatory relief efforts.**

(1) As used in this section:

- (a) "Regulatory framework" means a framework for determining the risk level to the public if a law or regulation that inhibits the creation or success of new and existing companies or industries were to be permanently removed or temporarily waived.
- (b) "Risk level" means a level of risk categorized from low, medium, and high.

(2) The regulatory relief office may:

- (a) review, at any time, any existing state laws or regulations that may unnecessarily inhibit the creation or success of companies or industries other than the occupational regulations of individuals reviewed by the Office of Professional Licensure Review under Title 13, Chapter 1b, Office of Professional Licensure Review; and
- (b) provide recommendations to the governor and the Legislature on modifying those state laws and regulations described in Subsection (2)(a).

(3) The regulatory relief office shall:

- (a) create a regulatory framework; and
- (b) annually study the laws and regulations of at least two industries selected from:
- (i) an industry targeted for economic development by the ~~[Unified Economic Opportunity Commission]~~ office as described in Section ~~[63N-1a-202]~~ 63N-1a-302;

- 879 or
- 880 (ii) an industry designated by the General Regulatory Sandbox Program Advisory
- 881 Committee for study by the regulatory relief office.
- 882 (4) In undertaking the review described in Subsection [~~(3)~~,] (2), the regulatory relief office
- 883 shall:
- 884 (a) identify any law or regulation that the regulatory relief office determines inhibits the
- 885 creation or success of new and existing companies or industries;
- 886 (b) apply the regulatory framework to the identified law or regulation; and
- 887 (c) consider:
- 888 (i) the history of the identified regulation or law, including the reasons why the
- 889 regulation or law was originally enacted;
- 890 (ii) whether the identified regulation or law:
- 891 (A) creates an unnecessary barrier to industry for businesses; or
- 892 (B) imposes an unnecessary cost to businesses or consumers;
- 893 (iii) whether the penalty for violation of the regulation or law, if any, is proportional
- 894 to the potential harm; and
- 895 (iv) if there are potentially less burdensome alternatives to the existing regulation or
- 896 law and apply the regulatory framework to that alternative.
- 897 (5) The regulatory relief office shall submit as part of the report described in Section
- 898 63N-16-105:
- 899 (a) a detailed overview of the regulatory relief office's study of the laws and regulations
- 900 as described in this section, including the reasons why the laws and regulations of a
- 901 particular industry were selected for study and the strategy the office implemented to
- 902 study the laws and regulations of that industry; and
- 903 (b) recommended changes to a law or regulation identified by the regulatory relief office
- 904 in Subsection (4) that the regulatory relief office determines:
- 905 (i) is inhibiting the success of businesses, companies, or industries; and
- 906 (ii) would not present a high risk level to the public if the law or regulation were
- 907 permanently removed or temporarily waived.
- 908 Section 20. Section **72-1-203** is amended to read:
- 909 **72-1-203 . Deputy director -- Appointment -- Qualifications -- Other assistants**
- 910 **and advisers -- Salaries.**
- 911 (1) The executive director shall appoint the following deputy directors, who shall serve at
- 912 the discretion of the executive director:

- 913 (a) the deputy director of engineering and operation, who shall be a registered  
914 professional engineer in the state, and who shall be the chief engineer of the  
915 department; and
- 916 (b) the deputy director of planning and investment.
- 917 (2) As assigned by the executive director, the deputy directors described in Subsection (1)  
918 may assist the executive director with the following departmental responsibilities:
- 919 (a) project development, including statewide standards for project design and  
920 construction, right-of-way, materials, testing, structures, and construction;
- 921 (b) oversight of the management of the region offices described in Section 72-1-205;
- 922 (c) operations and traffic management;
- 923 (d) oversight of operations of motor carriers and ports;
- 924 (e) transportation systems safety;
- 925 (f) aeronautical operations;
- 926 (g) equipment for department engineering and maintenance functions;
- 927 (h) oversight and coordination of planning, including:
- 928 (i) development of statewide strategic initiatives for planning across all modes of  
929 transportation;
- 930 (ii) coordination with metropolitan planning organizations and local governments;
- 931 (iii) coordination with a large public transit district, including planning, project  
932 development, outreach, programming, environmental studies and impact  
933 statements, construction, and impacts on public transit operations; and
- 934 (iv) corridor and area planning;
- 935 (i) asset management;
- 936 (j) programming and prioritization of transportation projects;
- 937 (k) fulfilling requirements for environmental studies and impact statements;
- 938 (l) resource investment, including identification, development, and oversight of  
939 public-private partnership opportunities;
- 940 (m) data analytics services to the department;
- 941 (n) corridor preservation;
- 942 (o) employee development;
- 943 (p) maintenance planning;
- 944 (q) oversight and facilitation of the negotiations and integration of public transit  
945 providers described in Section 17B-2a-827;
- 946 (r) oversight and supervision of any fixed guideway capital development project within

the boundaries of a large public transit district for which any state funds are expended, including those responsibilities described in Subsections (2)(a), (h), (j), (k), and (l), and the implementation and enforcement of any federal grant obligations associated with fixed guideway capital development project funding; and

(s) other departmental responsibilities as determined by the executive director.

(3) The executive director shall ensure that the same deputy director does not oversee or supervise both the fixed guideway capital development responsibilities described in Subsection (2)(r) and the department's fixed guideway rail safety responsibilities, including the responsibilities described in Section 72-1-214.

(4) The executive director shall ensure that the same deputy director does not oversee or supervise both the authorization of a telecommunication provider to have longitudinal access to state right-of-way as described in Section 72-7-108, and the operations and duties of the Utah Broadband Center created in Section 72-19-201.

Section 21. Section **72-1-303** is amended to read:

**72-1-303 . Duties of commission.**

(1) The commission has the following duties:

(a) determining priorities and funding levels of projects and programs in the state transportation systems and the capital development of new public transit facilities for each fiscal year based on project lists compiled by the department and taking into consideration the strategic initiatives described in Section 72-1-211;

(b) determining additions and deletions to state highways under Chapter 4, Designation of State Highways Act;

(c) holding public meetings and otherwise providing for public input in transportation matters;

(d) making policies and rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to perform the commission's duties described under this section;

(e) in accordance with Section 63G-4-301, reviewing orders issued by the executive director in adjudicative proceedings held in accordance with Title 63G, Chapter 4, Administrative Procedures Act;

(f) advising the department on state transportation systems policy;

(g) approving settlement agreements of condemnation cases subject to Section 63G-10-401;

(h) in accordance with Section 17B-2a-807, appointing a commissioner to serve as a

nonvoting member or a voting member on the board of trustees of a public transit district;

(i) in accordance with Section 17B-2a-808, reviewing, at least annually, the short-term and long-range public transit plans;

(j) determining the priorities and funding levels of public transit innovation grants, as defined in Section 72-2-401; ~~and~~

~~(k) approving grant awards administered by the Utah Broadband Center in accordance with Section 17-19-301; and~~

~~(l)~~ (l) reviewing administrative rules made, substantively amended, or repealed by the department.

(2)(a) For projects prioritized with funding provided under Sections 72-2-124 and 72-2-125, the commission shall annually report to a committee designated by the Legislative Management Committee:

(i) a prioritized list of the new transportation capacity projects in the state transportation system and the funding levels available for those projects; and

(ii) the unfunded highway construction and maintenance needs within the state.

(b) The committee designated by the Legislative Management Committee under Subsection (2)(a) shall:

(i) review the list reported by the Transportation Commission; and

(ii) make a recommendation to the Legislature on:

(A) the amount of additional funding to allocate to transportation; and

(B) the source of revenue for the additional funding allocation under Subsection

(2)(b)(ii)(A).

(3) The commission shall review and may approve plans for the construction of a highway facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval of Highway Facilities on Sovereign Lands Act.

(4) One or more associations representing airport operators or pilots in the state shall annually report to the commission recommended airport improvement projects and any other information related to the associations' expertise and relevant to the commission's duties.

Section 22. Section **72-19-101**, which is renumbered from Section 63N-17-102 is renumbered and amended to read:

#### **CHAPTER 19. UTAH BROADBAND CENTER**

## Part 1. General Provisions

### 1015        ~~[63N-17-102]~~ **72-19-101 . Definitions.**

1016        As used in this chapter:

1017        (1) "Broadband center" means the Utah Broadband Center created in Section ~~[63N-17-201]~~  
1018        72-19-201.

1019        (2) "Broadband commission" means the Utah Broadband Center Advisory Commission  
1020        created in Section 36-29-109.

1021        ~~[(2)]~~ (3) "Final proposal" means the submission provided by the state to the Assistant  
1022        Secretary of Commerce for Communications and Information as part of the state's  
1023        BEAD Application, as set forth in 47 U.S.C. Sec. 1702(e)(4).

1024        ~~[(3)]~~ (4) "Initial proposal" means the submission provided by the state to the Assistant  
1025        Secretary of Commerce for Communications and Information as part of the state's  
1026        BEAD Application, as set forth in 47 U.S.C. Sec. 1702(e)(3).

1027        ~~[(4)]~~ (5) "Letter of intent" means the submission provided by the state to the Assistant  
1028        Secretary of Commerce for Communications and Information as part of the state's  
1029        BEAD Application, as set forth in 47 U.S.C. Sec. 1702(e)(1)(B).

1030        ~~[(5)]~~ (6) "Public-private partnership" means an arrangement or agreement between a  
1031        government entity and one or more private persons to fund and provide for a public need  
1032        through the development or operation of a public project in which the private person or  
1033        persons share with the government entity the responsibility or risk of developing,  
1034        owning, maintaining, financing, or operating the project.

1035        ~~[(6)]~~ (7) "Subgrantee" means an entity that receives funds from the state under:

1036        (a) the Broadband Access Grant Program created in Section ~~[63N-17-301]~~ 72-19-301; or

1037        (b) the Broadband Equity Access and Deployment Grant Program created in Section [  
1038        ~~63N-17-401]~~ 72-19-401.

1039        ~~[(7)]~~ (8) "State BEAD application" means a submission by the state for a grant under the  
1040        federal Broadband Equity Access and Deployment Program established under 47 U.S.C.  
1041        Sec. 1702(b), consisting of a letter of intent, initial proposal, and final proposal.

1042        Section 23. Section **72-19-201**, which is renumbered from Section 63N-17-201 is renumbered  
1043        and amended to read:

## Part 2. Utah Broadband Center

### 1045        ~~[63N-17-201]~~ **72-19-201 . Utah Broadband Center -- Creation -- Director --**

1046        **Duties.**

- 1047 (1) There is created within the ~~[office]~~ department the Utah Broadband Center.
- 1048 (2) The executive director shall appoint a director of the broadband center to oversee the  
1049 operations of the broadband center.
- 1050 (3) The broadband center shall:
- 1051 (a) ensure that publicly funded broadband projects continue to be publicly accessible and  
1052 provide a public benefit;
- 1053 (b) develop the statewide digital connectivity plan described in Section ~~[63N-17-203]~~  
1054 72-19-203;
- 1055 (c) carry out the duties described in Section ~~[63N-17-202]~~ 72-19-202;
- 1056 (d) administer the Broadband Access Grant Program ~~[in accordance with Part 3,~~  
1057 ~~Broadband Access Grant Program]~~ created in Section 72-19-301; and
- 1058 (e) administer the Broadband Equity Access and Deployment Grant Program ~~[in~~  
1059 ~~accordance with Part 4, Broadband Equity Access and Deployment Program]~~ created  
1060 in Section 72-19-301.
- 1061 ~~[(f)]~~ (4) The broadband center shall ensure efficiency with respect to:
- 1062 ~~[(i)]~~ (a) expenditure of funds; and
- 1063 ~~[(ii)]~~ (b) avoiding duplication of efforts.
- 1064 ~~[(g)]~~ (5) The broadband center shall consider administering broadband infrastructure funds  
1065 in a manner that:
- 1066 ~~[(i)]~~ (a) efficiently maximizes the leverage of federal funding;
- 1067 ~~[(ii)]~~ (b) avoids the use of public funds for broadband facilities that duplicate existing  
1068 broadband facilities that already meet or exceed federal standards; and
- 1069 ~~[(iii)]~~ (c) accounts for the benefits and costs to the state of existing facilities, equipment,  
1070 and services of public and private broadband providers.
- 1071 Section 24. Section **72-19-202**, which is renumbered from Section 63N-17-202 is renumbered  
1072 and amended to read:
- 1073 **[63N-17-202] 72-19-202 . Infrastructure and broadband coordination.**
- 1074 (1) The broadband center shall partner with the Utah Geospatial Resource Center created in  
1075 Section 63A-16-505 to collect and maintain a database and interactive map that displays  
1076 economic development data statewide, including:
- 1077 (a) voluntarily submitted broadband availability, speeds, and other broadband data;
- 1078 (b) voluntarily submitted public utility data;
- 1079 (c) workforce data, including information regarding:
- 1080 (i) enterprise zones designated under Section 63N-2-206;



- (ii) public institutions of higher education; and
- (iii) APEX accelerators;
- (d) transportation data, which may include information regarding railway routes, commuter rail routes, airport locations, and major highways;
- (e) lifestyle data, which may include information regarding state parks, national parks and monuments, United States Forest Service boundaries, ski areas, golf courses, and hospitals; and
- (f) other relevant economic development data as determined by the office, including data provided by partner organizations.

(2) The broadband center may:

- (a) make recommendations to state and federal agencies, local governments, the governor, and the Legislature regarding policies and initiatives that promote the development of broadband-related infrastructure in the state and help implement those policies and initiatives;
- (b) facilitate coordination between broadband providers and public and private entities;
- (c) collect and analyze data on broadband availability and usage in the state, including Internet speed, capacity, the number of unique visitors, and the availability of broadband infrastructure throughout the state;
- (d) create a voluntary broadband alliance, which shall include broadband providers and other public and private stakeholders, to solicit input on broadband-related policy guidance, best practices, and adoption strategies;
- (e) work with broadband providers, state and local governments, and other public and private stakeholders to facilitate and encourage the expansion and maintenance of broadband infrastructure throughout the state; and
- (f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, and in accordance with federal requirements:
  - (i) apply for federal grants;
  - (ii) participate in federal programs; and
  - (iii) administer federally funded broadband-related programs.

Section 25. Section **72-19-203**, which is renumbered from Section 63N-17-203 is renumbered and amended to read:

**[63N-17-203] 72-19-203 . Statewide digital connectivity plan.**

As used in this section:

- (1) [~~"Commission"~~] "Broadband commission" means the Utah Broadband Center Advisory

1115 Commission created in Section 36-29-109.

1116 (2) "Strategic plan" means the statewide digital connectivity plan created in accordance  
1117 with Subsections ~~[(2) and]~~(3) and (4).

1118 (3) The broadband center shall develop the strategic plan.

1119 (4) The strategic plan shall include strategies to:

1120 (a) implement broadband connectivity statewide;

1121 (b) promote digital [equity] access throughout the state;

1122 (c) apply for federal infrastructure funds; and

1123 (d) apply for additional funds.

1124 (5) In developing the strategic plan, the broadband center shall work with the broadband  
1125 commission.

1126 ~~[(6) The broadband center shall provide the commission with quarterly status updates~~  
1127 ~~regarding:]~~

1128 ~~[(a) implementation of the commission's recommendations;]~~

1129 ~~[(b) the grant programs created in Sections 63N-17-301 and 63N-17-401, including:]~~

1130 ~~[(i) applications received for grant funding;]~~

1131 ~~[(ii) grant awards about to be made by the broadband center;]~~

1132 ~~[(iii) grant awards made by the broadband center; and]~~

1133 ~~[(iv) projects implemented with grant funding;]~~

1134 ~~[(e) strategic plan development;]~~

1135 ~~[(d) strategic plan implementation;]~~

1136 ~~[(e) grants received in addition to those described in Subsection (6)(b);]~~

1137 ~~[(f) projects funded in addition to those described in Subsection (6)(b); and]~~

1138 ~~[(g) recommendations for legislation;]~~

1139 ~~[(7)]~~ (6) The broadband center shall submit the strategic plan to the broadband commission  
1140 for the broadband commission's recommendation before finalizing the strategic plan.

1141 ~~[(8)]~~ (7) On or before October 1 of each year, the broadband center shall report to the  
1142 broadband commission and the Public Utilities, Energy, and Technology Interim  
1143 Committee regarding status updates.

1144 Section 26. Section **72-19-301**, which is renumbered from Section 63N-17-301 is renumbered  
1145 and amended to read:

1146 **Part 3. Broadband Access Grant Program**

1147 **~~[63N-17-301]~~ 72-19-301 . Creation of Broadband Access Grant Program.**

1148 (1) As used in this part:

- 1149 (a) "Eligible applicant" means:
- 1150 (i) a telecommunications provider or an Internet service provider;
- 1151 (ii) a local government entity and one or more private entities, collectively, who are
- 1152 parties to a public-private partnership established for the purpose of expanding
- 1153 affordable broadband access in the state; or
- 1154 (iii) a tribal government.
- 1155 (b) "Underserved area" means an area of the state that is underserved in terms of the
- 1156 area's access to broadband service, as further defined by rule made by the department
- 1157 in coordination with the broadband center.
- 1158 (c) "Unserved area" means an area of the state that is unserved in terms of the area's
- 1159 access to broadband service, as further defined by rule made by the department in
- 1160 coordination with the broadband center.
- 1161 (2) There is established a grant program known as the Broadband Access Grant Program
- 1162 that is administered by the broadband center in accordance with this part.
- 1163 (3)(a) The broadband center may award a grant under this part to an eligible applicant
- 1164 that submits to the broadband center an application that includes a proposed project
- 1165 to extend broadband service to individuals and businesses in an unserved area or an
- 1166 underserved area by providing last-mile connections to end users.
- 1167 (b) Subsection (3)(a) does not prohibit the broadband center from awarding a grant for a
- 1168 proposed project that also includes middle-mile elements that are necessary for the
- 1169 last-mile connections.
- 1170 (4) In awarding grants under this part, the broadband center shall:
- 1171 (a) based on the following criteria and in the order provided, prioritize proposed projects:
- 1172 (i) located in unserved areas;
- 1173 (ii) located in underserved areas;
- 1174 (iii)(A) that the eligible applicant developed after meaningful engagement with the
- 1175 impacted community to identify the community's needs and innovative means
- 1176 of providing a public benefit that addresses the community's needs; and
- 1177 (B) that include, as a component of the proposed project, a long-term public
- 1178 benefit to the impacted community developed in response to the eligible
- 1179 applicant's engagement with the community;
- 1180 (iv) located in an economically distressed area of the state, as measured by indices of
- 1181 unemployment, poverty, or population loss;
- 1182 (v) that make the greatest investment in last-mile connections;

- 1183 (vi) that provide higher speed broadband access to end users; and
- 1184 (vii) for which the eligible applicant provides at least 25% of the money needed for
- 1185 the proposed project, with higher priority to proposed projects for which the
- 1186 eligible applicant provides a greater percentage of the money needed for the
- 1187 proposed project; and
- 1188 (b) consider the impact of available funding for the proposed project from other sources,
- 1189 including money from matching federal grant programs.
- 1190 (5) For a project that the eligible applicant cannot complete in a single fiscal year, the
- 1191 broadband center may distribute grant proceeds for the project over the course of the
- 1192 project's construction.
- 1193 (6)(a) Before awarding a grant under this part, the broadband center shall present the
- 1194 application described in Subsection (3) to the Transportation Commission for
- 1195 approval.
- 1196 (b) In awarding a grant under this part, the broadband center shall ensure that grant
- 1197 funds are not used by a subgrantee in a manner that causes competition among
- 1198 projects that are substantially supported by state funds or federal funds subgranted by
- 1199 the state~~[, as determine in accordance with rules made by the broadband center in~~
- 1200 ~~accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act].~~
- 1201 (7) As provided in and subject to the requirements of Title 63G, Chapter 2, Government
- 1202 Records Access and Management Act, a record submitted to the broadband center that
- 1203 contains a trade secret or confidential commercial information described in Subsection
- 1204 63G-2-305(2) is a protected record.
- 1205 Section 27. Section **72-19-302**, which is renumbered from Section 63N-17-302 is renumbered
- 1206 and amended to read:
- 1207 **[63N-17-302] 72-19-302 . Duties of the broadband center.**
- 1208 (1) The broadband center shall:
- 1209 (a) establish an application process by which an eligible applicant may apply for a grant
- 1210 under this part, which application shall include:
- 1211 (i) a declaration, signed under penalty of perjury, that the application is complete,
- 1212 true, and correct; and
- 1213 (ii) an acknowledgment that the eligible applicant is subject to audit;
- 1214 (b) establish a method for the broadband center to determine which eligible applicants
- 1215 qualify to receive a grant;
- 1216 (c) establish a formula to award grant funds; and

1217 (d) report the information described in Subsections (1)(a) through (c) to the director of  
1218 the Division of Finance.

1219 (2) Subject to appropriation, the broadband center shall:

1220 (a) collect applications for grant funds from eligible applicants;

1221 (b) determine which applicants qualify for receiving a grant; and

1222 (c) award the grant funds in accordance with the process established under Subsection (1)  
1223 and in accordance with Section ~~[63N-17-301]~~ 72-19-301.

1224 (3) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~  
1225 ~~broadband center may make rules to administer the grant program]~~ The department, in  
1226 coordination with the broadband center, may make rules in accordance with Title 63G,  
1227 Chapter 3, Utah Administrative Rulemaking Act, to administer the grant program.

1228 Section 28. Section **72-19-401**, which is renumbered from Section 63N-17-401 is renumbered  
1229 and amended to read:

1230 **Part 4. Broadband Equity Access and Deployment Grant Program**

1231 **~~[63N-17-401]~~ 72-19-401 . Creation of Broadband Equity Access and Deployment**  
1232 **Grant Program.**

1233 (1) There is established a grant program known as the Broadband Equity Access and  
1234 Deployment Grant Program that is administered by the broadband center in accordance  
1235 with:

1236 (a) this part; and

1237 (b) the requirements of the National Telecommunications and Information  
1238 Administration's Broadband Equity Access and Deployment Program, 47 U.S.C. Sec.  
1239 1702 et seq.

1240 (2) The broadband center shall:

1241 (a) prepare and submit the state's Broadband Equity Access and Deployment application,  
1242 including the letter of intent, initial proposal, and final proposal to the National  
1243 Telecommunications and Information Administration;

1244 (b) administer the Broadband Equity Access and Deployment Grant Program in  
1245 accordance with this section and as approved by the National Telecommunications  
1246 and Information Administration;

1247 (c) accept and process an application for subgranted funds; and

1248 ~~[(d) report to the broadband commission quarterly on:]~~

1249 ~~[(i) the progress of the broadband center's submission described in Subsection (2)(a);]~~

1250 ~~[(ii) the administration of the program;]~~

- 1251           ~~[(iii) applications received for subgranted funding;]~~  
 1252           ~~[(iv) approved applications for subgranted funds; and]~~  
 1253           ~~[(v) projects supported by subgranted funds;]~~  
 1254           ~~[(e)]~~ (d) ensure that a subgrantee complies with the state's final proposal to the National  
 1255           Telecommunications and Information Administration~~[-; and] .~~  
 1256           ~~[(f) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative~~  
 1257           ~~Rulemaking Act, necessary to administer this section.]~~  
 1258           (3) The department, in coordination with the broadband center, may make rules in  
 1259           accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to  
 1260           administer the grant program.  
 1261           ~~[(3) The broadband commission shall give the broadband center recommendations during~~  
 1262           ~~the quarterly reports described in Subsection (2)(d).]~~  
 1263           (4) The broadband center may approve an application for subgranted funds if:  
 1264           (a) the application meets the requirements of this section;  
 1265           (b) the application meets any rule made pursuant to this section;  
 1266           (c) the application meets the requirements of the National Telecommunications and  
 1267           Information Administration's Broadband Equity Access and Deployment Program, 47  
 1268           U.S.C. Sec. 1702 et seq.; and  
 1269           (d) the broadband center has informed the ~~[broadband commission]~~ Transportation  
 1270           Commission about the application~~[-; as]~~ described in Subsection ~~[(2)(d)]~~ (2)(c).  
 1271           (5) After the broadband center completes a competitive application process for subgranted  
 1272           funds but before the broadband center notifies the applicant of the award, the broadband  
 1273           center shall present to the ~~[broadband commission]~~ Transportation Commission on the  
 1274           subgrant award.

#### 1275           Section 29. **Repealer.**

1276           This bill repeals:

1277           Section **63N-1a-201, Creation of commission.**

1278           Section **63N-1a-202, Commission duties.**

1279           Section **63N-1b-102, Subcommittees generally.**

1280           Section **63N-1b-401, Definitions.**

1281           Section **63N-1b-402, Women in the Economy Subcommittee created.**

1282           Section **63N-1b-403, Purpose -- Powers and duties of the subcommittee.**

1283           Section **63N-1b-404, Annual report.**

1284           Section **63N-3-204, Administration -- Grants and loans.**

