

Karen Kwan proposes the following substitute bill:

Economic Development Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon Hawkins

Senate Sponsor: Chris H. Wilson

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 (office);
- repeals the Unified Economic Opportunity Commission (UEOC);
- repeals provisions related to the UEOC subcommittees;
- renames the Women in the Economy Subcommittee to the Women in the Economy Advisory Committee (advisory committee);
- provides that the advisory committee is created within the office;
- 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

- 29 **35A-8-2203**, as last amended by Laws of Utah 2022, Chapters 118, 406
- 30 **36-12-23**, as last amended by Laws of Utah 2024, Chapter 506
- 31 **36-29-109**, as enacted by Laws of Utah 2022, Chapter 458
- 32 **53B-34-101**, as renumbered and amended by Laws of Utah 2022, Chapter 362
- 33 **53B-34-102**, as renumbered and amended by Laws of Utah 2022, Chapter 362
- 34 **53B-34-111**, as enacted by Laws of Utah 2024, Chapter 482
- 35 **63N-1a-102**, as last amended by Laws of Utah 2024, Chapter 159
- 36 **63N-1a-301**, as last amended by Laws of Utah 2024, Chapter 159
- 37 **63N-1a-303**, as last amended by Laws of Utah 2022, Chapter 362
- 38 **63N-1a-304**, as renumbered and amended by Laws of Utah 2021, Chapter 282
- 39 **63N-1a-305**, as renumbered and amended by Laws of Utah 2021, Chapter 282
- 40 **63N-1a-306**, as last amended by Laws of Utah 2022, Chapter 362
- 41 **63N-1a-401**, as last amended by Laws of Utah 2024, Chapter 159
- 42 **63N-1b-402**, as last amended by Laws of Utah 2023, Chapter 499
- 43 **63N-1b-403**, as last amended by Laws of Utah 2023, Chapter 499
- 44 **63N-1b-404**, as last amended by Laws of Utah 2024, Chapter 159
- 45 **63N-2-103**, as last amended by Laws of Utah 2024, Chapter 438
- 46 **63N-2-104.3**, as last amended by Laws of Utah 2023, Chapter 499
- 47 **63N-2-107**, as last amended by Laws of Utah 2024, Chapter 159
- 48 **63N-16-302**, as enacted by Laws of Utah 2024, Chapter 157
- 49 **72-1-203**, as last amended by Laws of Utah 2024, Chapter 517
- 50 **72-1-303**, as last amended by Laws of Utah 2024, Chapter 498

51 RENUMBERS AND AMENDS:

- 52 **72-19-101**, (Renumbered from 63N-17-102, as last amended by Laws of Utah 2024,
53 Chapter 159)
- 54 **72-19-201**, (Renumbered from 63N-17-201, as last amended by Laws of Utah 2024,
55 Chapter 159)
- 56 **72-19-202**, (Renumbered from 63N-17-202, as last amended by Laws of Utah 2024,
57 Chapter 159)
- 58 **72-19-203**, (Renumbered from 63N-17-203, as last amended by Laws of Utah 2024,
59 Chapter 159)
- 60 **72-19-301**, (Renumbered from 63N-17-301, as last amended by Laws of Utah 2024,
61 Chapter 159)
- 62 **72-19-302**, (Renumbered from 63N-17-302, as enacted by Laws of Utah 2021,

63 Chapter 282)
 64 **72-19-401**, (Renumbered from 63N-17-401, as enacted by Laws of Utah 2024,
 65 Chapter 159)

66 REPEALS:

67 **63N-1a-201**, as last amended by Laws of Utah 2024, Chapter 159
 68 **63N-1a-202**, as last amended by Laws of Utah 2024, Chapter 159
 69 **63N-1b-102**, as last amended by Laws of Utah 2022, Chapter 118
 70 **63N-1b-401**, as renumbered and amended by Laws of Utah 2022, Chapter 362
 71 **63N-3-204**, as last amended by Laws of Utah 2022, Chapter 362

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

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

75 **11-59-203 . Authority duties and responsibilities.**

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

- 97 (i) the acquisition of rights-of-way and property necessary to ensure transit access to
 98 the point of the mountain state land; and
 99 (ii) a world class mass transit infrastructure, to service the point of the mountain state
 100 land and to enhance mobility and protect the environment; and
 101 (g) if appropriate, exercise its land use authority to increase the supply of housing in the
 102 state.
- 103 (2) In planning the development of the point of the mountain state land, the authority shall:
- 104 (a) consult with applicable governmental planning agencies, including:
- 105 (i) relevant metropolitan planning organizations; and
 106 (ii) Draper City and Salt Lake County planning and governing bodies; ~~and~~
 107 ~~[(iii) in regards to the factors described in Subsections (1)(c)(i) and (iii), the Unified~~
 108 ~~Economic Opportunity Commission created in Section 63N-1a-201;]~~
- 109 (b) research and explore the feasibility of attracting a nationally recognized research
 110 center; and
 111 (c) research and explore the appropriateness of including labor training centers and a
 112 higher education presence on the point of the mountain state land.

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

114 **35A-8-2203 . Duties of the commission.**

- 115 (1) The commission shall:
- 116 ~~[(a) serve as a subcommittee of the Unified Economic Opportunity Commission and~~
 117 ~~assist the Unified Economic Opportunity Commission in performing the Unified~~
 118 ~~Economic Opportunity Commission's duties under Section 63N-1a-202;]~~
- 119 ~~[(b)]~~ (a) a increase public and government awareness and understanding of the housing
 120 affordability needs of the state and how those needs may be most effectively and
 121 efficiently met, through empirical study and investigation;
- 122 ~~[(c)]~~ (b) b identify and recommend implementation of specific strategies, policies,
 123 procedures, and programs to address the housing affordability needs of the state;
- 124 ~~[(d)]~~ (c) c facilitate the communication and coordination of public and private entities that
 125 are involved in developing, financing, providing, advocating for, and administering
 126 affordable housing in the state;
- 127 ~~[(e)]~~ (d) d study, evaluate, and report on the status and effectiveness of policies,
 128 procedures, and programs that address housing affordability in the state;
- 129 ~~[(f)]~~ (e) e study and evaluate the policies, procedures, and programs implemented by other
 130 states that address housing affordability;

- 131 ~~[(g)]~~ (f) provide a forum for public comment on issues related to housing affordability;
- 132 ~~[(h)]~~ (g) provide recommendations to the ~~[Unified Economic Opportunity Commission~~
 133 ~~and the]~~ Legislature on strategies, policies, procedures, and programs to address the
 134 housing affordability needs of the state; and
- 135 ~~[(i)]~~ (h) on or before December 31, 2022, approve the methodology developed by the
 136 division under Subsection 35A-8-803(1)(a)(ix).
- 137 (2) To accomplish its duties, the commission may:
- 138 (a) request and receive from a state or local government agency or institution summary
 139 information relating to housing affordability, including:
- 140 (i) reports;
- 141 (ii) audits;
- 142 (iii) projections; and
- 143 (iv) statistics; and
- 144 (b) appoint one or more advisory groups to advise and assist the commission.
- 145 (3)(a) A member of an advisory group described in Subsection (2)(b):
- 146 (i) shall be appointed by the commission;
- 147 (ii) may be:
- 148 (A) a member of the commission; or
- 149 (B) an individual from the private or public sector; and
- 150 (iii) notwithstanding Section 35A-8-2202, may not receive reimbursement or pay for
 151 any work done in relation to the advisory group.
- 152 (b) An advisory group described in Subsection (2)(b) shall report to the commission on
 153 the progress of the advisory group.
- 154 Section 3. Section **36-12-23** is amended to read:
- 155 **36-12-23 . Legislative committees -- Staffing.**
- 156 (1) As used in this section:
- 157 (a) "Chair" means a presiding officer or a co-presiding officer of a committee.
- 158 (b) "Committee" means a standing committee, interim committee, subcommittee, special
 159 committee, authority, commission, council, task force, panel, or board in which
 160 legislative participation is required by statute or legislative rule.
- 161 (c) "Legislative committee" means a committee:
- 162 (i) formed by the Legislature to study or oversee subjects of legislative concern; and
- 163 (ii) that is required by statute or legislative rule to have a chair who is a legislator.
- 164 (d) "Legislator" means a member of either chamber of the Legislature.

- 165 (e) "Professional legislative office" means the Office of Legislative Research and
166 General Counsel, the Office of the Legislative Fiscal Analyst, the Office of the
167 Legislative Auditor General, or similar office of the Legislature.
- 168 (2)(a) Except as provided in Subsections (3) and (4), a professional legislative office
169 shall provide each legislative committee's staff support, regardless of whether statute
170 or legislative rule directs another entity to provide the staff support.
- 171 (b) Unless a legislative committee's enacting statute or legislative rule names a particular
172 professional legislative office to provide the legislative committee's staff support, the
173 professional legislative offices shall select, based on subject matter expertise, which
174 professional legislative office will staff the legislative committee.
- 175 (3)(a) Subject to Subsection (3)(b), the provisions of this section control over any
176 conflicting provision of statute or legislative rule.
- 177 (b)(i) If another provision of statute or legislative rule directs an entity other than a
178 professional legislative office to provide a legislative committee's staff support,
179 notwithstanding Subsection (2), a legislator who is a chair of the legislative
180 committee may elect to have the other entity provide the legislative committee's
181 staff support.
- 182 (ii) If the legislative committee has more than one chair who is a legislator, the chairs
183 who are legislators shall collectively make the election under Subsection (3)(b)(i).
- 184 (iii) A chair or chairs who make an election under Subsection (3)(b)(i) may change
185 the chair's or chairs' election no more than once each calendar year.
- 186 (4) This section does not apply to:
- 187 (a) the Point of the Mountain State Land Authority created in Section 11-59-201;
188 (b) the Utah Broadband Center Advisory Commission created in Section 36-29-109;
189 (c) the Blockchain and Digital Innovation Task Force created in Section 36-29-110;
190 (d) the Public Safety Data Management Task Force created in Section 36-29-111;
191 (e) the Constitutional Defense Council created in Section 63C-4a-202;
192 (f) the Women in the Economy [~~Subcommittee~~] Advisory Committee created in Section
193 63N-1b-402;
194 (g) the House Ethics Committee established under Legislative Joint Rule JR6-2-101; or
195 (h) the Senate Ethics Committee established under Legislative Joint Rule JR6-2-101.
- 196 Section 4. Section **36-29-109** is amended to read:
197 **36-29-109 . Utah Broadband Center Advisory Commission.**
198 (1) As used in this section:

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

- 233 commission.
- 234 (7)(a) Salaries and expenses of the broadband commission who are
235 legislators shall be paid in accordance with:
- 236 (i) Section 36-2-2;
237 (ii) Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation
238 Expenses; and
239 (iii) Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
- 240 (b) A member of the broadband commission who is not a legislator may not receive
241 compensation for the member's work associated with the broadband commission but
242 may receive per diem and reimbursement for travel expenses incurred as a member of
243 the broadband commission at the rates established by the Division of Finance under:
- 244 (i) Sections 63A-3-106 and 63A-3-107; and
245 (ii) rules made by the Division of Finance in accordance with Sections 63A-3-106
246 and 63A-3-107.
- 247 (8) The broadband center shall provide staff support to the broadband commission.
- 248 (9) The broadband commission shall:
- 249 (a) make recommendations to the broadband center with respect to:
- 250 (i) strategic plan development; and
251 (ii) the application for and use of broadband infrastructure funds;
- 252 (b) solicit input from relevant stakeholders, including:
- 253 (i) public and private entities who may assist in developing and implementing the
254 strategic plan; and
255 (ii) public and private entities whom the strategic plan may impact;
- 256 (c) provide recommendations for strategic plan development and implementation based
257 on the input described in Subsection (9)(b);
- 258 (d) review strategic plan drafts; and
259 (e) recommend changes.
- 260 (10) The broadband commission shall meet as needed.
- 261 Section 5. Section **53B-34-101** is amended to read:
262 **53B-34-101 . Definitions.**
263 As used in this chapter:
- 264 (1) "Apprenticeship program" means a program that:
- 265 (a) combines paid on-the-job learning with formal classroom instruction to prepare
266 students for careers; and

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

- 301 (13) "Technical college" means:
- 302 (a) the same as that term is defined in Section 53B-1-101.5; and
- 303 (b) a degree-granting institution acting in the degree-granting institution's technical
- 304 education role described in Section 53B-2a-201.
- 305 (14)(a) "Work-based learning program" means a program that combines structured and
- 306 supervised learning activities with authentic work experiences and that is
- 307 implemented through industry and education partnerships.
- 308 (b) "Work-based learning program" includes the following objectives:
- 309 (i) providing students an applied workplace experience using knowledge and skills
- 310 attained in a program of study that includes an internship, externship, or work
- 311 experience;
- 312 (ii) providing an educational institution with objective input from a participating
- 313 employer regarding the education requirements of the current workforce; and
- 314 (iii) providing funding for programs that are associated with high-wage, in-demand,
- 315 or emerging occupations.
- 316 (15) "Workforce programs" means education or industry programs that facilitate training
- 317 the state's workforce to meet industry demand.
- 318 Section 6. Section **53B-34-102** is amended to read:
- 319 **53B-34-102 . Talent, Education, and Industry Alignment Board -- Creation --**
- 320 **Membership -- Expenses -- Duties.**
- 321 (1) There is created the Talent, Education, and Industry Alignment Board composed of the
- 322 following members:
- 323 (a) the state superintendent of public instruction or the superintendent's designee;
- 324 (b) the commissioner or the commissioner's designee;
- 325 (c) the chair of the State Board of Education or the chair's designee;
- 326 (d) the executive director of the Department of Workforce Services or the executive
- 327 director's designee;
- 328 (e) the executive director of the Governor's Office of Economic Opportunity or the
- 329 executive director's designee;
- 330 (f) the director of the Division of Professional Licensing or the director's designee;
- 331 (g) the governor's education advisor or the advisor's designee;
- 332 (h) one member of the Senate, appointed by the president of the Senate;
- 333 (i) one member of the House of Representatives, appointed by the speaker of the House
- 334 of Representatives;

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

- 369 53B-34-105;
- 370 (f) coordinate with the talent program to meet the responsibilities described in Section
- 371 53B-34-107; and
- 372 (g) administer the Utah Works Program in accordance with Section 53B-34-108.
- 373 (8) Nothing in this section prohibits an individual who, on June 30, 2022, is a member of a
- 374 subcommittee within the Governor's Office of Economic Opportunity known as the
- 375 Talent, Education, and Industry Alignment Subcommittee from serving as a member of
- 376 the talent board.

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

378 **53B-34-111 . Youth apprenticeship governance study.**

- 379 (1) As used in this section:
- 380 (a) "Apprenticeship" means the same as the term is defined in Section 35A-6-102.
- 381 (b) "Study" means the study created in Subsection (2).
- 382 (2) There is created a study to design a framework and system for maximizing efficiencies
- 383 and expanding youth apprenticeship opportunities for students.
- 384 (3) The study shall be conducted collaboratively by the following entities:
- 385 (a) the ~~Governor's Office~~ governor's office;
- 386 (b) the State Board of Education;
- 387 (c) the Department of Workforce Services;
- 388 (d) the Talent Ready Utah Program; and
- 389 (e) relevant participating employers as determined by the entities described in
- 390 Subsections (3)(a) through (d).
- 391 (4) The study shall examine framework and system design recommendations regarding:
- 392 (a) ways to increase youth apprenticeship offerings;
- 393 (b) increasing student and employer participation in youth apprenticeships;
- 394 (c) formalizing roles and streamlining use of existing infrastructure described in:
- 395 (i) Title 35A, Chapter 6, Apprenticeship Act;
- 396 (ii) Title 53B, Chapter 34, Talent, Education, and Industry Alignment, including the
- 397 role of the state apprenticeship intermediary described in Section 53B-34-103; and
- 398 (iii) Section 53G-7-902;
- 399 (d) aligning youth apprenticeship efforts to meet the definition of youth apprenticeship
- 400 defined in Section 35A-6-102;
- 401 (e) identifying metrics to assess the success of youth apprenticeship programs;
- 402 (f) opportunities to leverage secondary and post-secondary educational programs in

- 403 conjunction with youth apprenticeships, including:
- 404 (i) career and technical education;
- 405 (ii) concurrent enrollment; and
- 406 (iii) stackable credentials; and
- 407 (g) the creation of career competencies to prepare a qualified workforce.
- 408 (5) The staff of the Talent Ready Utah Program shall staff the study.
- 409 (6) No later than May 1, 2025, the entities described in [~~Subsections (3)(a) through (e)~~]
- 410 Subsection (3) shall report the recommendations described in Subsection (4) to[~~;~~]
- 411 [~~(a)~~] the talent board[~~;~~and] .
- 412 [~~(b) the Unified Economic Opportunity Commission.~~]
- 413 Section 8. Section **63N-1a-102** is amended to read:
- 414 **63N-1a-102 . Definitions.**
- 415 As used in this title:
- 416 (1) "Baseline jobs" means the number of full-time employee positions that existed within a
- 417 business entity in the state before the date on which a project related to the business
- 418 entity is approved by the office or by the GOEO board.
- 419 (2) "Baseline state revenue" means the amount of state tax revenue collected from a
- 420 business entity or the employees of a business entity during the year before the date on
- 421 which a project related to the business entity is approved by the office or by the GOEO
- 422 board.
- 423 [~~(3) "Commission" means the Unified Economic Opportunity Commission created in~~
- 424 ~~Section 63N-1a-201.~~]
- 425 [~~(4)~~] (3) "Economic opportunity agency" includes:
- 426 (a) the Department of Workforce Services;
- 427 (b) the Department of Cultural and Community Engagement;
- 428 (c) the Department of Commerce;
- 429 (d) the Department of Natural Resources;
- 430 (e) the Office of Energy Development;
- 431 (f) the State Board of Education;
- 432 (g) institutions of higher education;
- 433 (h) the Utah Multicultural Commission;
- 434 (i) the World Trade Center Utah;
- 435 (j) local government entities;
- 436 (k) associations of governments;

- 437 (l) the Utah League of Cities and Towns;
- 438 (m) the Utah Association of Counties;
- 439 (n) the Economic Development Corporation of Utah;
- 440 (o) the Small Business Administration;
- 441 (p) chambers of commerce;
- 442 (q) industry associations;
- 443 (r) small business development centers; and
- 444 (s) other entities identified by the commission or the executive director.
- 445 [~~(5)~~] (4) "Executive director" means the executive director of the office.
- 446 [~~(6)~~] (5) "Full-time employee" means an employment position that is filled by an employee
- 447 who works at least 30 hours per week and:
- 448 (a) may include an employment position filled by more than one employee, if each
- 449 employee who works less than 30 hours per week is provided benefits comparable to
- 450 a full-time employee; and
- 451 (b) may not include an employment position that is shifted from one jurisdiction in the
- 452 state to another jurisdiction in the state.
- 453 [~~(7)~~] (6) "GOEO board" means the Board of Economic Opportunity created in Section
- 454 63N-1a-401.
- 455 [~~(8)~~] (7) "High paying job" means a newly created full-time employee position where the
- 456 aggregate average annual gross wage of the employment position, not including health
- 457 care or other paid or unpaid benefits, is:
- 458 (a) at least 110% of the average wage of the county in which the employment position
- 459 exists; or
- 460 (b) for an employment position related to a project described in Chapter 2, Part 1,
- 461 Economic Development Tax Increment Financing, and that is located within the
- 462 boundary of a county of the third, fourth, fifth, or sixth class, or located within a
- 463 municipality in a county of the second class and where the municipality has a
- 464 population of 10,000 or less:
- 465 (i) at least 100% of the average wage of the county in which the employment position
- 466 exists; or
- 467 (ii) an amount determined by rule made by the office in accordance with Title 63G,
- 468 Chapter 3, Utah Administrative Rulemaking Act, if the office determines the
- 469 project is in a county experiencing economic distress.
- 470 [~~(9)~~] (8)(a) "Incremental job" means a full-time employment position in the state that:

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

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

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

477 (i) directly by a business entity; or

478 (ii) by a professional employer organization, as defined in Section 31A-40-102, on
479 behalf of a business entity.

480 ~~[(10)]~~ (9) "New state revenue" means the state revenue collected from a business entity or a
481 business entity's employees during a calendar year minus the baseline state revenue
482 calculation.

483 ~~[(11)]~~ (10) "Office" or "GOEO" means the Governor's Office of Economic Opportunity.

484 ~~[(12)]~~ (11) "State revenue" means state tax liability paid by a business entity or a business
485 entity's employees under any combination of the following provisions:

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

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

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

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

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

492 ~~[(13)]~~ (12) "State strategic goals" means the strategic goals listed in Section 63N-1a-103.

493 ~~[(14)]~~ (13) "Statewide economic development strategy" means the economic development
494 strategy developed by the ~~[commission in accordance with Section 63N-1a-202]~~ office in
495 accordance with Section 63N-1a-301.

496 ~~[(15)]~~ "Talent board" means the Talent, Education, and Industry Alignment Board created in
497 ~~Section 53B-34-102.]~~

498 ~~[(16)]~~ (14) "Targeted industry" means an industry or group of industries targeted by the [
499 ~~commission under Section 63N-1a-202]~~ office under Section 63N-1a-301, for economic
500 development in the state.

501 Section 9. Section **63N-1a-301** is amended to read:

502 **63N-1a-301 . Creation of office -- Responsibilities.**

503 (1) There is created the Governor's Office of Economic Opportunity.

504 (2) The office is:

- 505 (a) responsible for creating and implementing the statewide economic development
506 strategy [developed by the commission; and] that:
- 507 (i) unifies and coordinates economic development efforts in the state;
508 (ii) includes key performance indicators for long-term progress toward the state
509 strategic goals;
510 (iii) establishes reporting and accountability processes for the key performance
511 indicators; and
512 (iv) ensures the success of statewide economic development; and
- 513 (b) the industrial and business promotion authority of the state.
- 514 (3) The office shall:
- 515 (a) consistent with the statewide economic development strategy, coordinate and align
516 into a single effort the activities of the economic opportunity agencies in the field of
517 economic development;
- 518 (b) provide support and direction to economic opportunity agencies in establishing
519 goals, metrics, and activities that align with the statewide economic development
520 strategy;
- 521 (c) administer and coordinate state and federal economic development grant programs;
- 522 (d) promote and encourage the economic, commercial, financial, industrial, agricultural,
523 and civic welfare of the state;
- 524 (e) develop the statewide economic development strategy consistent with the state water
525 policy described in Section 73-1-21, including the state's commitment to appropriate:
- 526 (i) conservation;
527 (ii) efficient and optimal use of water resources;
528 (iii) infrastructure development and improvement;
529 (iv) optimal agricultural use;
530 (v) water quality;
531 (vi) reasonable access to recreational activities;
532 (vii) effective wastewater treatment; and
533 (viii) protecting and restoring health ecosystems;
- 534 (f) at least once every five years, identify which industry or groups of industries shall be
535 targeted for economic development in the state;
- 536 [(e)] (g) promote and encourage the employment of workers in the state and the purchase
537 of goods and services produced in the state by local businesses;
- 538 [(f)] (h) act to create, develop, attract, and retain business, industry, and commerce in the

- 539 state:
- 540 (i) in accordance with the statewide economic development [~~plan and commission~~
- 541 ~~directives~~] strategy; and
- 542 (ii) subject to the restrictions in Section 11-41-103;
- 543 [~~(g)~~] (i) act to enhance the state's economy;
- 544 (j) analyze the state's projected long-term population and economic growth and plan for
- 545 the anticipated impacts of the projected growth in a manner that improves quality of
- 546 life and is consistent with the statewide economic development strategy and state
- 547 strategic goals;
- 548 [~~(h)~~] (k) act to assist strategic industries that are likely to drive future economic growth;
- 549 [~~(i)~~] (l) assist communities in the state in developing economic development capacity and
- 550 coordination with other communities;
- 551 (m) develop strategies and plans to ensure comprehensive economic development efforts
- 552 are targeted to the unique needs of rural areas of the state;
- 553 [~~(j)~~] (n) identify areas of education and workforce development in the state that can be
- 554 improved to support economic and business development;
- 555 [~~(k)~~] (o) [~~consistent with direction from the commission,~~] develop core strategic
- 556 priorities for the office, which may include:
- 557 (i) enhancing statewide access to entrepreneurship opportunities and small business
- 558 support;
- 559 (ii) focusing industry recruitment and expansion of targeted industries;
- 560 (iii) ensuring that in awarding competitive economic development incentives the
- 561 office accurately measures the benefits and costs of the incentives; and
- 562 (iv) assisting communities with technical support to aid those communities in
- 563 improving economic development opportunities;
- 564 [~~(l)~~] (p) submit an annual written report as described in Section 63N-1a-306; and
- 565 [~~(m)~~] (q) perform other duties as provided by the Legislature.
- 566 (4) To perform the office's duties under this title, the office may:
- 567 (a) enter into a contract or agreement with, or make a grant to, a public or private entity,
- 568 including a municipality, if the contract or agreement is not in violation of state
- 569 statute or other applicable law;
- 570 (b) except as provided in Subsection (4)(c), receive and expend funds from a public or
- 571 private source for any lawful purpose that is in the state's best interest; and
- 572 (c) solicit and accept a contribution of money, services, or facilities from a public or

573 private donor, but may not use the contribution for publicizing the exclusive interest
574 of the donor.

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

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

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

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

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

585 Section 10. Section **63N-1a-303** is amended to read:

586 **63N-1a-303 . Powers and duties of executive director.**

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

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

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

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

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

597 (c) shall annually prepare and submit to the governor a budget of the office's financial
598 requirements.

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

603 (5) The executive director shall coordinate with the executive directors of the Department
604 of Workforce Services and the Governor's Office of Planning and Budget to review data
605 and metrics to be reported to the Legislature as described in [Subsection
606 ~~63N-1a-306(2)(b)] Section 63N-1a-306.~~

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

610 Section 11. Section **63N-1a-304** is amended to read:

611 **63N-1a-304 . Executive director and the Public Service Commission.**

612 (1) The executive director or the executive director's designee shall:

613 (a) become generally informed of significant rate cases and policy proceedings before
 614 the Public Service Commission; and

615 (b) monitor and study the potential economic development impact of [~~these~~] the
 616 proceedings.

617 (2) In the discretion of the executive director or the executive director's designee, the office
 618 may appear in a proceeding before the Public Service Commission to testify, advise, or
 619 to present argument regarding the economic development impact of a matter that is the
 620 subject of the proceeding.

621 Section 12. Section **63N-1a-305** is amended to read:

622 **63N-1a-305 . Incentive review process.**

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

626 Section 13. Section **63N-1a-306** is amended to read:

627 **63N-1a-306 . Annual report -- Content -- Format.**

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

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

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

635 (b) data and metrics:

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

639 (ii) that are consistent and comparable for each state operation, activity, program, or
 640 service that primarily involves employment training or placement as determined

- 641 by the executive directors of the office, the Department of Workforce Services,
 642 and the Governor's Office of Planning and Budget;
- 643 (c) budget data, including the amount and source of funding, expenses, and allocation of
 644 full-time employees for the operation, activity, program, or service;
- 645 (d) historical data from previous years for comparison with data reported under
 646 Subsections (2)(b) and (c);
- 647 (e) goals, challenges, and achievements related to the operation, activity, program, or
 648 service;
- 649 (f) relevant federal and state statutory references and requirements;
- 650 (g) contact information of officials knowledgeable and responsible for each operation,
 651 activity, program, or service; and
- 652 (h) other information determined by the office that:
- 653 (i) may be needed, useful, or of historical significance; or
 654 (ii) promotes accountability and transparency for each operation, activity, program,
 655 or service with the public and elected officials.
- 656 (3) The annual report shall be designed to provide clear, accurate, and accessible
 657 information to the public, the governor, and the Legislature.
- 658 (4) The office shall:
- 659 (a) submit the annual report in accordance with Section 68-3-14; and
 660 (b) make the annual report, and previous annual reports, accessible to the public by
 661 placing a link to the reports on the office's website[; ~~and~~] .
- 662 [~~(e) provide the data and metrics described in Subsection (2)(b) to the talent board.~~]
- 663 Section 14. Section **63N-1a-401** is amended to read:
- 664 **63N-1a-401 . Creation of Board of Economic Opportunity.**
- 665 (1)(a) There is created within the office the Board of Economic Opportunity, consisting
 666 of nine members appointed by the [~~chair of the commission~~] executive director of the
 667 office, in consultation with the [~~executive director~~] governor, to four-year terms of
 668 office with the advice and consent of the Senate in accordance with Title 63G,
 669 Chapter 24, Part 2, Vacancies.
- 670 (b) The nine members described in Subsection (1)(a) shall include:
- 671 (i) one member associated with the state's rural communities;
- 672 (ii) one member associated with direct entrepreneurship in the state;
- 673 (iii) one member associated with higher education in the state;
- 674 (iv) five members, other than the members described in Subsections (1)(b)(i) through

- 675 (iii), that are associated with a targeted industry; and
 676 (v) one at-large member.
- 677 (c) Notwithstanding the requirements of Subsection (1)(a), the [~~chair of the commission~~
 678 executive director] shall, at the time of appointment or reappointment, adjust the
 679 length of terms to ensure that the terms of board members are staggered so that
 680 approximately half of the board is appointed every two years.
- 681 (d) The members may not serve more than two full consecutive terms except when the [
 682 ~~chair of the commission~~] executive director determines that an additional term is in
 683 the best interest of the state.
- 684 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
 685 appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2,
 686 Vacancies.
- 687 (3) A majority of board members, not including a vacancy, constitutes a quorum for
 688 conducting board business and exercising board power.
- 689 (4) [~~The chair of the commission-~~] The executive director shall select one board member as
 690 the board's chair and one member as the board's vice chair.
- 691 (5) A member may not receive compensation or benefits for the member's service, but may
 692 receive per diem and travel expenses in accordance with:
 693 (a) Section 63A-3-106;
 694 (b) Section 63A-3-107; and
 695 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 696 (6) A member shall comply with the conflict of interest provisions described in Title 63G,
 697 Chapter 24, Part 3, Conflicts of Interest.
- 698 Section 15. Section **63N-1b-402** is amended to read:
 699 **63N-1b-402 . Women in the Economy Advisory Committee created.**
- 700 (1) As used in this section, "advisory committee" means the Women in the Economy
 701 Advisory Committee created in this section.
- 702 (2) There is created [~~a subcommittee of the commission~~] within the office an advisory
 703 committee called the Women in the Economy [~~Subcommittee~~] Advisory Committee.
- 704 [(2)] (3) The [~~subcommittee~~] advisory committee shall consist of 15 members as follows:
 705 (a) one senator appointed by the president of the Senate;
 706 (b) one senator appointed by the minority leader of the Senate;
 707 (c) one representative appointed by the speaker of the House of Representatives;
 708 (d) one representative appointed by the minority leader of the House of Representatives;

- 709 (e) the executive director of the department, or the executive director's designee; and
- 710 (f) 10 members appointed by the governor as follows:
- 711 (i) two individuals who represent businesses in the state that:
- 712 (A) have fewer than 50 employees; and
- 713 (B) have demonstrated a commitment to women in the economy;
- 714 (ii) two individuals who represent businesses in the state that:
- 715 (A) have 50 or more employees, but fewer than 500 employees; and
- 716 (B) have demonstrated a commitment to women in the economy;
- 717 (iii) two individuals who represent businesses in the state that:
- 718 (A) have 500 or more employees; and
- 719 (B) have demonstrated a commitment to women in the economy;
- 720 (iv) an individual who has experience in economic and demographic work;
- 721 (v) one individual from a nonprofit organization that focuses on women's advocacy;
- 722 (vi) one individual with managerial experience with organized labor; and
- 723 (vii) one individual who serves as an officer, employee, or appointee of a local
- 724 government, nominated by the Utah League of Cities and Towns.
- 725 ~~[(3)]~~ (4)(a) When a vacancy occurs in a position appointed by the governor under
- 726 Subsection (2)(f), the governor shall appoint a person to fill the vacancy.
- 727 (b) A member appointed under Subsection (2)(f) shall serve a term of four years.
- 728 (c) Notwithstanding Subsection (3)(b), for members appointed under Subsection (2)(f),
- 729 the governor shall, at the time of appointment or reappointment, adjust the length of
- 730 terms to ensure that the terms of ~~[subcommittee]~~ advisory committee members are
- 731 staggered so that approximately half of the ~~[subcommittee]~~ advisory committee
- 732 members appointed under Subsection (2)(f) are appointed every two years.
- 733 (d) Members appointed under Subsection (2)(f) may be removed by the governor for
- 734 cause.
- 735 (e) A member appointed under Subsection (2)(f) shall be removed from the [
- 736 ~~subcommittee]~~ advisory committee and replaced by the governor if the member is
- 737 absent for three consecutive meetings of the ~~[subcommittee]~~ advisory committee
- 738 without being excused by the chair of the ~~[subcommittee]~~ advisory committee.
- 739 (f) A member serves until the member's successor is appointed and qualified.
- 740 ~~[(4)]~~ (5) In appointing the members under Subsection (2)(f), the governor shall:
- 741 (a) take into account the geographical makeup of the ~~[subcommittee]~~ advisory committee;
- 742 and

- 743 (b) strive to appoint members who are knowledgeable or have an interest in issues
744 related to women in the economy.
- 745 ~~[(5)]~~ (6)(a) The ~~[subcommittee]~~ advisory committee shall select two members who are
746 legislators to serve as cochairs, of which:
- 747 (i) one cochair shall be a member of the Senate; and
748 (ii) one cochair shall be a member of the House of Representatives.
- 749 (b) Subject to the other provisions of this Subsection (5), the cochairs are responsible for
750 the call and conduct of meetings.
- 751 (c) The cochairs shall call and hold meetings of the ~~[subcommittee]~~ advisory committee
752 at least four times per year.
- 753 ~~[(6)]~~ (7)(a) A majority of the members of the ~~[subcommittee]~~ advisory committee
754 constitutes a quorum.
- 755 (b) The action of a majority of a quorum constitutes the action of the ~~[subcommittee]~~
756 advisory committee.
- 757 ~~[(7)]~~ (8)(a) A member of the ~~[subcommittee]~~ advisory committee described in Subsection
758 (2)(e) or (f) may not receive compensation or benefits for the member's service, but
759 may receive per diem and travel expenses in accordance with:
- 760 (i) Section 63A-3-106;
761 (ii) Section 63A-3-107; and
762 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
763 63A-3-107.
- 764 (b) Compensation and expenses of a member who is a legislator are governed by Section
765 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- 766 ~~[(8)]~~ (9) The office shall provide staff support to the ~~[subcommittee]~~ advisory committee.
767 Section 16. Section **63N-1b-403** is amended to read:
- 768 **63N-1b-403 . Purpose -- Powers and duties of the advisory committee.**
- 769 (1) The ~~[subcommittee's]~~ advisory committee's purpose is to:
- 770 (a) increase public and government understanding of the current and future impact and
771 needs of the state's women in the economy and how those needs may be most
772 effectively and efficiently met;
- 773 (b) identify and recommend implementation of specific policies, procedures, and
774 programs to respond to the rights, needs, and impact of women in the economy; and
775 (c) facilitate coordination of the functions of public and private entities concerned with
776 women in the economy.

- 777 (2) The [subcommittee] advisory committee shall:
- 778 (a) facilitate the communication and coordination of public and private entities that
- 779 provide services to women or protect the rights of women;
- 780 (b) study, evaluate, and report on the status and effectiveness of policies, procedures,
- 781 and programs that provide services to women or protect the rights of women;
- 782 (c) study and evaluate the policies, procedures, and programs implemented by other
- 783 states that address the needs of women in the economy or protect the rights of women;
- 784 (d) facilitate and conduct the research and study of issues related to women in the
- 785 economy;
- 786 (e) provide a forum for public comment on issues related to women in the economy;
- 787 (f) provide public information on women in the economy and the services available to
- 788 women; and
- 789 (g) encourage state and local governments to analyze, plan, and prepare for the impact of
- 790 women in the economy on services and operations.
- 791 (3) To accomplish the [subcommittee's] advisory committee's duties, the [subcommittee]
- 792 advisory committee may:
- 793 (a) request and receive from a state or local government agency or institution summary
- 794 information relating to women in the economy, including:
- 795 (i) reports;
- 796 (ii) audits;
- 797 (iii) projections; and
- 798 (iv) statistics;
- 799 (b) in coordination with the office, apply for and accept grants or donations for uses
- 800 consistent with the duties of the [subcommittee] advisory committee from public or
- 801 private sources; and
- 802 (c) appoint one or more working groups to advise and assist the [subcommittee] advisory
- 803 committee.
- 804 (4) Money received by the office under Subsection (3)(b) shall be:
- 805 (a) accounted for and expended in compliance with the requirements of federal and state
- 806 law; and
- 807 (b) continuously available to the [subcommittee] advisory committee to carry out the [
- 808 subcommittee's] advisory committee's duties.
- 809 (5)(a) A member of a working group described in Subsection (3)(c):
- 810 (i) shall be appointed by the [subcommittee] advisory committee;

- 811 (ii) may be:
- 812 (A) a member of the ~~[subcommittee]~~ advisory committee; or
- 813 (B) an individual from the private or public sector; and
- 814 (iii) notwithstanding Section 63N-1b-402, may not receive reimbursement or pay for
- 815 any work done in relation to the working group.

816 (b) A working group described in Subsection (3)(c) shall report to the ~~[subcommittee]~~

817 advisory committee on the progress of the working group.

818 Section 17. Section **63N-1b-404** is amended to read:

819 **63N-1b-404 . Annual report.**

820 (1) The ~~[subcommittee]~~ advisory committee shall annually prepare a report for inclusion in

821 the ~~[commission's report to the office under Subsection 63N-1a-202(4)]~~ office's annual

822 report under Section 63N-1a-306.

823 (2) The report described in Subsection (1) shall:

824 (a) describe how the ~~[subcommittee]~~ advisory committee fulfilled the ~~[subcommittee's]~~

825 advisory committee's statutory purposes and duties during the year; and

826 (b) contain recommendations on how the state should act to address issues relating to

827 women in the economy.

828 Section 18. Section **63N-2-103** is amended to read:

829 **63N-2-103 . Definitions.**

830 As used in this part:

831 (1)(a) "Business entity" means a person that enters into a written agreement with the

832 office to initiate a new commercial project in Utah that will qualify the person to

833 receive a tax credit under Section 59-7-614.2 or 59-10-1107.

834 (b) With respect to a tax credit authorized by the office in accordance with Subsection

835 63N-2-104.3(2), "business entity" includes a nonprofit entity.

836 (2) "Commercial or industrial zone" means an area zoned agricultural, commercial,

837 industrial, manufacturing, business park, research park, or other appropriate business

838 related use in a general plan that contemplates future growth.

839 (3) "Development zone" means an economic development zone created under Section

840 63N-2-104.

841 (4) "Local government entity" means a county, city, or town.

842 (5) "New commercial project" means an economic development opportunity that:

843 (a) involves a targeted industry; or

844 (b) is located within:

- 845 (i) a county of the third, fourth, fifth, or sixth class; or
 846 (ii) a municipality that has a population of 10,000 or less and the municipality is
 847 located within a county of the second class~~[; or]~~ .
- 848 ~~[(e) involves an economic development opportunity that the commission determines to
 849 be eligible for a tax credit under this part.]~~
- 850 (6) "Remote work opportunity" means a new commercial project that:
 851 (a) does not require a physical office in the state where employees associated with the
 852 new commercial project are required to work; and
 853 (b) requires employees associated with the new commercial project to:
 854 (i) work remotely from a location within the state; and
 855 (ii) maintain residency in the state.
- 856 (7) "Significant capital investment" means an investment in capital or fixed assets, which
 857 may include real property, personal property, and other fixtures related to a new
 858 commercial project that represents an expansion of existing operations in the state or
 859 that increases the business entity's existing workforce in the state.
- 860 (8) "Tax credit" means an economic development tax credit created by Section 59-7-614.2
 861 or 59-10-1107.
- 862 (9) "Tax credit amount" means the amount the office lists as a tax credit on a tax credit
 863 certificate for a taxable year.
- 864 (10) "Tax credit certificate" means a certificate issued by the office that:
 865 (a) lists the name of the business entity to which the office authorizes a tax credit;
 866 (b) lists the business entity's taxpayer identification number;
 867 (c) lists the amount of tax credit that the office authorizes the business entity for the
 868 taxable year; and
 869 (d) may include other information as determined by the office.
- 870 (11) "Written agreement" means a written agreement entered into between the office and a
 871 business entity under Section 63N-2-104.2.
- 872 Section 19. Section **63N-2-104.3** is amended to read:
 873 **63N-2-104.3 . Limitations on tax credit amount.**
- 874 (1) Except as provided in Subsection (2)(a), for a new commercial project that is located
 875 within the boundary of a county of the first or second class, the office may not authorize
 876 a tax credit that exceeds:
 877 (a) 50% of the new state revenues from the new commercial project in any given year; or
 878 (b) 30% of the new state revenues from the new commercial project over a period of up

- 879 to 20 years[;or] .
- 880 [(e) 35% of the new state revenues from the new commercial project over a period of up
- 881 to 20 years, if:]
- 882 [(i) the new commercial project brings 2,500 or more new incremental jobs to the
- 883 state;]
- 884 [(ii) the amount of capital expenditures associated with the new commercial project is
- 885 \$1,000,000,000 or more; and]
- 886 [(iii) the commission approves the tax credit.]
- 887 (2) If the office authorizes a tax credit for a new commercial project located within the
- 888 boundary of:
- 889 (a) a municipality with a population of 10,000 or less located within a county of the
- 890 second class and that is experiencing economic hardship as determined by the office,
- 891 the office may authorize a tax credit of up to 50% of new state revenues from the new
- 892 commercial project over a period of up to 20 years;
- 893 (b) a county of the third class, the office may authorize a tax credit of up to 50% of new
- 894 state revenues from the new commercial project over a period of up to 20 years; and
- 895 (c) a county of the fourth, fifth, or sixth class, the office may authorize a tax credit of
- 896 50% of new state revenues from the new commercial project over a period of up to
- 897 20 years.
- 898 Section 20. Section **63N-2-107** is amended to read:
- 899 **63N-2-107 . Reports of new state revenue, partial rebates, and tax credits.**
- 900 (1) Before October 1 of each year, the office shall submit a report to the Governor's Office
- 901 of Planning and Budget, the Office of the Legislative Fiscal Analyst, and the Division of
- 902 Finance identifying:
- 903 (a)(i) the total estimated amount of new state revenue created from new commercial
- 904 projects;
- 905 (ii) the estimated amount of new state revenue from new commercial projects that
- 906 will be generated from:
- 907 (A) sales tax;
- 908 (B) income tax; and
- 909 (C) corporate franchise and income tax; and
- 910 (iii) the minimum number of new incremental jobs and high paying jobs that will be
- 911 created before any tax credit is awarded; and
- 912 (b) the total estimated amount of tax credits that the office projects that business entities

913 will qualify to claim under this part.

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

- 917 (a) each new written agreement that the office entered into since the last report;
918 (b) the estimated amount of new state revenue that will be generated under each written
919 agreement described in Subsection (2)(a);
920 (c) the estimated maximum amount of tax credits that a business entity could qualify for
921 under each written agreement described in Subsection (2)(a); and
922 (d) the minimum number of new incremental jobs and high paying jobs that will be
923 created before any tax credit is awarded.

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

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

935 Section 21. Section **63N-16-302** is amended to read:

936 **63N-16-302 . Proactive regulatory relief efforts.**

937 (1) As used in this section:

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

942 (2) The regulatory relief office may:

- 943 (a) review, at any time, any existing state laws or regulations that may unnecessarily
944 inhibit the creation or success of companies or industries other than the occupational
945 regulations of individuals reviewed by the Office of Professional Licensure Review
946 under Title 13, Chapter 1b, Office of Professional Licensure Review; and

- 947 (b) provide recommendations to the governor and the Legislature on modifying those
948 state laws and regulations described in Subsection (2)(a).
- 949 (3) The regulatory relief office shall:
- 950 (a) create a regulatory framework; and
- 951 (b) annually study the laws and regulations of at least two industries selected from:
- 952 (i) an industry targeted for economic development by the [~~Unified Economic~~
953 ~~Opportunity Commission~~] office as described in Section [~~63N-1a-202~~] 63N-1a-302;
954 or
- 955 (ii) an industry designated by the General Regulatory Sandbox Program Advisory
956 Committee for study by the regulatory relief office.
- 957 (4) In undertaking the review described in Subsection [~~(3),~~] (2), the regulatory relief office
958 shall:
- 959 (a) identify any law or regulation that the regulatory relief office determines inhibits the
960 creation or success of new and existing companies or industries;
- 961 (b) apply the regulatory framework to the identified law or regulation; and
- 962 (c) consider:
- 963 (i) the history of the identified regulation or law, including the reasons why the
964 regulation or law was originally enacted;
- 965 (ii) whether the identified regulation or law:
- 966 (A) creates an unnecessary barrier to industry for businesses; or
967 (B) imposes an unnecessary cost to businesses or consumers;
- 968 (iii) whether the penalty for violation of the regulation or law, if any, is proportional
969 to the potential harm; and
- 970 (iv) if there are potentially less burdensome alternatives to the existing regulation or
971 law and apply the regulatory framework to that alternative.
- 972 (5) The regulatory relief office shall submit as part of the report described in Section
973 63N-16-105:
- 974 (a) a detailed overview of the regulatory relief office's study of the laws and regulations
975 as described in this section, including the reasons why the laws and regulations of a
976 particular industry were selected for study and the strategy the office implemented to
977 study the laws and regulations of that industry; and
- 978 (b) recommended changes to a law or regulation identified by the regulatory relief office
979 in Subsection (4) that the regulatory relief office determines:
- 980 (i) is inhibiting the success of businesses, companies, or industries; and

981 (ii) would not present a high risk level to the public if the law or regulation were
982 permanently removed or temporarily waived.

983 Section 22. Section **72-1-203** is amended to read:

984 **72-1-203 . Deputy director -- Appointment -- Qualifications -- Other assistants**
985 **and advisers -- Salaries.**

986 (1) The executive director shall appoint the following deputy directors, who shall serve at
987 the discretion of the executive director:

988 (a) the deputy director of engineering and operation, who shall be a registered
989 professional engineer in the state, and who shall be the chief engineer of the
990 department; and

991 (b) the deputy director of planning and investment.

992 (2) As assigned by the executive director, the deputy directors described in Subsection (1)
993 may assist the executive director with the following departmental responsibilities:

994 (a) project development, including statewide standards for project design and
995 construction, right-of-way, materials, testing, structures, and construction;

996 (b) oversight of the management of the region offices described in Section 72-1-205;

997 (c) operations and traffic management;

998 (d) oversight of operations of motor carriers and ports;

999 (e) transportation systems safety;

1000 (f) aeronautical operations;

1001 (g) equipment for department engineering and maintenance functions;

1002 (h) oversight and coordination of planning, including:

1003 (i) development of statewide strategic initiatives for planning across all modes of
1004 transportation;

1005 (ii) coordination with metropolitan planning organizations and local governments;

1006 (iii) coordination with a large public transit district, including planning, project
1007 development, outreach, programming, environmental studies and impact
1008 statements, construction, and impacts on public transit operations; and

1009 (iv) corridor and area planning;

1010 (i) asset management;

1011 (j) programming and prioritization of transportation projects;

1012 (k) fulfilling requirements for environmental studies and impact statements;

1013 (l) resource investment, including identification, development, and oversight of
1014 public-private partnership opportunities;

- 1015 (m) data analytics services to the department;
- 1016 (n) corridor preservation;
- 1017 (o) employee development;
- 1018 (p) maintenance planning;
- 1019 (q) oversight and facilitation of the negotiations and integration of public transit
- 1020 providers described in Section 17B-2a-827;
- 1021 (r) oversight and supervision of any fixed guideway capital development project within
- 1022 the boundaries of a large public transit district for which any state funds are
- 1023 expended, including those responsibilities described in Subsections (2)(a), (h), (j),
- 1024 (k), and (l), and the implementation and enforcement of any federal grant obligations
- 1025 associated with fixed guideway capital development project funding; and
- 1026 (s) other departmental responsibilities as determined by the executive director.
- 1027 (3) The executive director shall ensure that the same deputy director does not oversee or
- 1028 supervise both the fixed guideway capital development responsibilities described in
- 1029 Subsection (2)(r) and the department's fixed guideway rail safety responsibilities,
- 1030 including the responsibilities described in Section 72-1-214.
- 1031 (4) The executive director shall ensure that the same deputy director does not oversee or
- 1032 supervise both the authorization of a telecommunication provider to have longitudinal
- 1033 access to state right-of-way as described in Section 72-7-108, and the operations and
- 1034 duties of the Utah Broadband Center created in Section 72-19-201.
- 1035 Section 23. Section **72-1-303** is amended to read:
- 1036 **72-1-303 . Duties of commission.**
- 1037 (1) The commission has the following duties:
- 1038 (a) determining priorities and funding levels of projects and programs in the state
- 1039 transportation systems and the capital development of new public transit facilities for
- 1040 each fiscal year based on project lists compiled by the department and taking into
- 1041 consideration the strategic initiatives described in Section 72-1-211;
- 1042 (b) determining additions and deletions to state highways under Chapter 4, Designation
- 1043 of State Highways Act;
- 1044 (c) holding public meetings and otherwise providing for public input in transportation
- 1045 matters;
- 1046 (d) making policies and rules in accordance with Title 63G, Chapter 3, Utah
- 1047 Administrative Rulemaking Act, necessary to perform the commission's duties
- 1048 described under this section;

- 1049 (e) in accordance with Section 63G-4-301, reviewing orders issued by the executive
1050 director in adjudicative proceedings held in accordance with Title 63G, Chapter 4,
1051 Administrative Procedures Act;
- 1052 (f) advising the department on state transportation systems policy;
- 1053 (g) approving settlement agreements of condemnation cases subject to Section
1054 63G-10-401;
- 1055 (h) in accordance with Section 17B-2a-807, appointing a commissioner to serve as a
1056 nonvoting member or a voting member on the board of trustees of a public transit
1057 district;
- 1058 (i) in accordance with Section 17B-2a-808, reviewing, at least annually, the short-term
1059 and long-range public transit plans;
- 1060 (j) determining the priorities and funding levels of public transit innovation grants, as
1061 defined in Section 72-2-401;[~~and~~]
- 1062 (k) approving grant awards administered by the Utah Broadband Center in accordance
1063 with Section 17-19-301; and
- 1064 [~~(k)~~] (l) reviewing administrative rules made, substantively amended, or repealed by the
1065 department.
- 1066 (2)(a) For projects prioritized with funding provided under Sections 72-2-124 and
1067 72-2-125, the commission shall annually report to a committee designated by the
1068 Legislative Management Committee:
- 1069 (i) a prioritized list of the new transportation capacity projects in the state
1070 transportation system and the funding levels available for those projects; and
1071 (ii) the unfunded highway construction and maintenance needs within the state.
- 1072 (b) The committee designated by the Legislative Management Committee under
1073 Subsection (2)(a) shall:
- 1074 (i) review the list reported by the Transportation Commission; and
1075 (ii) make a recommendation to the Legislature on:
- 1076 (A) the amount of additional funding to allocate to transportation; and
1077 (B) the source of revenue for the additional funding allocation under Subsection
1078 (2)(b)(ii)(A).
- 1079 (3) The commission shall review and may approve plans for the construction of a highway
1080 facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval of
1081 Highway Facilities on Sovereign Lands Act.
- 1082 (4) One or more associations representing airport operators or pilots in the state shall

1083 annually report to the commission recommended airport improvement projects and any
 1084 other information related to the associations' expertise and relevant to the commission's
 1085 duties.

1086 Section 24. Section **72-19-101**, which is renumbered from Section 63N-17-102 is renumbered
 1087 and amended to read:

1088 **CHAPTER 19. UTAH BROADBAND CENTER**

1089 **Part 1. General Provisions**

1090 **[63N-17-102] 72-19-101 . Definitions.**

1091 As used in this chapter:

1092 (1) "Broadband center" means the Utah Broadband Center created in Section [~~63N-17-201~~]
 1093 72-19-201.

1094 (2) "Broadband commission" means the Utah Broadband Center Advisory Commission
 1095 created in Section 36-29-109.

1096 [~~(2)~~] (3) "Final proposal" means the submission provided by the state to the Assistant
 1097 Secretary of Commerce for Communications and Information as part of the state's
 1098 BEAD Application, as set forth in 47 U.S.C. Sec. 1702(e)(4).

1099 [~~(3)~~] (4) "Initial proposal" means the submission provided by the state to the Assistant
 1100 Secretary of Commerce for Communications and Information as part of the state's
 1101 BEAD Application, as set forth in 47 U.S.C. Sec. 1702(e)(3).

1102 [~~(4)~~] (5) "Letter of intent" means the submission provided by the state to the Assistant
 1103 Secretary of Commerce for Communications and Information as part of the state's
 1104 BEAD Application, as set forth in 47 U.S.C. Sec. 1702(e)(1)(B).

1105 [~~(5)~~] (6) "Public-private partnership" means an arrangement or agreement between a
 1106 government entity and one or more private persons to fund and provide for a public need
 1107 through the development or operation of a public project in which the private person or
 1108 persons share with the government entity the responsibility or risk of developing,
 1109 owning, maintaining, financing, or operating the project.

1110 [~~(6)~~] (7) "Subgrantee" means an entity that receives funds from the state under:

1111 (a) the Broadband Access Grant Program created in Section [~~63N-17-301~~] 72-19-301; or

1112 (b) the Broadband Equity Access and Deployment Grant Program created in Section [
 1113 ~~63N-17-401~~] 72-19-401.

1114 [~~(7)~~] (8) "State BEAD application" means a submission by the state for a grant under the
 1115 federal Broadband Equity Access and Deployment Program established under 47 U.S.C.

1116 Sec. 1702(b), consisting of a letter of intent, initial proposal, and final proposal.

1117 Section 25. Section **72-19-201**, which is renumbered from Section 63N-17-201 is renumbered
1118 and amended to read:

1119 **Part 2. Utah Broadband Center**

1120 **[63N-17-201] 72-19-201 . Utah Broadband Center -- Creation -- Director --**

1121 **Duties.**

1122 (1) There is created within the [~~office~~] department the Utah Broadband Center.

1123 (2) The executive director shall appoint a director of the broadband center to oversee the
1124 operations of the broadband center.

1125 (3) The broadband center shall:

1126 (a) ensure that publicly funded broadband projects continue to be publicly accessible and
1127 provide a public benefit;

1128 (b) develop the statewide digital connectivity plan described in Section [63N-17-203]
1129 72-19-203;

1130 (c) carry out the duties described in Section [63N-17-202] 72-19-202;

1131 (d) administer the Broadband Access Grant Program [~~in accordance with Part 3,~~
1132 ~~Broadband Access Grant Program~~] created in Section 72-19-301; and

1133 (e) administer the Broadband Equity Access and Deployment Grant Program [~~in~~
1134 ~~accordance with Part 4, Broadband Equity Access and Deployment Program~~] created
1135 in Section 72-19-301.

1136 [(f)] (4) The broadband center shall ensure efficiency with respect to:

1137 [(i)] (a) expenditure of funds; and

1138 [(ii)] (b) avoiding duplication of efforts.

1139 [(g)] (5) The broadband center shall consider administering broadband infrastructure funds
1140 in a manner that:

1141 [(i)] (a) efficiently maximizes the leverage of federal funding;

1142 [(ii)] (b) avoids the use of public funds for broadband facilities that duplicate existing
1143 broadband facilities that already meet or exceed federal standards; and

1144 [(iii)] (c) accounts for the benefits and costs to the state of existing facilities, equipment,
1145 and services of public and private broadband providers.

1146 Section 26. Section **72-19-202**, which is renumbered from Section 63N-17-202 is renumbered
1147 and amended to read:

1148 **[63N-17-202] 72-19-202 . Infrastructure and broadband coordination.**

1149 (1) The broadband center shall partner with the Utah Geospatial Resource Center created in

- 1150 Section 63A-16-505 to collect and maintain a database and interactive map that displays
1151 economic development data statewide, including:
- 1152 (a) voluntarily submitted broadband availability, speeds, and other broadband data;
 - 1153 (b) voluntarily submitted public utility data;
 - 1154 (c) workforce data, including information regarding:
 - 1155 (i) enterprise zones designated under Section 63N-2-206;
 - 1156 (ii) public institutions of higher education; and
 - 1157 (iii) APEX accelerators;
 - 1158 (d) transportation data, which may include information regarding railway routes,
1159 commuter rail routes, airport locations, and major highways;
 - 1160 (e) lifestyle data, which may include information regarding state parks, national parks
1161 and monuments, United States Forest Service boundaries, ski areas, golf courses, and
1162 hospitals; and
 - 1163 (f) other relevant economic development data as determined by the office, including data
1164 provided by partner organizations.
- 1165 (2) The broadband center may:
- 1166 (a) make recommendations to state and federal agencies, local governments, the
1167 governor, and the Legislature regarding policies and initiatives that promote the
1168 development of broadband-related infrastructure in the state and help implement
1169 those policies and initiatives;
 - 1170 (b) facilitate coordination between broadband providers and public and private entities;
 - 1171 (c) collect and analyze data on broadband availability and usage in the state, including
1172 Internet speed, capacity, the number of unique visitors, and the availability of
1173 broadband infrastructure throughout the state;
 - 1174 (d) create a voluntary broadband alliance, which shall include broadband providers and
1175 other public and private stakeholders, to solicit input on broadband-related policy
1176 guidance, best practices, and adoption strategies;
 - 1177 (e) work with broadband providers, state and local governments, and other public and
1178 private stakeholders to facilitate and encourage the expansion and maintenance of
1179 broadband infrastructure throughout the state; and
 - 1180 (f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds
1181 Procedures Act, and in accordance with federal requirements:
 - 1182 (i) apply for federal grants;
 - 1183 (ii) participate in federal programs; and

1184 (iii) administer federally funded broadband-related programs.

1185 Section 27. Section **72-19-203**, which is renumbered from Section 63N-17-203 is renumbered
1186 and amended to read:

1187 **[63N-17-203] 72-19-203 . Statewide digital connectivity plan.**

1188 As used in this section:

1189 (1) [~~"Commission"~~] "Broadband commission" means the Utah Broadband Center Advisory
1190 Commission created in Section 36-29-109.

1191 (2) "Strategic plan" means the statewide digital connectivity plan created in accordance
1192 with Subsections [~~(2) and~~](3) and (4).

1193 (3) The broadband center shall develop the strategic plan.

1194 (4) The strategic plan shall include strategies to:

1195 (a) implement broadband connectivity statewide;

1196 (b) promote digital [~~equity~~] access throughout the state;

1197 (c) apply for federal infrastructure funds; and

1198 (d) apply for additional funds.

1199 (5) In developing the strategic plan, the broadband center shall work with the broadband
1200 commission.

1201 [~~(6) The broadband center shall provide the commission with quarterly status updates~~
1202 ~~regarding:~~]

1203 [~~(a) implementation of the commission's recommendations;~~]

1204 [~~(b) the grant programs created in Sections 63N-17-301 and 63N-17-401, including:~~]

1205 [~~(i) applications received for grant funding;~~]

1206 [~~(ii) grant awards about to be made by the broadband center;~~]

1207 [~~(iii) grant awards made by the broadband center; and~~]

1208 [~~(iv) projects implemented with grant funding;~~]

1209 [~~(e) strategic plan development;~~]

1210 [~~(d) strategic plan implementation;~~]

1211 [~~(e) grants received in addition to those described in Subsection (6)(b);~~]

1212 [~~(f) projects funded in addition to those described in Subsection (6)(b); and~~]

1213 [~~(g) recommendations for legislation;~~]

1214 [~~(7)~~] (6) The broadband center shall submit the strategic plan to the broadband commission
1215 for the broadband commission's recommendation before finalizing the strategic plan.

1216 [~~(8)~~] (7) On or before October 1 of each year, the broadband center shall report to the
1217 broadband commission and the Public Utilities, Energy, and Technology Interim

1218 Committee regarding status updates.

1219 Section 28. Section **72-19-301**, which is renumbered from Section 63N-17-301 is renumbered
1220 and amended to read:

1221 **Part 3. Broadband Access Grant Program**

1222 **~~[63N-17-301]~~ 72-19-301 . Creation of Broadband Access Grant Program.**

1223 (1) As used in this part:

1224 (a) "Eligible applicant" means:

1225 (i) a telecommunications provider or an Internet service provider;

1226 (ii) a local government entity and one or more private entities, collectively, who are
1227 parties to a public-private partnership established for the purpose of expanding
1228 affordable broadband access in the state; or

1229 (iii) a tribal government.

1230 (b) "Underserved area" means an area of the state that is underserved in terms of the
1231 area's access to broadband service, as further defined by rule made by the department
1232 in coordination with the broadband center.

1233 (c) "Unserved area" means an area of the state that is unserved in terms of the area's
1234 access to broadband service, as further defined by rule made by the department in
1235 coordination with the broadband center.

1236 (2) There is established a grant program known as the Broadband Access Grant Program
1237 that is administered by the broadband center in accordance with this part.

1238 (3)(a) The broadband center may award a grant under this part to an eligible applicant
1239 that submits to the broadband center an application that includes a proposed project
1240 to extend broadband service to individuals and businesses in an unserved area or an
1241 underserved area by providing last-mile connections to end users.

1242 (b) Subsection (3)(a) does not prohibit the broadband center from awarding a grant for a
1243 proposed project that also includes middle-mile elements that are necessary for the
1244 last-mile connections.

1245 (4) In awarding grants under this part, the broadband center shall:

1246 (a) based on the following criteria and in the order provided, prioritize proposed projects:

1247 (i) located in unserved areas;

1248 (ii) located in underserved areas;

1249 (iii)(A) that the eligible applicant developed after meaningful engagement with the
1250 impacted community to identify the community's needs and innovative means
1251 of providing a public benefit that addresses the community's needs; and

- 1252 (B) that include, as a component of the proposed project, a long-term public
1253 benefit to the impacted community developed in response to the eligible
1254 applicant's engagement with the community;
- 1255 (iv) located in an economically distressed area of the state, as measured by indices of
1256 unemployment, poverty, or population loss;
- 1257 (v) that make the greatest investment in last-mile connections;
- 1258 (vi) that provide higher speed broadband access to end users; and
- 1259 (vii) for which the eligible applicant provides at least 25% of the money needed for
1260 the proposed project, with higher priority to proposed projects for which the
1261 eligible applicant provides a greater percentage of the money needed for the
1262 proposed project; and

1263 (b) consider the impact of available funding for the proposed project from other sources,
1264 including money from matching federal grant programs.

1265 (5) For a project that the eligible applicant cannot complete in a single fiscal year, the
1266 broadband center may distribute grant proceeds for the project over the course of the
1267 project's construction.

1268 (6)(a) Before awarding a grant under this part, the broadband center shall present the
1269 application described in Subsection (3) to the Transportation Commission for
1270 approval.

1271 (b) In awarding a grant under this part, the broadband center shall ensure that grant
1272 funds are not used by a subgrantee in a manner that causes competition among
1273 projects that are substantially supported by state funds or federal funds subgranted by
1274 the state~~[, as determine in accordance with rules made by the broadband center in~~
1275 ~~accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act].~~

1276 (7) As provided in and subject to the requirements of Title 63G, Chapter 2, Government
1277 Records Access and Management Act, a record submitted to the broadband center that
1278 contains a trade secret or confidential commercial information described in Subsection
1279 63G-2-305(2) is a protected record.

1280 Section 29. Section **72-19-302**, which is renumbered from Section 63N-17-302 is renumbered
1281 and amended to read:

1282 **[63N-17-302] 72-19-302 . Duties of the broadband center.**

1283 (1) The broadband center shall:

1284 (a) establish an application process by which an eligible applicant may apply for a grant
1285 under this part, which application shall include:

- 1286 (i) a declaration, signed under penalty of perjury, that the application is complete,
 1287 true, and correct; and
 1288 (ii) an acknowledgment that the eligible applicant is subject to audit;
 1289 (b) establish a method for the broadband center to determine which eligible applicants
 1290 qualify to receive a grant;
 1291 (c) establish a formula to award grant funds; and
 1292 (d) report the information described in Subsections (1)(a) through (c) to the director of
 1293 the Division of Finance.
 1294 (2) Subject to appropriation, the broadband center shall:
 1295 (a) collect applications for grant funds from eligible applicants;
 1296 (b) determine which applicants qualify for receiving a grant; and
 1297 (c) award the grant funds in accordance with the process established under Subsection (1)
 1298 and in accordance with Section ~~[63N-17-301]~~ 72-19-301.

- 1299 (3) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~
 1300 ~~broadband center may make rules to administer the grant program]~~ The department, in
 1301 coordination with the broadband center, may make rules in accordance with Title 63G,
 1302 Chapter 3, Utah Administrative Rulemaking Act, to administer the grant program.

1303 Section 30. Section **72-19-401**, which is renumbered from Section 63N-17-401 is renumbered
 1304 and amended to read:

1305 **Part 4. Broadband Equity Access and Deployment Grant Program**

1306 **~~[63N-17-401]~~ 72-19-401 . Creation of Broadband Equity Access and Deployment**
 1307 **Grant Program.**

- 1308 (1) There is established a grant program known as the Broadband Equity Access and
 1309 Deployment Grant Program that is administered by the broadband center in accordance
 1310 with:
 1311 (a) this part; and
 1312 (b) the requirements of the National Telecommunications and Information
 1313 Administration's Broadband Equity Access and Deployment Program, 47 U.S.C. Sec.
 1314 1702 et seq.
 1315 (2) The broadband center shall:
 1316 (a) prepare and submit the state's Broadband Equity Access and Deployment application,
 1317 including the letter of intent, initial proposal, and final proposal to the National
 1318 Telecommunications and Information Administration;
 1319 (b) administer the Broadband Equity Access and Deployment Grant Program in

- 1320 accordance with this section and as approved by the National Telecommunications
 1321 and Information Administration;
- 1322 (c) accept and process an application for subgranted funds; and
 1323 ~~[(d) report to the broadband commission quarterly on:]~~
 1324 ~~[(i) the progress of the broadband center's submission described in Subsection (2)(a);]~~
 1325 ~~[(ii) the administration of the program;]~~
 1326 ~~[(iii) applications received for subgranted funding;]~~
 1327 ~~[(iv) approved applications for subgranted funds; and]~~
 1328 ~~[(v) projects supported by subgranted funds;]~~
 1329 ~~[(e)]~~ (d) ensure that a subgrantee complies with the state's final proposal to the National
 1330 Telecommunications and Information Administration~~[-and] .~~
 1331 ~~[(f) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative~~
 1332 ~~Rulemaking Act, necessary to administer this section.]~~
- 1333 (3) The department, in coordination with the broadband center, may make rules in
 1334 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
 1335 administer the grant program.
- 1336 ~~[(3) The broadband commission shall give the broadband center recommendations during~~
 1337 ~~the quarterly reports described in Subsection (2)(d).]~~
- 1338 (4) The broadband center may approve an application for subgranted funds if:
 1339 (a) the application meets the requirements of this section;
 1340 (b) the application meets any rule made pursuant to this section;
 1341 (c) the application meets the requirements of the National Telecommunications and
 1342 Information Administration's Broadband Equity Access and Deployment Program, 47
 1343 U.S.C. Sec. 1702 et seq.; and
 1344 (d) the broadband center has informed the ~~[broadband commission]~~ Transportation
 1345 Commission about the application~~[-as]~~ described in Subsection ~~[(2)(d)]~~ (2)(c).
- 1346 (5) After the broadband center completes a competitive application process for subgranted
 1347 funds but before the broadband center notifies the applicant of the award, the broadband
 1348 center shall present to the ~~[broadband commission]~~ Transportation Commission on the
 1349 subgrant award.
- 1350 Section 31. **Repealer.**
 1351 This bill repeals:
 1352 Section **63N-1a-201, Creation of commission.**
 1353 Section **63N-1a-202, Commission duties.**

1354 Section **63N-1b-102, Subcommittees generally.**

1355 Section **63N-1b-401, Definitions.**

1356 Section **63N-3-204, Administration -- Grants and loans.**

1357 Section 32. **FY 2026 Appropriations.**

1358 The following sums of money are appropriated for the fiscal year beginning July 1,
1359 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for
1360 fiscal year 2026.

1361 Subsection 32(a). **Operating and Capital Budgets**

1362 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
1363 Legislature appropriates the following sums of money from the funds or accounts indicated for
1364 the use and support of the government of the state of Utah.

1365 ITEM 1 To Governor's Office of Economic Opportunity - Economic Prosperity

1366 From General Fund (553,600)

1367 From Federal Funds (200,000)

1368 From Dedicated Credits Revenue (93,700)

1369 Schedule of Programs:

1370 Business Services (847,300)

1371 ITEM 2 To Utah Board of Higher Education - Administration

1372 From General Fund 553,600

1373 From Federal Funds 200,000

1374 From Dedicated Credits Revenue 93,700

1375 Schedule of Programs:

1376 Administration 847,300

1377 The Legislature intends, that if H.B. 542,
1378 Economic Development Amendments, and H.B. 530,
1379 Utah Innovation Lab Modifications, both pass and
1380 become law, on July 1, 2025, the funding appropriated in
1381 H.B. 542 be transferred to the Utah Board of Higher
1382 Education for the Nucleus Institute. The Legislature
1383 further intends that the Office of Legislative Fiscal
1384 Analyst, when preparing the base budget for the 2026
1385 General Session, create a new line item titled within the
1386 Utah Board of Higher Education "Nucleus Institute" and
1387 transfer the funding for the Utah Board of Education -

1388 Administration line item to the newly created item.

1389 Section 33. **Effective Date.**

1390 This bill takes effect on July 1, 2025.