

Kirk A. Cullimore proposes the following substitute bill:

Land Use and Development Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor:

LONG TITLE

General Description:

This bill creates the Beehive Development Agency and authorizes the commissioner of the Governor's Office of Economic Opportunity to propose significant community impact project plans and associated project areas to the Beehive Development Agency.

Highlighted Provisions:

This bill:

- defines terms and modifies definitions;
- provides a severability provision;
- creates the Beehive Development Agency (agency) under Utah Constitution, Article XI, as a political subdivision of the state that is an independent, nonprofit, separate body corporate and politic, with perpetual succession, and a public corporation;
- provides that appropriations to the agency are nonlapsing;
- establishes the agency board and describes the agency powers and duties;
- describes the purposes of a significant community impact project;
- creates a revolving loan fund and establishes a loan committee;
- authorizes the agency to create a public infrastructure district for a significant community project area;
- describes the potential revenue sources of a significant community impact project area, including property tax differential and revenue generated by certain taxes;
- repeals provisions establishing the Governor's Office of Economic Opportunity (office) board of directors and the Unified Economic Opportunity Commission;
- creates the Economic Opportunity Coordinating Council (council);
- changes the executive director of the office to the commissioner of the office;
- provides that the commissioner of the office shall:
 - receive guidance from the council regarding statewide strategic objectives;

- establish strategies for and actively recruit targeted industries identified by the council;
- encourage a business to permanently relocate to, or significantly expand operations in, the state;
- establish strategies for and actively support entrepreneurship and small business development;
- coordinate economic development activities; and
- coordinate with various departments and officials in order to consolidate certain state housing programs from the Division of Housing and Community Development within the office by July 1, 2026;
- removes the sunset on the Utah Housing Corporation; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:**AMENDS:**

11-59-302 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 263
17D-4-102 (Effective 07/01/25), as last amended by Laws of Utah 2024, Chapter 419
35A-8-202 (Effective 05/07/25), as last amended by Laws of Utah 2021, Chapter 281
59-12-352 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapters 413, 419
59-12-354 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapter 419
59-12-401 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapter 419
59-12-402 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapter 419
63A-3-401.5 (Effective 07/01/25), as last amended by Laws of Utah 2024, Chapter 419
63A-3-402 (Effective 07/01/25), as last amended by Laws of Utah 2024, Chapter 419
63C-25-202 (Effective 07/01/25), as last amended by Laws of Utah 2024, Chapter 419
63H-8-302 (Effective 05/07/25), as last amended by Laws of Utah 2015, Chapter 164 and renumbered and amended by Laws of Utah 2015, Chapter 226
63I-1-263 (Effective 05/07/25), as last amended by Laws of Utah 2024, Third Special Session, Chapter 4
63J-1-602.1 (Effective 07/01/25), as last amended by Laws of Utah 2024, Chapters 88, 501

63 **63N-1a-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 159
64 **63N-1a-301 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 159
65 **63N-1a-302 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2021,
66 Chapter 282
67 **63N-1a-303 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 362
68 **63N-1a-306 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 362
69 **63N-1a-306 (Effective 07/01/25)**, as last amended by Laws of Utah 2022, Chapter 362
70 **63N-2-103 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 438
71 **63N-2-104.2 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 159,
72 316
73 **63N-2-104.3 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 499
74 **63N-2-504 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 159
75 **63N-2-808 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 159
76 **63N-3-102 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 159
77 **63N-3-403 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 268
78 **63N-3-605 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapters 521,
79 537
80 **63N-3-801 (Effective 07/01/25)**, as last amended by Laws of Utah 2023, Chapter 499
81 **63N-3-1102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 159
82 **63N-4-104 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 159
83 **63N-4-105 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 159
84 **63N-4-504 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 506
85 **63N-4-804 (Effective 07/01/25)**, as enacted by Laws of Utah 2022, Chapter 362
86 **63N-7-102 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 159
87 **63N-7-103 (Effective 07/01/25)**, as repealed and reenacted by Laws of Utah 2022,
88 Chapter 362
89 **63N-13-101 (Effective 07/01/25)**, as last amended by Laws of Utah 2023, Chapter 499
90 **63N-16-102 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 400
91 **63N-16-103 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapters 157,
92 400
93 **63N-17-201 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 159
94 **67-1-2 (Effective 07/01/25)**, as last amended by Laws of Utah 2023, Chapter 250

95 ENACTS:

96 **11-71-101 (Effective 07/01/25)**, Utah Code Annotated 1953

97 **11-71-102 (Effective 07/01/25), Utah Code Annotated 1953**
98 **11-71-103 (Effective 07/01/25), Utah Code Annotated 1953**
99 **11-71-104 (Effective 07/01/25), Utah Code Annotated 1953**
100 **11-71-201 (Effective 07/01/25), Utah Code Annotated 1953**
101 **11-71-202 (Effective 07/01/25), Utah Code Annotated 1953**
102 **11-71-203 (Effective 07/01/25), Utah Code Annotated 1953**
103 **11-71-204 (Effective 07/01/25), Utah Code Annotated 1953**
104 **11-71-301 (Effective 07/01/25), Utah Code Annotated 1953**
105 **11-71-302 (Effective 07/01/25), Utah Code Annotated 1953**
106 **11-71-304 (Effective 07/01/25), Utah Code Annotated 1953**
107 **11-71-305 (Effective 07/01/25), Utah Code Annotated 1953**
108 **11-71-401 (Effective 07/01/25), Utah Code Annotated 1953**
109 **11-71-402 (Effective 07/01/25), Utah Code Annotated 1953**
110 **11-71-403 (Effective 07/01/25), Utah Code Annotated 1953**
111 **11-71-404 (Effective 07/01/25), Utah Code Annotated 1953**
112 **11-71-405 (Effective 07/01/25), Utah Code Annotated 1953**
113 **11-71-501 (Effective 07/01/25), Utah Code Annotated 1953**
114 **11-71-502 (Effective 07/01/25), Utah Code Annotated 1953**
115 **11-71-601 (Effective 07/01/25), Utah Code Annotated 1953**
116 **11-71-602 (Effective 07/01/25), Utah Code Annotated 1953**
117 **11-71-603 (Effective 07/01/25), Utah Code Annotated 1953**
118 **11-71-604 (Effective 07/01/25), Utah Code Annotated 1953**
119 **11-71-605 (Effective 07/01/25), Utah Code Annotated 1953**
120 **11-71-701 (Effective 07/01/25), Utah Code Annotated 1953**
121 **11-71-702 (Effective 07/01/25), Utah Code Annotated 1953**
122 **11-71-703 (Effective 07/01/25), Utah Code Annotated 1953**
123 **11-71-704 (Effective 07/01/25), Utah Code Annotated 1953**
124 **11-71-705 (Effective 07/01/25), Utah Code Annotated 1953**
125 **11-71-706 (Effective 07/01/25), Utah Code Annotated 1953**
126 **11-71-801 (Effective 07/01/25), Utah Code Annotated 1953**
127 **11-71-802 (Effective 07/01/25), Utah Code Annotated 1953**
128 **11-71-803 (Effective 07/01/25), Utah Code Annotated 1953**
129 **11-71-804 (Effective 07/01/25), Utah Code Annotated 1953**
130 **11-71-805 (Effective 07/01/25), Utah Code Annotated 1953**

11-71-806 (Effective 07/01/25), Utah Code Annotated 1953
11-71-901 (Effective 07/01/25), Utah Code Annotated 1953
63N-1a-303.2 (Effective 05/07/25), Utah Code Annotated 1953
63N-1a-501 (Effective 05/07/25), Utah Code Annotated 1953
63N-1a-502 (Effective 05/07/25), Utah Code Annotated 1953
63N-22-101 (Effective 07/01/26), Utah Code Annotated 1953

REPEALS:

63N-1a-201 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 159
63N-1a-202 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 159
63N-1a-304 (Effective 05/07/25), as renumbered and amended by Laws of Utah 2021,
Chapter 282
63N-1a-401 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 159
63N-1a-402 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 159
63N-1b-102 (Effective 05/07/25), as last amended by Laws of Utah 2022, Chapter 118

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

Section 1. Section 11-59-302 is amended to read:

**11-59-302 (Effective 05/07/25). Number of board members -- Appointment --
Vacancies -- Chairs.**

- (1) The board shall consist of 12 members as provided in Subsection (2).
- (2)(a) The president of the Senate shall appoint two members of the Senate to serve as members of the board.
- (b) The speaker of the House of Representatives shall appoint two members of the House of Representatives to serve as members of the board.
- (c) The governor shall appoint five individuals to serve as members of the board:
- (i) one of whom shall be ~~[a member of the board of or]~~ employed by the Governor's Office of Economic Opportunity, created in Section 63N-1a-301;
 - (ii) one of whom shall be an employee of the facilities division; and
 - (iii) one of whom shall be an elected official from a municipality in close proximity to the municipality in which the point of the mountain state land is located.
- (d) The Salt Lake County mayor shall appoint one board member, who shall be an elected Salt Lake County government official.
- (e) The mayor of Draper, or a member of the Draper city council that the mayor designates, shall serve as a board member.

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

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

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

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

(4) A member of the board appointed by the governor, president of the Senate, or speaker of the House of Representatives serves at the pleasure of and may be removed and replaced at any time, with or without cause, by the governor, president of the Senate, or speaker of the House of Representatives, respectively.

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

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

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

Section 2. Section **11-71-101** is enacted to read:

CHAPTER 71. BEEHIVE DEVELOPMENT AGENCY ACT

Part 1. General Provisions

11-71-101 (Effective 07/01/25). Definitions.

As used in this chapter:

(1) "Agency" means the Beehive Development Agency created in Section 11-71-201.

(2) "Approved significant community impact project plan" means a plan that has been approved by the board.

(3) "Authority" means:

(a) the Military Installation Development Authority created in Section 63H-1-201; and

(b) the Utah Inland Port Authority created in Section 11-58-201.

(4) "Authority-run project area" means a project area created by an authority under the authority's statutory powers as part of a significant community impact project plan.

- (5) "Base taxable value" means the taxable value of property within a project area, as designated by the board in a resolution approving a significant community impact project plan, from which property tax differential will be collected, as shown upon the assessment roll last equalized before the year in which the board adopts a resolution approving the significant community impact project plan.
- (6) "Base taxable year" means, for each property tax differential collection period triggered within a project area or a proposed project area, the calendar year before the calendar year in which the property tax increment begins to be collected for the parcels triggered for that collection period.
- (7) "Board" means the Beehive Development Agency Board created in Section 11-71-301.
- (8) "Commissioner" means the commissioner of the Governor's Office of Economic Opportunity.
- (9) "Council" means the Economic Opportunity Coordinating Council created in Section 63N-1a-501.
- (10) "Direct financial benefit":
- (a) means any form of financial benefit that accrues to an individual directly, including:
- (i) compensation, commission, or any other form of a payment or increase of money;
- and
- (ii) an increase in the value of a business or property; and
- (b) does not include a financial benefit that accrues to the public generally.
- (11) "Economic opportunity of statewide concern" means a major economic project involving job creation, housing, energy, or capital investment goals.
- (12) "Family member" means a parent, spouse, sibling, child, or grandchild.
- (13)(a) "Public infrastructure and improvements" means infrastructure, improvements, facilities, or buildings that:
- (i)(A) benefit the public and are owned by a public entity or a utility; or
- (B) benefit the public and are publicly maintained or operated by a public entity; or
- (ii)(A) are privately owned;
- (B) benefit the public;
- (C) as determined by the board, provide a substantial benefit to the development and operation of a project area; and
- (D) are built according to applicable county or municipal design and safety standards.
- (b) "Public infrastructure and improvements" includes:

- (i) facilities, lines, or systems that provide:
- (A) water, chilled water, or steam; or
- (B) sewer, storm drainage, natural gas, electricity, energy storage, clean energy, microgrids, or telecommunications service;
- (ii) streets, roads, curb, gutter, sidewalk, walkways, solid waste facilities, parking facilities, rail lines, intermodal facilities, multimodal facilities, and public transportation facilities; and
- (iii) infrastructure, improvements, facilities, or buildings that are developed as part of a remediation project.
- (14) "Project area" means land designated by a significant community impact project plan in which a particular economic opportunity of statewide concern:
- (a) is proposed to occur, before the adoption of a proposed significant community impact project plan; or
- (b) may occur or occurs, in an approved significant community impact project plan.
- (15) "Property tax differential":
- (a) means the difference between:
- (i) the amount of property tax revenues generated each tax year by all taxing entities from a project area, using the current assessed value of the property; and
- (ii) the amount of property tax revenues that would be generated from that same area using the base taxable value of the property; and
- (b) does not include property tax revenue from:
- (i) a county additional property tax or multicounty assessing and collecting levy imposed in accordance with Section 59-2-1602;
- (ii) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330; or
- (iii) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general obligation bond.

Section 3. Section **11-71-102** is enacted to read:

11-71-102 (Effective 07/01/25). Severability.

If a court determines that any provision of this chapter, or the application of any provision of this chapter, is invalid, the remainder of this chapter shall be given effect without the invalid provision or application.

Section 4. Section **11-71-103** is enacted to read:

11-71-103 (Effective 07/01/25). Nonlapsing funds.

Money the agency receives from legislative appropriations is nonlapsing.

Section 5. Section **11-71-104** is enacted to read:

11-71-104 (Effective 07/01/25). Loan approval committee -- Approval of infrastructure loans.

(1) As used in this section:

(a) "Beehive development fund" means the same as that term is defined in Section 63A-3-401.5.

(b) "Borrower" means the same as that term is defined in Section 63A-3-401.5.

(c) "Infrastructure loan" means the same as that term is defined in Section 63A-3-401.5.

(d) "Infrastructure project" means the same as that term is defined in Section 63A-3-401.5.

(e) "Loan approval committee" means a committee established under Subsection (2).

(2) The agency shall establish a loan committee consisting of:

(a) three members of the board, selected by the board; and

(b) two individuals who are not members of the board, selected by the board.

(3)(a) The loan committee may recommend for board approval an infrastructure loan from the beehive development fund to a borrower for an infrastructure project undertaken by the borrower.

(b) An infrastructure loan from the beehive development fund may not be made unless:

(i) the infrastructure loan is recommended by the loan committee; and

(ii) the board approves the infrastructure loan.

(4)(a) If the loan committee recommends an infrastructure loan, the loan committee shall recommend the terms of an infrastructure loan in accordance with Section 63A-3-404.

(b) The board shall require the terms of an infrastructure loan secured by property tax differential to include a requirement that money from the infrastructure loan be used only for an infrastructure project within the project area that generates the property tax differential.

(5) The board may establish policies and guidelines with respect to prioritizing requests for infrastructure loans and approving infrastructure loans.

(6) Within 60 days after the execution of an infrastructure loan, the board shall report the infrastructure loan, including the loan amount, terms, interest rate, and security, to:

(a) the Executive Appropriations Committee; and

(b) the State Finance Review Commission created in Section 63C-25-201.

(7)(a) Salaries and expenses of loan committee members who are legislators shall be

paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

(b) A loan committee member who is not a legislator may not receive compensation or benefits for the member's service on the committee, but may receive per diem and reimbursement for travel expenses incurred as a committee member at the rates established by the Division of Finance under:

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

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

Section 6. Section **11-71-201** is enacted to read:

Part 2. Beehive Development Agency

11-71-201 (Effective 07/01/25). Creation of Beehive Development Agency.

(1) Under the authority of Utah Constitution, Article XI, Section 8, there is created the Beehive Development Agency.

(2) The agency is:

(a) an independent, nonprofit, separate body corporate and politic, with perpetual succession;

(b) a political subdivision of the state; and

(c) a public corporation, as defined in Section 63E-1-102.

(3) The purpose of the agency is to fulfill any number of statewide public purposes to maximize the long-term economic and other benefit for the state, consistent with the strategies, policies, and objectives described in this chapter.

(4) The agency is the mechanism the state chooses to focus resources and efforts on behalf of the state to ensure that regional and statewide interests, concerns, and purposes are properly addressed from a statewide perspective.

Section 7. Section **11-71-202** is enacted to read:

11-71-202 (Effective 07/01/25). Agency powers and duties.

(1) The agency has responsibility, and power to:

(a) develop policies for the consideration of a potential significant community impact plan; and

(b) develop and implement a business plan for a project area as part of a significant community impact plan.

(2) The agency may:

(a) facilitate and bring about the development of land in ways that benefit the entire state;

- (b) as the agency considers necessary or advisable to carry out any of the agency's duties or responsibilities under this chapter:
- (i) buy, obtain an option upon, or otherwise acquire any interest in real or personal property;
 - (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or personal property; or
 - (iii) enter into a lease agreement on real or personal property, either as lessee or lessor;
- (c) sue and be sued;
- (d) enter into contracts generally;
- (e) provide funding for the development of public infrastructure and improvements or other infrastructure and improvements on or related to a project area;
- (f) exercise powers and perform functions under a contract, as authorized in the contract;
- (g) receive the property tax differential, as provided in this chapter;
- (h) accept financial or other assistance from any public or private source for the agency's activities, powers, and duties, and expend any funds so received for any of the purposes of this chapter;
- (i) borrow money, contract with, or accept financial or other assistance from the federal government, a public entity, or any other source for any of the purposes of this chapter and comply with any conditions of the loan, contract, or assistance;
 - (j) issue bonds to finance the undertaking of any development objectives of the agency, including bonds under Chapter 17, Utah Industrial Facilities and Development Act, bonds under Chapter 42, Assessment Area Act, and bonds under Chapter 42a, Commercial Property Assessed Clean Energy Act;
 - (k) hire employees, including contract employees;
 - (l) transact other business and exercise all other powers provided for in this chapter;
 - (m) engage one or more consultants to advise or assist the agency in the performance of the agency's duties and responsibilities;
 - (n) own, lease, operate, or otherwise control public infrastructure and improvements in a project area;
 - (o) exercise powers and perform functions that the agency is authorized by statute to exercise or perform; and
 - (p) support continued growth of the state's economy.
- (3)(a) The agency may establish a community enhancement program designed to

address the impacts that development within a project area has on adjacent communities.

(b)(i) The agency may use agency money to support the community enhancement program and to pay for efforts to address the impacts described in Subsection (3)(a).

(ii) Agency money designated for use under Subsection (3)(b)(i) is exempt from execution or any other process in the collection of a judgment against or debt or other obligation of the agency arising out of the agency's activities with respect to the community enhancement program.

(4) The board shall, at least annually:

(a) review the statutory authority of the agency, the board, and the administrative secretary;

(b) evaluate whether the agency is achieving the objectives outlined in Section 11-71-201;

(c) determine whether changes to board policies or guidelines are advisable and, if so, modify the policy, or guideline; and

(d) determine whether to recommend statutory changes to Chapter 71, Beehive Development Agency Act.

Section 8. Section **11-71-203** is enacted to read:

11-71-203 (Effective 07/01/25). Additional duties -- Duty to make policies.

The agency board, created in Section 11-71-301, shall make additional policies necessary to carry out the agency's duties under this chapter.

Section 9. Section **11-71-204** is enacted to read:

11-71-204 (Effective 07/01/25). Applicability of other laws.

(1) As used in this section:

(a) "Public body" means the same as that term is defined in Section 52-4-103.

(b) "Subsidiary" means an agency subsidiary that is a public body.

(2) The agency and land within a project area established by the agency is not subject to:

(a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;

(b) Title 17, Chapter 27a, County Land Use, Development, and Management Act;

(c) ordinances or regulations of a county or municipality, including those relating to land use, health, business license, or franchise; or

(d) the jurisdiction of a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or a special service district under Title 17D,

Chapter 1, Special Service District Act.

(3)(a) The definitions in Section 57-8-3 apply to this Subsection (3).

(b) Notwithstanding the provisions of Title 57, Chapter 8, Condominium Ownership Act, or any other provision of law:

(i) if the agency or the state is the owner of land in a project area on which a condominium project is constructed, the agency or the state is not required to sign, execute, or record a declaration of a condominium project; and

(ii) if a condominium unit in a project area is owned by the agency and leased to the state for \$1 or less per calendar year, not including any common charges that are reimbursements for actual expenses:

(A) the condominium unit is not subject to any liens under Title 57, Chapter 8, Condominium Ownership Act;

(B) condominium unit owners within the same building or commercial condominium project may agree on any method of allocation and payment of common area expenses, regardless of the size or par value of each unit; and

(C) the condominium project may not be dissolved without the consent of all the condominium unit owners.

(4) The agency is subject to and governed by Sections 63E-2-106, 63E-2-107, 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed by Title 63E, Independent Entities Code.

(5)(a) A department, division, or other entity of the state and a political subdivision of the state, except as provided in Subsection (5)(b), shall cooperate with the agency to the fullest extent possible to provide whatever support, public information, or other assistance the agency requests that is reasonably necessary to help the agency fulfill the agency's duties and responsibilities under this chapter.

(b) Subsection (5)(a) does not apply to a political subdivision that does not have any of a project area located within the boundary of the political subdivision.

(6) The agency or a subsidiary acting in the role of a facilitator under Subsection 63H-1-201(3)(v) is not prohibited from receiving a benefit from a public-private partnership that results from the facilitator's work as a facilitator.

(7)(a) Terms defined in Section 57-11-2 apply to this Subsection (7).

(b) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act, does not apply to an offer or disposition of an interest in land if the interest in land lies within the boundaries of the project area and the agency:

- 436 (i)(A) has a development review committee using at least one professional planner;
437 (B) enacts standards and guidelines that require approval of planning, land use,
438 and plats, including the approval of plans for streets, culinary water, sanitary
439 sewer, and flood control; and
440 (C) will have the improvements for streets, culinary water, sanitary sewer, and
441 flood control, plus telecommunications and electricity; and
442 (ii) if at the time of the offer or disposition, the subdivider furnishes satisfactory
443 assurance of completion of the improvements described in Subsection (7)(b)(i)(C).
444 (8)(a) The agency may request and, upon request, shall receive:
445 (i) fuel dispensing and motor pool services provided by the Division of Fleet
446 Operations;
447 (ii) surplus property services provided by the Division of Purchasing and General
448 Services;
449 (iii) information technology services provided by the Division of Technology
450 Services;
451 (iv) archive services provided by the Division of Archives and Records Service;
452 (v) financial services provided by the Division of Finance;
453 (vi) human resources services provided by the Division of Human Resource
454 Management;
455 (vii) legal services provided by the Office of the Attorney General; and
456 (viii) banking services provided by the Office of the State Treasurer.
457 (b) Nothing in Subsection (8)(a) may be construed to relieve the agency of the obligation
458 to pay the applicable fee for the service provided.
459 (9)(a) To govern agency procurements, the board shall adopt a procurement policy that
460 the board determines to be substantially consistent with applicable provisions of Title
461 63G, Chapter 6a, Utah Procurement Code.
462 (b) The board's determination under Subsection (9)(a) of substantial consistency is final
463 and conclusive.

464 Section 10. Section **11-71-301** is enacted to read:

465 **Part 3. Beehive Development Agency Board**

466 **11-71-301 (Effective 07/01/25). Beehive Development Agency Board --**

467 **Delegation.**

468 (1) The agency shall be governed by a board which:

469 (a) shall manage and conduct the business and affairs of the agency;

(b) shall determine all questions of agency policy; and

(c) constitutes a mixed-function board.

(2) The board may hire an administrative secretary to staff the board.

(3) The board may by resolution delegate powers to the administrative secretary.

Section 11. Section **11-71-302** is enacted to read:

11-71-302 (Effective 07/01/25). Number of board members -- Appointment -- Vacancies.

(1) The agency board consists of five voting members described in Subsection (2).

(2)(a) The governor shall appoint three members to the board.

(b) The speaker of the House of Representatives shall appoint one member to the board.

(c) The president of the Senate shall appoint one member to the board.

(3)(a) Except as provided in Subsection (3)(b), the term of a board member is four years.

(b) At the time of appointment of the initial board, the governor shall appoint two members for a term of two years to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(4) Board members may not serve more than two full consecutive terms except when the appointing officer determines that an additional term is in the best interest of the state.

(5) A member of the board appointed under Subsection (2) serves at the pleasure of and may be removed and replaced at any time, with or without cause, by the individual who appointed the member.

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

(7) A majority of board members, not including a vacancy, constitutes a quorum for conducting board business and exercising board power.

(8)(a) The governor shall select one board member as the board's chair.

(b) The board shall select one board member as the board's vice chair.

(9) Each board member shall serve until a successor is duly appointed and qualified.

(10) The board may appoint one or more advisory committees that may include individuals from public entities, community organizations, environmental organizations, business organizations, or other organizations or associations.

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

(i) Section 63A-3-106;

- (ii) Section 63A-3-107; and
- (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (b) Compensation and expenses of a board member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.
- (12) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.
- Section 12. Section **11-71-304** is enacted to read:
- 11-71-304 (Effective 07/01/25). Limitations on board members and commissioner -- Annual conflict of interest disclosure statement -- Penalties.**
- (1) As used in this section, "established project area" means a project area:
- (a) created under this chapter; or
- (b) an authority-run project area if:
- (i) in regard to the commissioner, the authority-run project area is established by an authority other than the Beehive Development Agency at the recommendation of the commissioner; and
- (ii) in regard to a board member and the commissioner, the board and authority enter into an agreement for the board to direct the authority's participation in a significant community impact project plan, as described in Section 11-71-401.
- (2)(a) An individual is subject to Subsection (2)(b) if:
- (i) the individual owns real property, other than a personal residence in which the individual resides, within an established project area, whether or not the ownership interest is a recorded interest;
- (ii) a family member of the individual owns an interest in real property, other than a personal residence in which the family member resides, located within an established project area; or
- (iii) the individual or a family member of the individual owns an interest in, is directly affiliated with, or is an employee or officer of a private firm, private company, or other private entity that the individual reasonably believes is likely to:
- (A) participate in or receive a direct financial benefit from the development of a project area; or
- (B) acquire an interest in or locate a facility within an established project area.
- (b) An individual described in Subsection (2)(a):
- (i) may not be employed as the commissioner;

(ii) may not, if the individual is a board member, participate in the consideration or vote on any matter affecting the individual or family member's interest or affiliation described in Subsection (2)(a).

(3) Before taking office as a board member or accepting employment as commissioner, an individual shall submit to the governor and the president of the Senate a statement verifying that the individual's service or employment does not violate this section.

(4)(a) An individual may not, at any time during the individual's service as a board member or employment as commissioner, acquire, or take any action to initiate, negotiate, or otherwise arrange for the acquisition of, an interest in real property located within an established project area, if:

(i) the acquisition is in the individual's personal capacity or in the individual's capacity as an employee or officer of a private firm, private company, or other private entity; and

(ii) the acquisition will enable the individual to receive a direct financial benefit as a result of the development of the established project area.

(b) Subsection (4)(a) does not apply to an individual's acquisition of, or action to initiate, negotiate, or otherwise arrange for the acquisition of, an interest in real property that is a personal residence in which the individual will reside upon acquisition of the real property.

(5)(a) A board member or the commissioner may not receive a direct financial benefit from the development of a project in an established project area.

(b) For purposes of Subsection (5)(a), a direct financial benefit does not include:

(i) expense reimbursements;

(ii) per diem pay for board member service, if applicable; or

(iii) the commissioner's compensation or benefits from employment with the state.

(6) In addition to any other limitation on a board member described in this section, a board member shall, no sooner than January 1 and no later than January 31 of each year during which the board member holds office on the board:

(a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and

(b) submit the written disclosure statement to the state auditor or the board's administrative secretary.

(7)(a) No later than 10 business days after the date on which the board member submits the written disclosure statement described in Subsection (6), the state auditor or

board's administrative secretary shall:

(i) post an electronic copy of the written disclosure statement on a website maintained by the state auditor or the agency, as applicable; and

(ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (7)(a)(i).

(b) The agency shall ensure that the board member's written disclosure statement remains posted on the board's or agency's website until the board member leaves office.

(8) The state auditor or the board's administrative secretary shall take the action described in Subsection (9) if:

(a) a board member fails to timely submit the written disclosure statement described in Subsection (6); or

(b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).

(9) If a circumstance described in Subsection (8) occurs, the state auditor or board's administrative secretary shall, within five days after the day on which the state auditor or board's administrative secretary determines that a violation occurred, notify the board member of the violation and direct the board member to submit an amended written disclosure statement correcting the problem.

(10)(a) It is unlawful for a board member to fail to submit or amend a written disclosure statement within seven days after the day on which the board member receives the notice described in Subsection (9).

(b) A board member who violates Subsection (10)(a) is guilty of a class B misdemeanor.

(c) The state auditor or board's administrative secretary, as applicable, shall report a violation of Subsection (10)(a) to the attorney general.

(d) In addition to the criminal penalty described in Subsection (10)(b), the state auditor or board's administrative secretary shall impose a civil fine of \$100 against a board member who violates Subsection (10)(a).

(11) The state auditor or board's administrative secretary, as applicable, shall retain a fine collected under this section to pay for the costs of administering this section.

(12) Nothing in this section may be construed to affect the application or effect of any other code provision applicable to a board member or employee relating to ethics or conflicts of interest.

Section 13. Section **11-71-305** is enacted to read:

11-71-305 (Effective 07/01/25). Policymaking.

The board shall establish policies, in addition to the requirements of this chapter, governing:

- (1) proposed significant community impact project plans;
- (2) criteria to consider a proposed significant community impact project plan;
- (3) criteria to approve or deny a proposed significant community impact project plan; and
- (4) any other policy the board considers necessary to fulfill the agency's duties under this chapter.

Section 14. Section **11-71-401** is enacted to read:

Part 4. Significant Community Impact Project Plan and Project Areas

11-71-401 (Effective 07/01/25). Preparation of a significant community impact project plan -- Required contents of a significant community impact project plan.

- (1) The commissioner may present a proposed significant community impact project plan to the board for the board's consideration.
- (2) A proposed significant community impact project plan shall:
 - (a) describe the economic opportunity of statewide concern to be addressed through the proposed significant community impact project;
 - (b) describe how the proposed significant community impact project promotes the strategic economic development objectives for the state, as established by the council;
 - (c) except as provided in Subsection (6), describe the proposed project area for the proposed significant community impact project, including:
 - (i) a boundary description of each proposed project area;
 - (ii) a proposed base taxable year;
 - (iii) the percent of property tax differential, not to exceed 75% for the initial period or 50% for any secondary period, to be captured in a proposed project area;
 - (iv) taxes proposed to be levied in the project area; and
 - (v) the information described in Subsection (5);
 - (d) describe any grants, awards, loans, or other incentives authorized under Title 63N, Economic Opportunity Act, that will be leveraged in the significant community impact project plan, including:
 - (i) a grant under Title 63N, Chapter 3, Part 10, Economic Assistance Grant Program;
 - (ii) a grant under Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program;
 - (iii) an award from the Industrial Assistance Account under Title 63N, Chapter 3,

- 640 Part 1, Industrial Assistance Account;
- 641 (iv) an award under Title 63N, Chapter 4, Rural Development Act; or
- 642 (v) a tax credit incentive under Title 63N, Chapter 2, Tax Credit Incentives for
- 643 Economic Development;
- 644 (e) describe any local grants, awards, loans, or other incentives that will be leveraged in
- 645 the significant community impact project plan;
- 646 (f) describe estimated economic impacts the project will have on the project area,
- 647 including projected revenues to the state or the project area;
- 648 (g) if it is proposed that the board contract with a person to manage all or part of a
- 649 significant impact project plan; and
- 650 (h) include any other information the board requires.
- 651 (3) A grant, award, loan, or other incentive described in Subsection (2)(d):
- 652 (a) may proceed with or without an approved significant community impact project;
- 653 (b) is not required to be approved by the board; and
- 654 (c) if the grant, award, loan, or other incentive is proposed in the significant community
- 655 impact project plan, the grant, award, loan, or other incentive becomes project area
- 656 funds, as described in Section 11-71-501, upon the board's adoption of the significant
- 657 community impact project plan.
- 658 (4) Nothing in this section shall be construed to eliminate requirements that ordinarily apply
- 659 before a grant, award, loan, or other incentive may be issued to a recipient.
- 660 (5) Land included or to be included within a single project area is not required to be
- 661 contiguous.
- 662 (6)(a) The commissioner shall provide the legislative body of a municipality or county
- 663 proposed to be included or impacted by a project area in a significant community
- 664 impact project plan with a draft plan that includes the information described in
- 665 Subsection (2).
- 666 (b) A legislative body shall consent or not consent to inclusion in a significant
- 667 community impact plan within 45 days of the day on which the commissioner
- 668 provides the draft plan described in Subsection (6)(a).
- 669 (7)(a) A project area described in a proposed significant community impact plan:
- 670 (i) may include state land; and
- 671 (ii) may include other public or private land, whether or not the public or private land
- 672 is contiguous to state land, if:
- 673 (A) the legislative body of the county in which the other public or private land is

- 674 located, if the other public land or private land is located in an unincorporated
675 county, passes a resolution consenting to the inclusion of the land in the project
676 area;
- 677 (B) the legislative body of an included municipality passes a resolution consenting
678 to the inclusion of the land in the project area; and
- 679 (C) the owner of the other public or private land consents to the inclusion of the
680 land in the project area.
- 681 (b) Consent provided under Subsection (6)(a)(ii)(A), (B), or (C) is irrevocable.
- 682 (c) If a project area is to be on state land, as described in Subsection (7)(a)(i), the
683 description of a project area shall include written acknowledgment from the state
684 officer, board chair, or other individual responsible for the state land.
- 685 (8) In presenting a proposed significant community impact project plan to the board, the
686 commissioner shall describe how the commissioner consulted with a county and
687 municipality that may be affected by the adoption of a significant community impact
688 project area.
- 689 (9)(a) The commissioner may propose a significant community impact project plan that
690 requests an authority create an authority-run project area, under the authority's
691 statutory provisions, as part of a proposed significant community impact project plan.
- 692 (b) The board may request an authority described in Subsection (9)(a) enter into an
693 agreement with the board to participate in a significant community impact project
694 plan, once approved, under the board's direction.
- 695 (c) If an authority creates an authority-run project area pursuant to a significant
696 community impact project plan established under this chapter, the agency may not:
- 697 (i) levy taxes in the authority-run project area; or
- 698 (ii) collect property tax differential from the authority-run project area.
- 699 (10) If a parcel within a proposed project area is part of a project area, as that term is
700 defined in Section 17C-1-102, a housing and transit reinvestment zone created under
701 Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, a first home
702 investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment
703 Zone Act, or a home ownership promotion zone created under Title 10, Chapter 9a, Part
704 10, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 27a, Part
705 12, Home Ownership Promotion Zone for Counties, the commissioner and board shall:
- 706 (a) work with the relevant local government entity to establish how the overlapping
707 parcel shall be managed and how revenue generated by activity on the parcel shall be

distributed, as specified in the proposal; and

(b) consult with the State Tax Commission to determine whether the distribution plan described in Subsection (10)(a) is feasible.

Section 15. Section **11-71-402** is enacted to read:

11-71-402 (Effective 07/01/25). Public meeting to consider and discuss proposed significant community impact project plan -- Notice -- Modification to proposed economic zone.

(1) The board shall hold at least one public meeting to consider and discuss a proposed significant community impact project plan.

(2)(a) At least 15 days before holding a public meeting described under Subsection (1), the board shall make the proposed significant community impact project plan publicly available on a website.

(b) At least 10 days before holding a public meeting described in Subsection (1), the board shall give notice of the public meeting:

(i) to each taxing entity that would be impacted by a project area in the proposed significant community impact project area plan;

(ii) to a municipality located within one-half mile of a proposed project area in the proposed significant community impact project area plan; and

(iii) for a proposed project area in the proposed significant community project area plan, as a class A notice under Section 63G-30-102, for at least 10 days.

(3) Before adopting a proposed significant community impact project plan, the board may make other modifications to the proposed significant community impact project plan that the board considers necessary or appropriate.

(4) Notwithstanding the provisions of this section, if a proposed significant community impact project plan includes the creation of an authority-run project area, the authority-run project area shall be noticed and created by the authority designated in the proposed significant community impact project plan according to the statutory provisions governing the authority.

Section 16. Section **11-71-403** is enacted to read:

11-71-403 (Effective 07/01/25). Adoption -- Effective date -- Certain legal challenges barred.

(1) The board may not adopt a proposed significant community impact project plan unless it is proposed by the commissioner.

(2) The board may adopt a project area as provided in this part, if the board receives written

742 consent to include the land in the project area described in the significant community
743 impact project plan from, as applicable:

744 (a) legislative body of the county in whose unincorporated area the land is located; or

745 (b) the legislative body of the municipality in which the land is located.

746 (3) The board may adopt a proposed significant community impact project plan by
747 resolution, with any modifications described in Section 11-71-402, following
748 consideration and discussion of:

749 (a) long-term population growth estimates in the state and areas in and around a
750 proposed project area;

751 (b) workforce needs and availability, especially for targeted industries identified by the
752 council;

753 (c) infrastructure needs in a proposed project area, including water, power,
754 transportation, and telecommunications;

755 (d) the availability of, and impact on the availability of, resources like water, energy, air
756 quality, and recreational opportunity;

757 (e) the needs of urban and rural areas of the state;

758 (f) impacts to the quality of life for all residents of the state;

759 (g) any comments received before or during the public meeting described in Section
760 11-71-402; and

761 (h) how the proposal meets the requirements under Section 11-71-401(2).

762 (4) A resolution approving a significant community impact project plan shall contain, at
763 minimum, the board's findings that:

764 (a) the proposed significant community impact project plan addresses an economic
765 opportunity of statewide concern;

766 (b) there is a public benefit to the proposed significant community impact project plan;

767 (c) the proposed significant community impact project plan is economically sound and
768 feasible to adopt and carry out; and

769 (d) if adopted, the proposed significant community impact project plan will promote
770 strategic economic development objectives for the state, as established by the council
771 under Section 63N-1a-502.

772 (5)(a) A significant community impact project plan and the project area associated with
773 the plan becomes effective on the date designated by the board in the resolution
774 described in this section.

775 (b) Property tax differential may begin to be generated for an approved project area on

January 1 following the approval of a significant community impact project plan, at the rate approved by the board in the resolution, not to exceed 75%.

(c) Upon the effective date described in Subsection (5)(a), all affected local taxing entities are required to participate according to the terms approved by the board and each affected taxing entity is required to participate at the same rate.

(6)(a) The board may contract with a person to execute a significant community impact project plan, or any portion of a significant community impact project plan, under the board's authority and supervision.

(b) The board may execute a contract described in Subsection (6)(a) at or after the time of adoption of the significant community impact project plan.

(7) A legal action or other challenge to a significant community impact project plan or a project area in a significant community impact project plan is barred unless brought within 30 days after the effective date of the significant community impact project plan, as described in Subsection (5)(a).

Section 17. Section **11-71-404** is enacted to read:

11-71-404 (Effective 07/01/25). Notice of significant community impact project plan adoption -- Notice of project area adoptions.

(1) Upon the board's adoption of a significant community impact project plan as described in Section 11-71-403, the board shall provide notice as provided in Subsection (2) by publishing or causing to be published, legal notice for the project area included in the significant community impact project plan, as a class A notice under Section 63G-30-102, for at least 30 days.

(2)(a) Each notice under Subsection (1) shall include:

(i) the board resolution adopting the significant community impact project plan or a summary of the board resolution; and

(ii) a statement that the significant community impact project plan, including a description of all project areas approved in the plan, is available for general public inspection and the hours for inspection.

(b) The statement required under Subsection (2)(a)(ii) may be included within the board resolution adopting the significant community impact project plan or within the summary of the resolution.

(3) The board shall make the adopted significant community impact project plan and a description of the project area available to the general public at the agency's offices during normal business hours.

(4) Within 10 days after the day on which a significant community impact project area is established, or after an amendment to a significant community impact project plan is adopted that modifies a boundary of a project area, the board shall send notice of the establishment or modification of the project area and an accurate map or plat of the project area to:

- (a) the State Tax Commission;
- (b) the Utah Geospatial Resource Center created in Section 63A-16-505; and
- (c) the assessor and recorder of each county where the project area is located.

Section 18. Section **11-71-405** is enacted to read:

11-71-405 (Effective 07/01/25). Amendment to a significant community impact project plan.

The board may amend an adopted significant community impact project plan by following the same procedure under this part that applies to the initial adoption of a significant community impact project plan.

Section 19. Section **11-71-501** is enacted to read:

Part 5. Project Area Budget

11-71-501 (Effective 07/01/25). Project area budget.

(1) Before the agency may use the property tax differential from a project area, the board shall prepare and adopt a project area budget.

(2) A project area budget shall include:

- (a) the base taxable value of property in the project area;
- (b) the projected property tax differential expected to be generated within the project area;
- (c) the amount of the property tax differential expected to be used to implement the project area plan, including the estimated amount of the property tax differential to be used for:
 - (i) land acquisition;
 - (ii) public infrastructure and improvements;
 - (iii) a remediation project, if applicable; and
 - (iv) loans, grants, or other incentives to private and public entities;
- (d) the property tax differential expected to be used to cover the cost of administering the project area plan;
- (e) the amount of property tax differential expected to be shared with other taxing entities; and

(f) for property that the agency owns or leases and expects to sell or sublease, the expected total cost of the property to the agency and the expected selling price or lease payments.

(3) The board may amend an adopted project area budget as and when the board considers it appropriate.

Section 20. Section **11-71-502** is enacted to read:

11-71-502 (Effective 07/01/25). Budgets impacting public infrastructure districts created by the agency.

(1)(a) Before the agency creates a subsidiary public infrastructure district for a significant community impact project area, the board shall prepare and adopt a public infrastructure district budget.

(b) The public infrastructure district budget described in Subsection (1)(a) shall include the projected revenue to be generated by the public infrastructure district through:

(i) the issuance of bonds; and

(ii) the levying of taxes as described in this section.

(2)(a)(i) A public infrastructure district created by the agency as a subsidiary of the agency in accordance with Title 17D, Chapter 4, Public Infrastructure District Act, may, subject to limitations of Title 17D, Chapter 4, Public Infrastructure District Act, levy a property tax for the operations and maintenance of the subsidiary public infrastructure district's financed infrastructure and related improvements, subject to a maximum certified rate for the county in which the public infrastructure district operates.

(ii) A levy under Subsection (2)(a)(i) may be separate from a public infrastructure district property tax levy for a bond.

(b) If a subsidiary public infrastructure district issues a bond:

(i) the subsidiary public infrastructure district may:

(A) delay the effective date of the property tax levy for the bond until after the period of capitalized interest payments; and

(B) covenant with bondholders not to reduce or impair the property tax levy; and

(ii) notwithstanding a provision to the contrary in Title 17D, Chapter 4, Public Infrastructure District Act, the tax rate for the property tax levy for the bond may not exceed a rate that generates more revenue than required to pay the annual debt service of the bond plus administrative costs, subject to a maximum certified rate for the county in which the public infrastructure district operates.

- (c) If a subsidiary public infrastructure district issues bonds, the subsidiary public infrastructure district may issue bonds secured by property taxes from:
- (i) the entire subsidiary public infrastructure district boundary; or
 - (ii) one or more tax areas within the subsidiary public infrastructure district boundary.

- (3) The requirements of this section may be in addition to the requirements described in Part 7, Beehive Development Agency Bonds.

Section 21. Section **11-71-601** is enacted to read:

Part 6. Project Area Revenue

11-71-601 (Effective 07/01/25). Project area funds -- Project area agreements.

- (1) The following constitute potential project area funds for an approved project area that is part of a significant community impact project plan:
- (a) a grant, award, loan, or incentive authorized under Title 63N, Economic Opportunity Act, included as a part of the approved significant community impact project plan;
 - (b) property tax differential from a project area, as described in Section 11-71-605; and
 - (c) revenue generated by a tax authorized under this part.
- (2) Project area funds may be expended for a purpose described in a significant community impact project plan, including:
- (a) to pay for, including financing or refinancing, all or part of the development of land within an project area, including assisting the ongoing operation of a development or a facility within the project area;
 - (b) to pay the cost of the installation and construction of public infrastructure and improvements within the project area from which the project area funds were collected;
 - (c) to pay the cost of the installation of public infrastructure and improvements outside a project area if the board determines by resolution that the infrastructure and improvements are of benefit to the project area;
 - (d) to pay the principal and interest on bonds issued by the agency for the benefit of the project area, if the bonds were first approved by the board;
 - (e) to pay the cost of acquiring a conservation easement on land that is part of or adjacent to the project area; and
 - (f) to incentivize development that is contemplated in an approved significant community impact project plan.
- (3)(a) The agency may use money it receives under Subsections 59-12-103(17) and (19) for the development of the project area that generated the funds, including paying for

bonds issued to pay for the development and construction of projects in the project area.

(b) If the amount of money the agency receives under Subsection (3)(a) exceeds the amount required to pay the annual debt service on bonds issued to pay for the development and construction of a project, the agency may use the excess amount received to:

(i) pay down the principal on a bond associated with the project area that generated the funds; or

(ii) support development outside of the project area that generated the funds.

(4) Before project funds may be used outside of the project area, the board shall:

(a) make a finding that the use of project area funds outside the project area will directly benefit the project area and the elements of the significant community impact project plan being targeted in the project area; and

(b) describe the maximum distance that project area funds may be used outside the project area.

Section 22. Section **11-71-602** is enacted to read:

11-71-602 (Effective 07/01/25). Accommodations tax.

(1) As used in this section, "accommodations and services" means an accommodation or service described in Subsection 59-12-103(1)(i).

(2) The board may impose an accommodations tax on a provider for amounts paid or charged for accommodations and services, if the place of accommodation is located within the project area on:

(a) municipality-owned, county-owned, or state-owned property;

(b) privately owned property on which a municipality, county, or the state owns some or all of the place of accommodation; or

(c) privately owned property on which the board finds that a private owner is receiving significant benefit due to the proximity of the project area to the privately owned property.

(3) The maximum rate of the accommodations tax authorized by this section is 15% of the amounts paid to or charged by the provider for accommodations and services.

(4) A provider may recover an amount equal to the accommodations tax authorized in this section from customers, if the provider includes the amount as a separate billing line item.

(5) If the board imposes the tax described in this section for an area, the board may not also

impose on the amounts paid or charged for accommodations and services in the same area any other tax described in:

(a) Title 59, Chapter 12, Sales and Use Tax Act; or

(b) Title 59, Chapter 28, State Transient Room Tax Act.

(6) Except as provided in Subsection (7) or (8), the tax imposed under this section shall be administered, collected, and enforced in accordance with:

(a) the same procedures used to administer, collect, and enforce the tax under:

(i) Title 59, Chapter 12, Part 1, Tax Collection; or

(ii) Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act; and

(b) Title 59, Chapter 1, General Taxation Policies.

(7) The location of a transaction shall be determined in accordance with Sections 59-12-211 through 59-12-215.

(8)(a) A tax under this section is not subject to Section 59-12-107.1 or 59-12-123 or Subsections 59-12-205(2) through (5).

(b) The exemptions described in Sections 59-12-104, 59-12-104.1, and 59-12-104.6 do not apply to a tax imposed under this section.

(9) The State Tax Commission shall:

(a) except as provided in Subsection (9)(b), distribute the revenue collected from the tax to the board; and

(b) retain and deposit an administrative charge in accordance with Section 59-1-306 from revenue the State Tax Commission collects from a tax under this section.

(10)(a) If the board imposes, repeals, or changes the rate of tax under this section, the implementation, repeal, or change shall take effect:

(i) on the first day of a calendar quarter; and

(ii) after a 90-day period beginning on the date the State Tax Commission receives the notice described in Subsection (10)(b) from the legislative body of the county or municipality.

(b) The notice required in Subsection (10)(a)(ii) shall state:

(i) that the county or municipality will impose, repeal, or change the rate of a tax under this section;

(ii) the effective date of the implementation, repeal, or change of the tax; and

(iii) the rate of the tax.

Section 23. Section **11-71-603** is enacted to read:

11-71-603 (Effective 07/01/25). Energy sales and use tax.

- (1) The board may levy an energy tax within a project area on an energy supplier as defined in Section 10-1-303.
- (2) The maximum rate of the energy tax under this section is 6% of the delivered value as defined in Section 10-1-303, except that delivered value does not include the amount of a tax paid under this section.
- (3)(a) An energy supplier may recover an amount equal to the energy tax from the energy supplier's customers, if the energy supplier includes the amount as a separate billing line item.
- (b) The energy tax levied under this section is in addition to the rate approved by the Public Service Commission and charged to the customer.
- (4) If the agency has levied a municipal energy tax in the project area, the energy tax paid by a customer is reduced by any municipal energy tax paid by that customer on the same delivered value.
- (5)(a) The energy tax is payable by the energy supplier to the agency on a monthly basis as described by the resolution levying the tax.
- (b) The resolution shall allow the energy supplier to retain 1% of the tax remittance each month to offset the energy supplier's costs of collecting and remitting the tax.
- Section 24. Section **11-71-604** is enacted to read:
- 11-71-604 (Effective 07/01/25). Other taxes levied for a project area.**
- (1) If the board does not levy the tax described in Section 11-71-602 for an area, the board may levy the following taxes:
- (a) a transient room tax described in Subsection 59-12-352(7);
- (b) resort community tax described in Section 59-12-401; and
- (c) additional resort community sales and use tax described in Section 59-12-402.
- (2) Revenue generated by a tax described in this section from a project area constitutes project area funds for that project area.
- Section 25. Section **11-71-605** is enacted to read:
- 11-71-605 (Effective 07/01/25). Property tax differential.**
- (1) A county that collects property tax located within a project area shall, in accordance with Section 59-2-1365, distribute to the agency:
- (a) beginning the year after a statewide community impact project plan is approved by resolution and for up to 25 years, up to 75% of property tax differential generated in the project area; and
- (b) beginning in the secondary capture period, as approved by the board by resolution,

and for no more than 15 years thereafter unless earlier terminated by resolution of the board, up to 50% of property tax differential generated in the project area.

(2) The agency may utilize property tax differential as described in this section and subject to the requirements of Section 11-71-501.

(3) Improvements on a parcel within a project area become subject to property tax on January 1 immediately following the day on which the agency, or an entity designated by the agency, issues a certificate of occupancy or other final approval with respect to those improvements.

(4) If an approved significant community impact project plan includes the creation of one or more authority-run project areas:

(a) the authority shall manage the authority-run project area and any authority-run project area funds:

(i) pursuant to the authority's statutory provisions; and

(ii) in accordance with any agreement between the board and the authority governing the significant community impact project plan; and

(b) the provisions of this section do not apply to the authority-run project area.

Section 26. Section **11-71-701** is enacted to read:

Part 7. Beehive Development Agency Bonds

11-71-701 (Effective 07/01/25). Resolution authorizing issuance of bonds -- Characteristics of bonds -- Notice.

(1) The agency may not issue bonds under this part unless the board first:

(a) adopts a parameters resolution for the bonds that sets forth:

(i) the maximum:

(A) amount of bonds;

(B) term; and

(C) interest rate; and

(ii) the expected security for the bonds; and

(b) submits the parameters resolution for review and recommendation to the State Finance Review Commission created in Section 63C-25-201.

(2)(a) As provided in the agency resolution authorizing the issuance of bonds under this part or the trust indenture under which the bonds are issued, bonds issued under this part may be issued in one or more series and may be sold at public or private sale and in the manner provided in the resolution or indenture.

(b) Bonds issued under this part shall bear the date, be payable at the time, bear interest

at the rate, be in the denomination and in the form, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be subject to the terms of redemption or tender, with or without premium, be payable in the medium of payment and at the place, and have other characteristics as provided in the agency resolution authorizing the bond's issuance or the trust indenture under which the bonds are issued.

(3) Upon the board's adoption of a resolution providing for the issuance of bonds, the board may provide for the publication of the resolution:

(a) for the area within the agency's boundaries, as a class A notice under Section 63G-30-102, for at least 30 days; and

(b) as required in Section 45-1-101.

(4) In lieu of publishing the entire resolution, the board may publish notice of bonds that contains the information described in Subsection 11-14-316(2).

(5) For a period of 30 days after the publication, any person in interest may contest:

(a) the legality of the resolution or proceeding;

(b) any bonds that may be authorized by the resolution or proceeding; or

(c) any provisions made for the security and payment of the bonds.

(6)(a) A person may contest the matters set forth in Subsection (5) by filing a verified written complaint, within 30 days of the publication under Subsection (5), in the court with jurisdiction in the county in which the person resides.

(b) A person may not contest the matters set forth in Subsection (5), or the regularity, formality, or legality of the resolution or proceeding, for any reason, after the 30-day period for contesting provided in Subsection (6)(a).

(7) No later than 60 days after the closing day of any bonds, the agency shall report the bonds issuance, including the amount of the bonds, terms, interest rate, and security, to:

(a) the Executive Appropriations Committee; and

(b) the State Finance Review Commission created in Section 63C-25-201.

Section 27. Section **11-71-702** is enacted to read:

11-71-702 (Effective 07/01/25). Sources from which bonds may be made payable
-- Agency powers regarding bonds.

(1) The principal and interest on bonds issued by the agency may be made payable from:

(a) the income and revenues of the projects financed with the proceeds of the bonds;

(b) the income and revenues of certain designated projects that were financed in whole or in part with the proceeds of the bonds;

- (c) the income, proceeds, revenues, property, and funds the agency derives from or holds in connection with the agency's undertaking and carrying out development of a significant community impact project plan or an associated project area;
- (d) property tax differential funds;
- (e) agency revenues generally;
- (f) a contribution, loan, grant, or other financial assistance from the federal government or a public entity in aid of the agency; or
- (g) funds derived from any combination of the methods listed in Subsections (1)(a) through (g).

(2) In connection with the issuance of agency bonds, the agency may:

- (a) pledge all or any part of the agency's gross or net rents, fees, or revenues that exist or may come into existence;
- (b) encumber by mortgage, deed of trust, or otherwise all or any part of the agency's real or personal property, then owned or thereafter acquired; and
- (c) make the covenants and take the action that may be necessary, convenient, or desirable to secure the agency's bonds, or, except as otherwise provided in this chapter, that will tend to make the bonds more marketable, even though such covenants or actions are not specifically enumerated in this chapter.

Section 28. Section **11-71-703** is enacted to read:

11-71-703 (Effective 07/01/25). Purchase of bonds.

- (1) Any person, firm, corporation, association, political subdivision of the state, or other entity or public or private officer may purchase bonds issued by an agency under this part with funds owned or controlled by the purchaser.
- (2) Nothing in this section may be construed to relieve a purchaser of agency bonds of any duty to exercise reasonable care in selecting securities.

Section 29. Section **11-71-704** is enacted to read:

**11-71-704 (Effective 07/01/25). Those executing bonds not personally liable --
Limitation of obligations under bonds -- Negotiability.**

- (1) A member of the board or other person executing an agency bond is not liable personally on the bond.
- (2)(a) A bond issued by the agency is not a general obligation or liability of the state or any of the state's political subdivisions and does not constitute a charge against the state's general credit or taxing powers.

(b) A bond issued by the agency is not payable out of any funds or properties other than those of the agency.

(c) The state and its political subdivisions are not and may not be held liable on a bond issued by the agency.

(d) A bond issued by the agency does not constitute indebtedness within the meaning of any constitutional or statutory debt limitation.

(3) A bond issued by the agency under this part is fully negotiable.

Section 30. Section **11-71-705** is enacted to read:

11-71-705 (Effective 07/01/25). Obligee rights -- Board may confer other rights.

(1) In addition to all other rights that are conferred on an obligee of a bond issued by the agency under this part and subject to contractual restrictions binding on the obligee, an obligee may:

(a) by mandamus, suit, action, or other proceeding, compel the agency and its board, officers, agents, or employees to perform every term, provision, and covenant contained in any contract of the agency with or for the benefit of the obligee, and require the agency to carry out the covenants and agreements of the agency and to fulfill all duties imposed on the agency by this part; and

(b) by suit, action, or proceeding in equity, enjoin any acts or things that may be unlawful or violate the rights of the obligee.

(2)(a) In a board resolution authorizing the issuance of bonds or in a trust indenture, mortgage, lease, or other contract, the board may confer upon an obligee holding or representing a specified amount in bonds, the rights described in Subsection (2)(b), to accrue upon the happening of an event or default prescribed in the resolution, indenture, mortgage, lease, or other contract, and to be exercised by suit, action, or proceeding in any court of competent jurisdiction.

(b)(i) The rights that the board may confer under Subsection (2)(a) are the rights to:

(A) cause possession of all or part of a development project to be surrendered to an obligee;

(B) obtain the appointment of a receiver of all or part of an agency's development project and of the rents and profits from the development project; and

(C) require the agency and its board and employees to account as if the agency and the board and employees were the trustees of an express trust.

(ii) If a receiver is appointed through the exercise of a right granted under Subsection (2)(b)(i)(B), the receiver:

(A) may enter and take possession of the development project or any part of the development project, operate and maintain the development project, and collect and receive all fees, rents, revenues, or other charges arising from the development project after the receiver's appointment; and

(B) shall keep money collected as receiver for the agency in separate accounts and apply the money pursuant to the agency obligations as the court directs.

Section 31. Section **11-71-706** is enacted to read:

11-71-706 (Effective 07/01/25). Bonds exempt from taxes -- Agency may purchase its own bonds.

(1) A bond issued by the agency, or a subsidiary public infrastructure district as described in Section 11-71-502, under this part is issued for an essential public and governmental purpose and is, together with interest on the bond and income from the bond, exempt from all state taxes except the corporate franchise tax.

(2) The agency may purchase the agency's own bonds at a price that the board determines.

(3) Nothing in this section may be construed to limit the right of an obligee to pursue a remedy for the enforcement of a pledge or lien given under this part by the agency on the agency's rents, fees, grants, properties, or revenues.

Section 32. Section **11-71-801** is enacted to read:

Part 8. Agency Budget, Reporting, and Audits

11-71-801 (Effective 07/01/25). Annual agency budget -- Fiscal year -- Public hearing required -- Auditor forms -- Requirement to file annual budget.

(1) The agency shall prepare and the board shall adopt an annual budget of revenues and expenditures for the agency for each fiscal year.

(2) Each annual agency budget shall be adopted before June 30, except that the agency's initial budget shall be adopted as soon as reasonably practicable after the organization of the board and the beginning of agency operations.

(3) The agency's fiscal year shall be the period from July 1 to the following June 30.

(4)(a) Before adopting an annual budget, the board shall hold a public hearing on the annual budget.

(b) The agency shall provide notice of the public hearing on the annual budget by publishing notice:

(i) at least once in a newspaper of general circulation within the state, at least one week before the public hearing; and

(ii) on the Utah Public Notice Website created in Section 63A-16-601, at least one

week immediately before the public hearing.

(c) The agency shall make the annual budget available for public inspection at least three days before the date of the public hearing.

(5) The state auditor shall prescribe the budget forms and the categories to be contained in each agency budget, including:

(a) revenues and expenditures for the budget year;

(b) legal fees; and

(c) administrative costs, including rent, supplies, and salaries of agency personnel.

(6)(a) Within 30 days after adopting an annual budget, the board shall file a copy of the annual budget with the auditor of each county in which a project area is located, the State Tax Commission, the state auditor, the State Board of Education, and each taxing entity that levies a tax on property from which the agency collects property tax differential.

(b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the state as a taxing entity is met if the agency files a copy with the State Tax Commission and the state auditor.

Section 33. Section **11-71-802** is enacted to read:

11-71-802 (Effective 07/01/25). Amending the agency annual budget.

(1) The board may by resolution amend an annual agency budget.

(2) An amendment of the annual agency budget that would increase the total expenditures may be made only after public hearing by notice published as required for initial adoption of the annual budget.

(3) The agency may not make expenditures in excess of the total expenditures established in the annual budget as the budget is adopted or amended.

Section 34. Section **11-71-803** is enacted to read:

11-71-803 (Effective 07/01/25). Report.

(1) No later than August 1 of each year, the board shall evaluate the agency's work to pursue strategic economic development objectives in the state.

(2) No later than September 1 of each year, the board shall report to the council regarding:

(a) progress made toward strategic economic development objectives;

(b) draft proposals for significant community impact project plans;

(c) complete proposals for significant community impact project plans; and

(d) approved significant community impact project plans.

(3) No later than October 1 of each year, the board shall provide a written report to the

Economic Development and Workforce Services Interim Committee regarding any approved significant community impact project plans.

- (4)(a) No later than October 1 of each year, the agency shall prepare and file a report with the county auditor of each county in which a project area created under this chapter is located, the State Tax Commission, the State Board of Education, and each taxing entity that levies a tax on property from which the agency collects property tax differential.
- (b) The requirement of Subsection (4)(a) to file a copy of the report with the state as a taxing entity is met if the agency files a copy with the State Tax Commission and the state auditor.
- (c) Each report under this Subsection (4) shall contain:
- (i) an estimate of the property tax differential to be paid to the agency for the calendar year ending December 31; and
- (ii) an estimate of the property tax differential to be paid to the agency for the calendar year beginning the next January 1.

- (5) No later than November 1 of each year, the board shall present a report to the Executive Appropriations Committee of the Legislature, as the Executive Appropriations Committee directs, that includes:

- (a) an overview of any policies created by the board under this chapter;
- (b) an accounting of how agency funds have been spent;
- (c) any agency business plans developed under Part 5, Project Area Budget; and
- (d) an explanation of the agency's progress in achieving the policies and objectives described in this chapter.

Section 35. Section **11-71-804** is enacted to read:

11-71-804 (Effective 07/01/25). Audit requirements.

The agency shall comply with the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

Section 36. Section **11-71-805** is enacted to read:

11-71-805 (Effective 07/01/25). Audit report.

- (1) The agency shall, within 180 days after the end of the agency's fiscal year, file a copy of the audit report with the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity that levies a tax on property from which the agency collects property tax differential.

- (2) Each audit report under Subsection (1) shall include:
- (a) the property tax differential collected by the agency;
 - (b) the outstanding principal amount of bonds issued or other loans incurred to finance the costs associated with the agency's projects; and
 - (c) the actual amount expended for:
 - (i) acquisition of property;
 - (ii) site improvements or site preparation costs;
 - (iii) installation of public utilities or other public improvements; and
 - (iv) administrative costs of the agency.

Section 37. Section **11-71-806** is enacted to read:

11-71-806 (Effective 07/01/25). Board is a public treasurer -- Certain agency funds are public funds.

- (1) The board, or the board's designee:
- (a) is a public treasurer, as defined in Section 51-7-3; and
 - (b) shall invest the agency funds specified in Subsection (2) as provided in that subsection.
- (2) Notwithstanding Subsection 63E-2-110(2)(a), property tax differential funds, tax revenue collected by the agency as described in this chapter, and appropriations that the agency receives from the state:
- (a) are public funds; and
 - (b) shall be invested as provided in Title 51, Chapter 7, State Money Management Act.

Section 38. Section **11-71-901** is enacted to read:

Part 9. Agency Dissolution

11-71-901 (Effective 07/01/25). Dissolution of agency -- Restrictions -- Notice of dissolution -- Disposition of agency property -- Agency records -- Dissolution expenses.

- (1) The agency may not be dissolved unless the agency has no outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual obligations with persons or entities other than the state.
- (2) Upon the dissolution of the agency:
- (a) the Governor's Office of Economic Opportunity shall publish a notice of dissolution:
 - (i) for the county in which a project area created by the dissolved agency is located, as a class A notice under Section 63G-30-102, for at least seven days; and
 - (ii) as required in Section 45-1-101; and
 - (b) all title to property owned by the agency vests in the state.

(3) The books, documents, records, papers, and seal of each dissolved agency shall be deposited for safekeeping and reference with the state auditor.

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

Section 39. Section **17D-4-102** is amended to read:

17D-4-102 (Effective 07/01/25). Definitions.

As used in this chapter:

(1) "Board" means the board of trustees of a public infrastructure district.

(2) "Creating entity" means the county, municipality, or development authority that approves the creation of a public infrastructure district.

(3) "Development authority" means:

(a) the Utah Inland Port Authority created in Section 11-58-201;

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

(c) the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201; [or]

(d) the military installation development authority created in Section 63H-1-201[:]; or

(e) the Beehive Development Agency created in Section 11-71-201.

(4) "District applicant" means the person proposing the creation of a public infrastructure district.

(5) "Division" means a division of a public infrastructure district:

(a) that is relatively equal in number of eligible voters or potential eligible voters to all other divisions within the public infrastructure district, taking into account existing or potential developments which, when completed, would increase or decrease the population within the public infrastructure district; and

(b) which a member of the board represents.

(6) "Governing document" means the document governing a public infrastructure district to which the creating entity agrees before the creation of the public infrastructure district, as amended from time to time, and subject to the limitations of Title 17B, Chapter 1, Provisions Applicable to All Special Districts, and this chapter.

(7)(a) "Limited tax bond" means a bond:

(i) that is directly payable from and secured by ad valorem property taxes that are levied:

(A) by a public infrastructure district that issues the bond; and

(B) on taxable property within the district;

(ii) that is a general obligation of the public infrastructure district; and

- 1320 (iii) for which the ad valorem property tax levy for repayment of the bond does not
1321 exceed the property tax levy rate limit established under Section 17D-4-303 for
1322 any fiscal year, except as provided in Subsection 17D-4-301(8).
- 1323 (b) "Limited tax bond" does not include:
- 1324 (i) a short-term bond;
- 1325 (ii) a tax and revenue anticipation bond; or
- 1326 (iii) a special assessment bond.
- 1327 (8) "Public infrastructure and improvements" means:
- 1328 (a) the same as that term is defined in Section 11-58-102, for a public infrastructure
1329 district created by the Utah Inland Port Authority created in Section 11-58-201;
- 1330 (b) the same as that term is defined in Section 11-70-101, for a public infrastructure
1331 district created by the Utah Fairpark Area Investment and Restoration District created
1332 in Section 11-70-201; [and]
- 1333 (c) the same as that term is defined in Section 63H-1-102, for a public infrastructure
1334 district created by the military installation development authority created in Section
1335 63H-1-201[-] ; and
- 1336 (d) the same as that term is defined in Section 11-71-101, for a public infrastructure
1337 district created by the Beehive Development Agency created in Section 11-71-201.
- 1338 Section 40. Section **35A-8-202** is amended to read:
- 1339 **35A-8-202 (Effective 05/07/25). Powers and duties of division.**
- 1340 (1) The division shall:
- 1341 (a) assist local governments and citizens in the planning, development, and maintenance
1342 of necessary public infrastructure and services;
- 1343 (b) cooperate with, and provide technical assistance to, counties, cities, towns, regional
1344 planning commissions, area-wide clearinghouses, zoning commissions, parks or
1345 recreation boards, community development groups, community action agencies, and
1346 other agencies created for the purpose of aiding and encouraging an orderly,
1347 productive, and coordinated development of the state and its political subdivisions;
- 1348 (c) assist the governor in coordinating the activities of state agencies which have an
1349 impact on the solution of community development problems and the implementation
1350 of community plans;
- 1351 (d) serve as a clearinghouse for information, data, and other materials which may be
1352 helpful to local governments in discharging their responsibilities and provide
1353 information on available federal and state financial and technical assistance;

- 1354 (e) carry out continuing studies and analyses of the problems faced by communities
- 1355 within the state and develop such recommendations for administrative or legislative
- 1356 action as appear necessary;
- 1357 (f) assist in funding affordable housing;
- 1358 (g) support economic development activities through grants, loans, and direct programs
- 1359 financial assistance;
- 1360 (h) certify project funding at the local level in conformance with federal, state, and other
- 1361 requirements;
- 1362 (i) utilize the capabilities and facilities of public and private universities and colleges
- 1363 within the state in carrying out its functions; ~~[and]~~
- 1364 (j) assist and support local governments, community action agencies, and citizens in the
- 1365 planning, development, and maintenance of home weatherization, energy efficiency,
- 1366 and antipoverty activities[-] ;
- 1367 (k) coordinate with the commissioner of the Governor's Office of Economic Opportunity
- 1368 in pursuing statewide objectives for housing; and
- 1369 (l) assist the commissioner of the Governor's Office of Economic Opportunity in
- 1370 fulfilling the duties described in Section 63N-1a-303.2.
- 1371 (2) The division may:
- 1372 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds
- 1373 Procedures Act, seek federal grants, loans, or participation in federal programs;
- 1374 (b) if any federal program requires the expenditure of state funds as a condition to
- 1375 participation by the state in any fund, property, or service, with the governor's
- 1376 approval, expend whatever funds are necessary out of the money provided by the
- 1377 Legislature for the use of the department;
- 1378 (c) in accordance with Part 9, Domestic Violence Shelters, assist in developing,
- 1379 constructing, and improving shelters for victims of domestic violence, as described in
- 1380 Section 77-36-1, through loans and grants to nonprofit and governmental entities; and
- 1381 (d) assist, when requested by a county or municipality, in the development of accessible
- 1382 housing.

1383 Section 41. Section **59-12-352** is amended to read:

1384 **59-12-352 (Effective 01/01/26). Transient room tax authority for municipalities**
 1385 **and certain authorities -- Purposes for which revenues may be used.**

- 1386 (1)(a) Except as provided in Subsection (5), the governing body of a municipality may
- 1387 impose a tax of not to exceed 1% on charges for the accommodations and services

described in Subsection 59-12-103(1)(i).

(b) Subject to Section 63H-1-203, the military installation development authority created in Section 63H-1-201 may impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within a project area described in a project area plan adopted by the authority under Title 63H, Chapter 1, Military Installation Development Authority Act, as though the authority were a municipality.

(c) Beginning October 1, 2024, the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, may impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within the district sales tax area, as defined in Section 11-70-101, to the same extent and in the same manner as a municipality may impose a tax under this section.

(d) Beginning January 1, 2026, the Beehive Development Agency may impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within a project area established by the Beehive Development Agency Board:

(i) to the same extent and in the same manner as a municipality may impose a tax under this section; and

(ii) as described in Subsection (7).

(2) Subject to the limitations of Subsection (1), a governing body of a municipality may, by ordinance, increase or decrease the tax under this part.

(3) A governing body of a municipality shall regulate the tax under this part by ordinance.

(4) A municipality may use revenues generated by the tax under this part for general fund purposes.

(5)(a) A municipality may not impose a tax under this section for accommodations and services described in Subsection 59-12-103(1)(i) within a project area described in a project area plan adopted by[-]:

(i) the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act; [or]

(ii) the Utah Fairpark Area Investment and Restoration District under Title 11, Chapter 70, Utah Fairpark Area Investment and Restoration District[-] ; or

(iii) the Beehive Development Agency created in Section 11-71-201.

(b) Subsection (5)(a) does not apply to the military installation development authority's imposition of a tax under this section.

(6)(a) As used in this Subsection (6):

- 1422 (i) "Authority" means the Point of the Mountain State Land Authority, created in
 1423 Section 11-59-201.
- 1424 (ii) "Authority board" means the board referred to in Section 11-59-301.
- 1425 (b) The authority may, by a resolution adopted by the authority board, impose a tax of
 1426 not to exceed 5% on charges for the accommodations and services described in
 1427 Subsection 59-12-103(1)(i) for transactions that occur on point of the mountain state
 1428 land, as defined in Section 11-59-102.
- 1429 (c) The authority board, by resolution, shall regulate the tax under this Subsection (6).
- 1430 (d) The authority shall use all revenue from a tax imposed under this Subsection (6) to
 1431 provide affordable housing, consistent with the manner that a community
 1432 reinvestment agency uses funds for income targeted housing under Section 17C-1-412.
- 1433 (e) A tax under this Subsection (6) is in addition to any other tax that may be imposed
 1434 under this part.
- 1435 (7)(a) The Beehive Development Agency Board may impose a tax of not to exceed 5%
 1436 on charges for the accommodations and services described in Subsection
 1437 59-12-103(1)(i) for transactions that occur within a project area.
- 1438 (b) Revenue generated by a tax imposed under this Subsection (7):
 1439 (i) shall be distributed to the Beehive Development Agency; and
 1440 (ii) constitutes project area funds, to be managed and expended as described in
 1441 Section 11-71-501.
- 1442 (c) A tax under this Subsection (7) is in addition to any other tax that may be imposed
 1443 under this part.
- 1444 Section 42. Section **59-12-354** is amended to read:
- 1445 **59-12-354 (Effective 01/01/26). Collection of tax -- Administrative charge.**
- 1446 (1) Except as provided in Subsections (2) and (3), the tax authorized under this part shall be
 1447 administered, collected, and enforced in accordance with:
- 1448 (a) the same procedures used to administer, collect, and enforce the tax under:
- 1449 (i) Part 1, Tax Collection; or
- 1450 (ii) Part 2, Local Sales and Use Tax Act; and
- 1451 (b) Chapter 1, General Taxation Policies.
- 1452 (2)(a) The location of a transaction shall be determined in accordance with Sections
 1453 59-12-211 through 59-12-215.
- 1454 (b) Except as provided in Subsection (2)(c), the commission shall distribute the revenue
 1455 collected from the tax to:

- 1456 (i)(A) the municipality within which the revenue was collected, for a tax imposed
 1457 under this part by a municipality; or
 1458 (B) the Utah Fairpark Area Investment and Restoration District, for a tax imposed
 1459 under this part by the Utah Fairpark Area Investment and Restoration District; [
 1460 and]
- 1461 (ii) the Point of the Mountain State Land Authority, for a tax imposed under
 1462 Subsection 59-12-352(6)[-] ; and
 1463 (iii) the Beehive Development Agency, for a tax imposed under Subsection
 1464 59-12-352(7).
- 1465 (c) The commission shall retain and deposit an administrative charge in accordance with
 1466 Section 59-1-306 from the revenue the commission collects from a tax under this part.
- 1467 (3) A tax under this part is not subject to Section 59-12-107.1 or 59-12-123 or Subsections
 1468 59-12-205(2) through (5).
- 1469 Section 43. Section **59-12-401** is amended to read:
 1470 **59-12-401 (Effective 01/01/26). Resort communities tax authority for cities,**
 1471 **towns, and certain authorities -- Base -- Rate -- Collection fees.**
- 1472 (1)(a) In addition to other sales and use taxes, a city or town in which the transient room
 1473 capacity as defined in Section 59-12-405 is greater than or equal to 66% of the
 1474 municipality's permanent census population may impose a sales and use tax of up to
 1475 1.1% on the transactions described in Subsection 59-12-103(1) located within the city
 1476 or town.
- 1477 (b) Notwithstanding Subsection (1)(a), a city or town may not impose a tax under this
 1478 section on:
- 1479 (i)(A) the sale of a motor vehicle, an aircraft, a watercraft, a modular home, a
 1480 manufactured home, or a mobile home;
 1481 (B) the sales and uses described in Section 59-12-104 to the extent the sales and
 1482 uses are exempt from taxation under Section 59-12-104; and
 1483 (C) except as provided in Subsection (1)(d), amounts paid or charged for food and
 1484 food ingredients; [or]
- 1485 (ii) transactions that occur in the district sales tax area, as defined in Subsection (4), if
 1486 the fairpark district, as defined in Subsection (4), has imposed a tax under
 1487 Subsection (4); or
 1488 (iii) transactions that occur in a project area of the Beehive Development Agency, if
 1489 the Beehive Development Agency has imposed a tax under Subsection (5).

(c) For purposes of this Subsection (1), the location of a transaction shall be determined in accordance with Sections 59-12-211 through 59-12-215.

(d) A city or town imposing a tax under this section shall impose the tax on the purchase price or the sales price for amounts paid or charged for food and food ingredients if the food and food ingredients are sold as part of a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients.

(2)(a) An amount equal to the total of any costs incurred by the state in connection with the implementation of Subsection (1) which exceed, in any year, the revenues received by the state from its collection fees received in connection with the implementation of Subsection (1) shall be paid over to the state General Fund by the cities and towns which impose the tax provided for in Subsection (1).

(b) Amounts paid under Subsection (2)(a) shall be allocated proportionally among those cities and towns according to the amount of revenue the respective cities and towns generate in that year through imposition of that tax.

(3)(a) Subject to Section 63H-1-203, the military installation development authority created in Section 63H-1-201 may impose a tax under this section on the transactions described in Subsection 59-12-103(1) located within a project area described in a project area plan adopted by the authority under Title 63H, Chapter 1, Military Installation Development Authority Act, as though the authority were a city or a town.

(b) For purposes of calculating the permanent census population within a project area, the board, as defined in Section 63H-1-102, shall:

(i) use the actual number of permanent residents within the project area as determined by the board;

(ii) include in the calculation of transient room capacity the number, as determined by the board, of approved high-occupancy lodging units, recreational lodging units, special lodging units, and standard lodging units, even if the units are not constructed;

(iii) adopt a resolution verifying the population number; and

(iv) provide the commission any information required in Section 59-12-405.

(c) Notwithstanding Subsection (1)(a), a board as defined in Section 63H-1-102 may impose the sales and use tax under this section if there are no permanent residents.

(4)(a) As used in this Subsection (4):

(i) "District sales tax area" means the same as that term is defined in Section

11-70-101.

(ii) "Fairpark district" means the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201.

(iii) "Fairpark district board" means the board of the fairpark district.

(b) The fairpark district, by resolution of the fairpark district board, may impose a tax under this section, as though the fairpark district were a city or town, on transactions described in Subsection 59-12-103(1):

(i) located within the district sales tax area; and

(ii) that occur on or after October 1, 2024.

(c) For purposes of calculating the permanent census population within the district sales tax area, the fairpark district board shall:

(i) use the actual number of permanent residents within the district sales tax area as determined by the fairpark district board;

(ii) include in the calculation of transient room capacity the number, as determined by the fairpark district board, of approved high-occupancy lodging units, recreational lodging units, special lodging units, and standard lodging units, even if the units are not constructed;

(iii) adopt a resolution verifying the population number; and

(iv) provide the commission any information required in Section 59-12-405.

(d) Notwithstanding Subsection (1)(a), the fairpark district may impose the sales and use tax under this section if there are no permanent residents within the district sales tax area.

(5) Beginning January 1, 2026, the Beehive Development Agency may impose a tax under this section as though the Beehive Development Agency were a city or town in which the transient room capacity as defined in Section 59-12-405 is greater than or equal to 66% of the municipality's permanent census population on the transactions described in Subsection 59-12-103(1) located within the sales and use tax boundary for the project area.

Section 44. Section **59-12-402** is amended to read:

59-12-402 (Effective 01/01/26). Additional resort communities sales and use tax -- Base -- Rate -- Collection fees -- Resolution and voter approval requirements -- Election requirements -- Notice requirements -- Ordinance requirements -- Certain authorities implementing additional resort communities sales and use tax.

(1)(a) Subject to Subsections (2) through (6), the governing body of a municipality in

1558 which the transient room capacity as defined in Section 59-12-405 is greater than or
1559 equal to 66% of the municipality's permanent census population may, in addition to
1560 the sales tax authorized under Section 59-12-401, impose an additional resort
1561 communities sales tax in an amount that is less than or equal to .5% on the
1562 transactions described in Subsection 59-12-103(1) located within the municipality.

1563 (b) Notwithstanding Subsection (1)(a), the governing body of a municipality may not
1564 impose a tax under this section on:

1565 (i)(A) the sale of a motor vehicle, an aircraft, a watercraft, a modular home, a
1566 manufactured home, or a mobile home;

1567 (B) the sales and uses described in Section 59-12-104 to the extent the sales and
1568 uses are exempt from taxation under Section 59-12-104; and

1569 (C) except as provided in Subsection (1)(d), amounts paid or charged for food and
1570 food ingredients; [or]

1571 (ii) transactions that occur in the district sales tax area, as defined in Subsection
1572 59-12-401(4), if the Utah Fairpark Area Investment and Restoration District,
1573 created in Section 11-70-201, has imposed a tax under Subsection (8)[-] ; or
1574 (iii) transactions that occur within the sales and use tax boundary of a project area
1575 established by the Beehive Development Agency, if the Beehive Development
1576 Agency, created in Section 11-71-201, has imposed a tax under Subsection (9).

1577 (c) For purposes of this Subsection (1), the location of a transaction shall be determined
1578 in accordance with Sections 59-12-211 through 59-12-215.

1579 (d) A municipality imposing a tax under this section shall impose the tax on the
1580 purchase price or sales price for amounts paid or charged for food and food
1581 ingredients if the food and food ingredients are sold as part of a bundled transaction
1582 attributable to food and food ingredients and tangible personal property other than
1583 food and food ingredients.

1584 (2)(a) An amount equal to the total of any costs incurred by the state in connection with
1585 the implementation of Subsection (1) which exceed, in any year, the revenues
1586 received by the state from its collection fees received in connection with the
1587 implementation of Subsection (1) shall be paid over to the state General Fund by the
1588 cities and towns which impose the tax provided for in Subsection (1).

1589 (b) Amounts paid under Subsection (2)(a) shall be allocated proportionally among those
1590 cities and towns according to the amount of revenue the respective cities and towns
1591 generate in that year through imposition of that tax.

- (3) To impose an additional resort communities sales tax under this section, the governing body of the municipality shall:
- (a) pass a resolution approving the tax; and
 - (b) except as provided in Subsection (6), obtain voter approval for the tax as provided in Subsection (4).
- (4) To obtain voter approval for an additional resort communities sales tax under Subsection (3)(b), a municipality shall:
- (a) hold the additional resort communities sales tax election during:
 - (i) a regular general election; or
 - (ii) a municipal general election; and
 - (b) post notice of the election for the municipality, as a class A notice under Section 63G-30-102, for at least 15 days before the day on which the election is held.
- (5) An ordinance approving an additional resort communities sales tax under this section shall provide an effective date for the tax as provided in Section 59-12-403.
- (6)(a) Except as provided in Subsection (6)(b), a municipality is not subject to the voter approval requirements of Subsection (3)(b) if, on or before January 1, 1996, the municipality imposed a license fee or tax on businesses based on gross receipts pursuant to Section 10-1-203.
- (b) The exception from the voter approval requirements in Subsection (6)(a) does not apply to a municipality that, on or before January 1, 1996, imposed a license fee or tax on only one class of businesses based on gross receipts pursuant to Section 10-1-203.
- (7) Subject to Subsection 63H-1-203(1), a military installation development authority authorized to impose a resort communities tax under Section 59-12-401 may impose an additional resort communities sales tax under this section.
- (8) The Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, may impose an additional resort communities tax under this section on transactions that occur:
- (a) within the district sales tax area, as defined in Subsection 59-12-401(4); and
 - (b) that occur on or after October 1, 2024.
- (9) On or after January 1, 2026, the Beehive Development Agency may impose an additional resort communities tax under this section on transactions that occur within the project area sales and use tax boundary, as defined in Section 11-71-101, as if the Beehive Development Agency was a municipality.

Section 45. Section **63A-3-401.5** is amended to read:

63A-3-401.5 (Effective 07/01/25). Definitions.

As used in this part:

- (1) "Beehive development fund" means the infrastructure fund created in Subsection 63A-3-402(1)(e).
- (2) "Borrower" means a person who borrows money from an infrastructure fund for an infrastructure project.
- ~~[(2)]~~ (3) "Fairpark district development fund" means the infrastructure fund created in Subsection 63A-3-402(1)(c).
- ~~[(3)]~~ (4) "Independent political subdivision" means:
- (a) the Utah Inland Port Authority created in Section 11-58-201;
 - (b) the Point of the Mountain State Land Authority created in Section 11-59-201;
 - (c) the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201; or
 - (d) the Military Installation Development Authority created in Section 63H-1-201.
- ~~[(4)]~~ (5) "Infrastructure fund" means a fund created in Subsection 63A-3-402(1).
- ~~[(5)]~~ (6) "Infrastructure loan" means a loan of infrastructure fund money to finance an infrastructure project.
- ~~[(6)]~~ (7) "Infrastructure project" means a project to acquire, construct, reconstruct, rehabilitate, equip, or improve public infrastructure and improvements:
- (a) within a project area; or
 - (b) outside a project area, if the respective loan approval body determines by resolution that the public infrastructure and improvements are of benefit to the project area.
- ~~[(7)]~~ (8) "Inland port" means the same as that term is defined in Section 11-58-102.
- ~~[(8)]~~ (9) "Inland port fund" means the infrastructure fund created in Subsection 63A-3-402(1)(a).
- ~~[(9)]~~ (10) "Military development fund" means the infrastructure fund created in Subsection 63A-3-402(1)(d).
- ~~[(10)]~~ (11) "Point of the mountain fund" means the infrastructure fund created in Subsection 63A-3-402(1)(b).
- ~~[(11)]~~ (12) "Project area" means:
- (a) the same as that term is defined in Section 11-58-102, for purposes of an infrastructure loan from the inland port fund;
 - (b) the point of the mountain state land, as defined in Section 11-59-102, for purposes of

an infrastructure loan from the point of the mountain fund;

(c) the same as that term is defined in Section 11-70-101, for purposes of an infrastructure loan from the fairpark district development fund; [or]

(d) the same as that term is defined in Section 63H-1-102, for purposes of an infrastructure loan from the military development fund[-] ; or

(e) the same as that term is defined in Section 11-71-101, for purposes of an infrastructure loan from the beehive development fund.

~~[(12)]~~ (13) "Property tax revenue" means:

(a) property tax differential, as defined in Section 11-58-102, for purposes of an infrastructure loan from the inland port fund;

(b) enhanced property tax revenue, as defined in Section 11-70-101, for purposes of an infrastructure loan from the fairpark district development fund; [or]

(c) property tax allocation, as defined in Section 63H-1-102, for purposes of an infrastructure loan from the military development fund[-] ; or

(d) property tax differential, as defined in Section 11-71-101, for purposes of an infrastructure loan from the beehive development fund.

~~[(13)]~~ (14) "Public infrastructure and improvements" means:

(a) the same as that term is defined in Section 11-58-102, for purposes of an infrastructure loan from the inland port fund;

(b) publicly owned infrastructure and improvements, as defined in Section 11-59-102, for purposes of an infrastructure loan from the point of the mountain fund;

(c) the same as that term is defined in Section 11-70-101, for purposes of an infrastructure loan from the fairpark district development fund; [or]

(d) the same as that term is defined in Section 63H-1-102, for purposes of an infrastructure loan from the military development fund[-] ; or

(e) the same as that term is defined in Section 11-71-101, for purposes of an infrastructure loan from the beehive development fund.

~~[(14)]~~ (15) "Respective loan approval body" means:

(a) the board created in Section 11-58-301, for purposes of an infrastructure loan from the inland port fund;

(b) the board created in Section 11-59-301, for purposes of an infrastructure loan from the point of the mountain fund;

(c) the board created in Section 11-70-301, for purposes of an infrastructure loan from the fairpark area development fund; [or]

(d) the committee created in Section 63H-1-104, for purposes of an infrastructure loan from the military development fund[~~;~~] ; or

(e) the loan committee created in Section 11-71-104, for purposes of an infrastructure loan from the beehive development fund.

Section 46. Section **63A-3-402** is amended to read:

63A-3-402 (Effective 07/01/25). Infrastructure funds established -- Purpose of funds -- Use of money in funds.

(1) There are created, as enterprise revolving loan funds:

(a) the inland port infrastructure revolving loan fund;

(b) the point of the mountain infrastructure revolving loan fund;

(c) the fairpark area development revolving loan fund; [~~and~~]

(d) the military development infrastructure revolving loan fund[~~;~~] ; and

(e) the beehive development infrastructure revolving loan fund.

(2) The purpose of each infrastructure fund is to provide funding, through infrastructure loans, for infrastructure projects undertaken by a borrower.

(3)(a) Money in an infrastructure fund may be used only to provide loans for infrastructure projects.

(b) The division may not loan money in an infrastructure fund without the approval of:

(i) the respective loan approval body; and

(ii) the Executive Appropriations Committee of the Legislature, for a loan from the inland port fund, the point of the mountain fund, [~~or~~]the fairpark area development fund, or the beehive development fund.

Section 47. Section **63C-25-202** is amended to read:

63C-25-202 (Effective 07/01/25). Powers and duties.

(1) The commission shall annually review a report provided in accordance with Section 63B-1-305 or 63B-1a-102.

(2)(a) A loan entity other than a loan entity described in Subsection (2)(b) shall no later than January 1 of each year submit information on each revolving loan fund from which the loan entity made a loan in the previous fiscal year, including information identifying new and ongoing loan recipients, the terms of each loan, loan repayment, and any other information regarding a revolving loan fund requested by the commission.

(b) If a loan entity is:

(i) the Utah Inland Port Authority, the loan entity shall submit the information in

- 1728 accordance with Section 11-58-106 and any other information regarding a
1729 revolving loan fund requested by the commission;
- 1730 (ii) the Point of the Mountain State Land Authority, the loan entity shall submit the
1731 information in accordance with Section 11-59-104 and any other information
1732 regarding a revolving loan fund requested by the commission;
- 1733 (iii) the Utah Fairpark Area Investment and Restoration District, the loan entity shall
1734 submit the information in accordance with Section 11-70-104 and any other
1735 information regarding a revolving loan fund requested by the commission; [or]
- 1736 (iv) the Military Installation Development Authority, the loan entity shall submit the
1737 information in accordance with Section 63H-1-104 and any other information
1738 regarding a revolving loan fund requested by the commission[-] ; or
- 1739 (v) the Beehive Development Agency, the loan entity shall submit the information in
1740 accordance with Section 11-71-104 and any other information regarding a
1741 revolving loan fund requested by the commission.
- 1742 (c) The commission may annually review and provide feedback for the following:
- 1743 (i) each loan entity for compliance with state law authorizing and regulating the
1744 revolving loan fund, including, as applicable, Title 11, Chapter 14, Local
1745 Government Bonding Act;
- 1746 (ii) each loan entity's revolving loan fund policies and practices, including policies
1747 and practices for approving and setting the terms of a loan; and
- 1748 (iii) each borrower of funds from a revolving loan fund for accurate and timely
1749 reporting by the borrower to the appropriate debt repository.
- 1750 (3)(a) The commission shall review and may approve a bond before a large public transit
1751 district may issue a bond.
- 1752 (b) The commission may not approve issuance of a bond described in Subsection (3)(a)
1753 unless the execution and terms of the bond comply with state law.
- 1754 (c) If, after review, the commission approves a bond described in Subsection (3)(a), the
1755 large public transit district:
- 1756 (i) may not change before issuing the bond the terms of the bond that were reviewed
1757 by the commission if the change is outside the approved parameters and intended
1758 purposes; and
- 1759 (ii) is under no obligation to issue the bond.
- 1760 (d) A member of the commission who approves a bond under Subsection (3)(a) or
1761 reviews a parameters resolution under Subsection (4)(a) is not liable personally on

the bond.

(e) The approval of a bond under Subsection (3)(a) or review under Subsection (4)(a) of a parameters resolution by the commission:

(i) is not an obligation of the state; and

(ii) is not an act that:

(A) lends the state's credit; or

(B) constitutes indebtedness within the meaning of any constitutional or statutory debt limitation.

(4)(a) The commission shall review and, at the commission's discretion, may make recommendations regarding a parameters resolution before:

(i) a bonding political subdivision may issue a bond; or

(ii) a public infrastructure district may issue a bond, if the creating entity of the public infrastructure district is a bonding political subdivision.

(b) The commission shall conduct the review under Subsection (4)(a) and forward any recommendations to the bonding political subdivision or public infrastructure district no later than 45 days after the day on which the commission receives the bonding political subdivision's or public infrastructure district's parameters resolution.

(c) Notwithstanding Subsection (4)(a), if the commission fails to review a parameters resolution or forward recommendations, if any, in the timeframe described in Subsection (4)(b), the bonding political subdivision or public infrastructure district, respectively, may proceed with the bond without review by the commission.

(d) After review by the commission under Subsection (4)(a), the bonding political subdivision or public infrastructure district:

(i) shall consider recommendations by the commission; and

(ii) may proceed with the bond but is under no obligation to issue the bond.

(5) The commission shall provide training and other information on debt management, lending and borrowing best practices, and compliance with state law to the authority, a bonding political subdivision, a large public transit district, and a loan entity.

(6)(a) Before a bonding government entity may enter into a concessionaire contract, the commission shall review and approve the concessionaire contract.

(b) If, after review, the commission approves the concessionaire contract, the bonding government entity:

(i) may not change the terms of the concessionaire contract if the change is outside of:

(A) any applicable approved parameters of the concessionaire contract; or

(B) the intended purposes of the concessionaire contract; and

(ii) is under no obligation to enter into the concessionaire contract.

Section 48. Section **63H-8-302** is amended to read:

63H-8-302 (Effective 05/07/25). Corporation -- Additional powers.

(1) To accomplish the declared purposes of this chapter, the corporation has the following powers:

(a) to purchase mortgage loans originated by mortgage lenders or local public bodies made for the purpose of financing the construction, development, rehabilitation, refinancing, or purchase of residential housing for low and moderate income persons;

(b) to make mortgage loans and to provide financial assistance to housing sponsors for the purpose of financing the construction, development, rehabilitation, refinancing, or purchase of residential housing for low and moderate income persons;

(c) to make mortgage loans and provide financial assistance to housing sponsors for the purpose of financing the operations of a housing development that are necessary or desirable to enable the housing development to remain available as residential housing for low and moderate income persons, whether or not the housing development has been financed by the corporation;

(d) to provide financial assistance to any housing authority created under Title 35A, Chapter 8, Part 4, Housing Authorities, which housing authorities may enter into commitments for and accept loans for a housing project as defined in Section 35A-8-401; and

(e) to make mortgage loans and to provide financial assistance to low and moderate income persons for the construction, rehabilitation, refinancing, or purchase of residential housing.

(2) The corporation may issue bonds to purchase loans under Subsection (1)(a) only after a determination by the corporation that the loans are not otherwise available upon reasonably equivalent terms and conditions from private lenders.

(3) Loans for owner-occupied housing made under Subsection (1)(a) may not include a penalty for prepayment.

(4) The corporation shall make rules or adopt policies and procedures to govern the activities authorized under this section, including:

(a) procedures for the submission of requests or the invitation of proposals for the purchase and sale of mortgage loans and the making of mortgage loans;

(b) rates, fees, charges, and other terms and conditions of originating or servicing

- 1830 mortgage loans in order to protect against a realization of an excessive financial
1831 return or benefit by the originator or servicer;
- 1832 (c) the type and amount of collateral, payment bonds, performance bonds, or other
1833 security to be provided for construction loans made by the corporation;
- 1834 (d) the nature and amounts of fees to be charged by the corporation to provide for
1835 expenses and reserves of the corporation;
- 1836 (e) procedures allowing the corporation to prohibit persons who fail to comply with the
1837 rules of the corporation with respect to the operations of a program of the corporation
1838 from participating, either directly or indirectly, in the programs of the corporation;
- 1839 (f) the terms and conditions under which the corporation may purchase and make
1840 mortgage loans under each program of the corporation;
- 1841 (g) the terms and conditions under which the corporation may provide financial
1842 assistance under each program of the corporation;
- 1843 (h) the terms and conditions under which the corporation may guarantee mortgage loans
1844 under each program of the corporation; and
- 1845 (i) any other matters related to the duties or exercise of powers under this section.
- 1846 (5)(a)(i) The trustees of the corporation shall elect the directors, trustees, and
1847 members, if any, of each subsidiary.
- 1848 (ii) Service by a trustee of the corporation in any of these capacities does not
1849 constitute a conflict of interest for any purpose.
- 1850 (iii) The corporation may delegate any of its powers and duties under this chapter to
1851 any subsidiary.
- 1852 (iv) Subsidiaries shall constitute legal entities separate and distinct from each other,
1853 the corporation, and the state.
- 1854 (b) A note, bond, and other obligation of a subsidiary shall contain on its face a
1855 statement to the effect that:
- 1856 (i) the subsidiary is obligated to pay the note, bond, or other obligation solely from
1857 the revenues or other funds of the subsidiary;
- 1858 (ii) neither the corporation, nor the state, nor any of its political subdivisions is
1859 obligated to pay the note, bond, or other obligation; and
- 1860 (iii) neither the faith and credit nor the taxing power of the state or its political
1861 subdivisions is pledged to the payment of principal, the redemption price of, or the
1862 interest on, the note, bond, or other obligation.
- 1863 (c) Upon dissolution of a subsidiary of the corporation, any assets shall revert to the

corporation or to a successor to the corporation or, failing this succession, to the state.

(6)(a) The corporation may, with the approval of the state treasurer:

(i) enter into interest rate contracts that its trustees determine are necessary, convenient, or appropriate for the control or management of debt or for the cost of servicing debt; and

(ii) use corporation funds to satisfy its payment obligations under those contracts.

(b) An interest rate contract may contain payment, security, default, termination, remedy, and other terms and conditions that the trustees consider appropriate.

(c) An interest rate contract and funds used in connection with an interest rate contract may not be considered a deposit or investment.

(7) The corporation shall coordinate with the commissioner of the Governor's Office of Economic Opportunity in fulfilling the corporation's duties.

Section 49. Section **63I-1-263** is amended to read:

63I-1-263 (Effective 05/07/25). Repeal dates: Titles 63A to 63O.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1898 ~~[(14)]~~ (13) Subsection 63J-1-602.2(16), related to the Communication Habits to reduce
 1899 Adolescent Threats (CHAT) Pilot Program, is repealed July 1, 2029.
- 1900 ~~[(15)]~~ (14) Subsection 63J-1-602.2(26), regarding the Utah Seismic Safety Commission, is
 1901 repealed January 1, 2025.
- 1902 ~~[(16)]~~ (15) Section 63L-11-204, Canyon resource management plan, is repealed July 1, 2025.
- 1903 ~~[(17)]~~ (16) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee,
 1904 is repealed July 1, 2027.
- 1905 ~~[(18)]~~ (17) Title 63M, Chapter 7, Part 7, Domestic Violence Offender Treatment Board, is
 1906 repealed July 1, 2027.
- 1907 ~~[(19)]~~ (18) Section 63M-7-902, Creation -- Membership -- Terms -- Vacancies -- Expenses,
 1908 is repealed July 1, 2029.
- 1909 ~~[(20)]~~ (19) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- 1910 (20) Section 63N-1a-303.2, Coordination of future Office of Housing and Community
 1911 Planning, is repealed July 1, 2026.
- 1912 (21) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is repealed
 1913 January 1, 2030.
- 1914 (22) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 1915 (23) Subsection 63N-2-511(1)(b), regarding the Board of Tourism Development, is
 1916 repealed July 1, 2025.
- 1917 (24) Section 63N-2-512, Hotel Impact Mitigation Fund, is repealed July 1, 2028.
- 1918 (25) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is repealed July
 1919 1, 2027.
- 1920 (26) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is
 1921 repealed July 1, 2025.
- 1922 (27) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July
 1923 1, 2028.
- 1924 (28) Section 63N-4-804, which creates the Rural Opportunity Advisory Committee, is
 1925 repealed July 1, 2027.
- 1926 (29) Subsection 63N-4-805(5)(b), regarding the Rural Employment Expansion Program, is
 1927 repealed July 1, 2028.
- 1928 (30) Subsection 63N-7-101(1), regarding the Board of Tourism Development, is repealed
 1929 July 1, 2025.
- 1930 (31) Subsection 63N-7-102(3)(c), regarding a requirement for the Utah Office of Tourism
 1931 to receive approval from the Board of Tourism Development, is repealed July 1, 2025.

(32) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed July 1, 2025.

Section 50. Section **63J-1-602.1** is amended to read:

63J-1-602.1 (Effective 07/01/25). List of nonlapsing appropriations from accounts and funds.

Appropriations made from the following accounts or funds are nonlapsing:

- (1) The Native American Repatriation Restricted Account created in Section 9-9-407.
- (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.
- (3) Funds collected for directing and administering the C-PACE district created in Section 11-42a-106.
- (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
- (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.
- (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section 19-2a-106.
- (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in Section 19-5-126.
- (8) State funds for matching federal funds in the Children's Health Insurance Program as provided in Section 26B-3-906.
- (9) Funds collected from the program fund for local health department expenses incurred in responding to a local health emergency under Section 26B-7-111.
- (10) The Technology Development Restricted Account created in Section 31A-3-104.
- (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.
- (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- (14) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.
- (15) The State Mandated Insurer Payments Restricted Account created in Section 31A-30-118.
- (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- (17) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.
- (18) The Drinking While Pregnant Prevention Media and Education Campaign Restricted Account created in Section 32B-2-308.

- 1966 (19) The School Readiness Restricted Account created in Section 35A-15-203.
- 1967 (20) Money received by the Utah State Office of Rehabilitation for the sale of certain
- 1968 products or services, as provided in Section 35A-13-202.
- 1969 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section
- 1970 35A-16-402.
- 1971 (22) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 1972 (23) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 1973 (24) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.
- 1974 (25) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the
- 1975 Motor Vehicle Division.
- 1976 (26) The License Plate Restricted Account created by Section 41-1a-122.
- 1977 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
- 1978 created by Section 41-3-110 to the State Tax Commission.
- 1979 (28) The State Disaster Recovery Restricted Account to the Division of Emergency
- 1980 Management, as provided in Section 53-2a-603.
- 1981 (29) The Response, Recovery, and Post-disaster Mitigation Restricted Account created in
- 1982 Section 53-2a-1302.
- 1983 (30) The Department of Public Safety Restricted Account to the Department of Public
- 1984 Safety, as provided in Section 53-3-106.
- 1985 (31) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- 1986 (32) The DNA Specimen Restricted Account created in Section 53-10-407.
- 1987 (33) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.
- 1988 (34) The Higher Education Capital Projects Fund created in Section 53B-22-202.
- 1989 (35) A certain portion of money collected for administrative costs under the School
- 1990 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 1991 (36) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject
- 1992 to Subsection 54-5-1.5(4)(d).
- 1993 (37) Funds collected from a surcharge fee to provide certain licensees with access to an
- 1994 electronic reference library, as provided in Section 58-3a-105.
- 1995 (38) Certain fines collected by the Division of Professional Licensing for violation of
- 1996 unlawful or unprofessional conduct that are used for education and enforcement
- 1997 purposes, as provided in Section 58-17b-505.
- 1998 (39) Funds collected from a surcharge fee to provide certain licensees with access to an
- 1999 electronic reference library, as provided in Section 58-22-104.

- 2000 (40) Funds collected from a surcharge fee to provide certain licensees with access to an
2001 electronic reference library, as provided in Section 58-55-106.
- 2002 (41) Funds collected from a surcharge fee to provide certain licensees with access to an
2003 electronic reference library, as provided in Section 58-56-3.5.
- 2004 (42) Certain fines collected by the Division of Professional Licensing for use in education
2005 and enforcement of the Security Personnel Licensing Act, as provided in Section
2006 58-63-103.
- 2007 (43) The Relative Value Study Restricted Account created in Section 59-9-105.
- 2008 (44) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 2009 (45) Funds paid to the Division of Real Estate for the cost of a criminal background check
2010 for a mortgage loan license, as provided in Section 61-2c-202.
- 2011 (46) Funds paid to the Division of Real Estate for the cost of a criminal background check
2012 for principal broker, associate broker, and sales agent licenses, as provided in Section
2013 61-2f-204.
- 2014 (47) Certain funds donated to the Department of Health and Human Services, as provided
2015 in Section 26B-1-202.
- 2016 (48) Certain funds donated to the Division of Child and Family Services, as provided in
2017 Section 80-2-404.
- 2018 (49) Funds collected by the Office of Administrative Rules for publishing, as provided in
2019 Section 63G-3-402.
- 2020 (50) The Immigration Act Restricted Account created in Section 63G-12-103.
- 2021 (51) Money received by the military installation development authority, as provided in
2022 Section 63H-1-504.
- 2023 (52) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.
- 2024 (53) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.
- 2025 (54) The Utah Capital Investment Restricted Account created in Section 63N-6-204.
- 2026 (55) The Motion Picture Incentive Account created in Section 63N-8-103.
- 2027 (56) Funds collected by the housing of state probationary inmates or state parole inmates, as
2028 provided in Subsection 64-13e-104(2).
- 2029 (57) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and
2030 State Lands, as provided in Section 65A-8-103.
- 2031 (58) The following funds or accounts created in Section 72-2-124:
- 2032 (a) Transportation Investment Fund of 2005;
- 2033 (b) Transit Transportation Investment Fund;

- 2034 (c) Cottonwood Canyons Transportation Investment Fund;
 2035 (d) Active Transportation Investment Fund; and
 2036 (e) Commuter Rail Subaccount.
- 2037 (59) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.
 2038 (60) Certain funds received by the Office of the State Engineer for well drilling fines or
 2039 bonds, as provided in Section 73-3-25.
- 2040 (61) The Water Resources Conservation and Development Fund, as provided in Section
 2041 73-23-2.
- 2042 (62) Award money under the State Asset Forfeiture Grant Program, as provided under
 2043 Section 77-11b-403.
- 2044 (63) Funds donated or paid to a juvenile court by private sources, as provided in Subsection
 2045 78A-6-203(1)(c).
- 2046 (64) Fees for certificate of admission created under Section 78A-9-102.
- 2047 (65) Funds collected for adoption document access as provided in Sections 78B-6-141,
 2048 78B-6-144, and 78B-6-144.5.
- 2049 (66) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah
 2050 Indigent Defense Commission.
- 2051 (67) The Utah Geological Survey Restricted Account created in Section 79-3-403.
- 2052 (68) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park,
 2053 and Green River State Park, as provided under Section 79-4-403.
- 2054 (69) Certain funds received by the Division of State Parks from the sale or disposal of
 2055 buffalo, as provided under Section 79-4-1001.
- 2056 (70) Money received by the Beehive Development Agency, as provided in Section
 2057 11-71-103.
- 2058 Section 51. Section **63N-1a-102** is amended to read:
- 2059 **63N-1a-102 (Effective 05/07/25). Definitions.**
- 2060 As used in this title:
- 2061 (1) "Baseline jobs" means the number of full-time employee positions that existed within a
 2062 business entity in the state before the date on which a project related to the business
 2063 entity is approved by the office~~[or by the GOEO board]~~.
- 2064 (2) "Baseline state revenue" means the amount of state tax revenue collected from a
 2065 business entity or the employees of a business entity during the year before the date on
 2066 which a project related to the business entity is approved by the office~~[or by the GOEO~~
 2067 ~~board]~~.

- 2068 ~~[(3) "Commission" means the Unified Economic Opportunity Commission created in~~
2069 ~~Section 63N-1a-201.]~~
- 2070 ~~[(4)]~~ (3) "Commissioner" means the commissioner of the Governor's Office of Economic
2071 Opportunity, appointed under Section 63N-1a-302.
- 2072 (4) "Council" means the Economic Opportunity Coordinating Council created in Section
2073 63N-1a-501.
- 2074 (5) "Economic opportunity agency" includes:
- 2075 (a) the Department of Workforce Services;
- 2076 (b) the Department of Cultural and Community Engagement;
- 2077 (c) the Department of Commerce;
- 2078 (d) the Department of Natural Resources;
- 2079 (e) the Office of Energy Development;
- 2080 (f) the State Board of Education;
- 2081 (g) institutions of higher education;
- 2082 (h) the Utah Multicultural Commission;
- 2083 (i) the World Trade Center Utah;
- 2084 (j) local government entities;
- 2085 (k) associations of governments;
- 2086 (l) the Utah League of Cities and Towns;
- 2087 (m) the Utah Association of Counties;
- 2088 (n) the Economic Development Corporation of Utah;
- 2089 (o) the Small Business Administration;
- 2090 (p) chambers of commerce;
- 2091 (q) industry associations;
- 2092 (r) small business development centers; and
- 2093 (s) other entities identified by the ~~[commission or the executive director]~~ commissioner.
- 2094 ~~[(5) "Executive director" means the executive director of the office.]~~
- 2095 (6) "Full-time employee" means an employment position that is filled by an employee who
2096 works at least 30 hours per week and:
- 2097 (a) may include an employment position filled by more than one employee, if each
2098 employee who works less than 30 hours per week is provided benefits comparable to
2099 a full-time employee; and
- 2100 (b) may not include an employment position that is shifted from one jurisdiction in the
2101 state to another jurisdiction in the state.

- 2102 ~~[(7) "GOEO board" means the Board of Economic Opportunity created in Section~~
 2103 ~~63N-1a-401.]~~
- 2104 ~~[(8)]~~ (7) "High paying job" means a newly created full-time employee position where the
 2105 aggregate average annual gross wage of the employment position, not including health
 2106 care or other paid or unpaid benefits, is:
- 2107 (a) at least 110% of the average wage of the county in which the employment position
 2108 exists; or
- 2109 (b) for an employment position related to a project described in Chapter 2, Part 1,
 2110 Economic Development Tax Increment Financing, and that is located within the
 2111 boundary of a county of the third, fourth, fifth, or sixth class, or located within a
 2112 municipality in a county of the second class and where the municipality has a
 2113 population of 10,000 or less:
- 2114 (i) at least 100% of the average wage of the county in which the employment position
 2115 exists; or
- 2116 (ii) an amount determined by rule made by the office in accordance with Title 63G,
 2117 Chapter 3, Utah Administrative Rulemaking Act, if the office determines the
 2118 project is in a county experiencing economic distress.
- 2119 ~~[(9)]~~ (8)(a) "Incremental job" means a full-time employment position in the state that:
- 2120 (i) did not exist within a business entity in the state before the beginning of a project
 2121 related to the business entity; and
- 2122 (ii) is created in addition to the number of baseline jobs that existed within a business
 2123 entity.
- 2124 (b) "Incremental job" includes a full-time employment position where the employee is
 2125 hired:
- 2126 (i) directly by a business entity; or
- 2127 (ii) by a professional employer organization, as defined in Section 31A-40-102, on
 2128 behalf of a business entity.
- 2129 ~~[(10)]~~ (9) "New state revenue" means the state revenue collected from a business entity or a
 2130 business entity's employees during a calendar year minus the baseline state revenue
 2131 calculation.
- 2132 ~~[(11)]~~ (10) "Office" or "GOEO" means the Governor's Office of Economic Opportunity.
- 2133 ~~[(12)]~~ (11) "State revenue" means state tax liability paid by a business entity or a business
 2134 entity's employees under any combination of the following provisions:
- 2135 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

2136 (b) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and
 2137 Information;

2138 (c) Title 59, Chapter 10, Part 2, Trusts and Estates;

2139 (d) Title 59, Chapter 10, Part 4, Withholding of Tax; and

2140 (e) Title 59, Chapter 12, Sales and Use Tax Act.

2141 ~~[(13)]~~ (12) "State strategic goals" means the strategic goals listed in Section 63N-1a-103.

2142 ~~[(14)]~~ (13) "Statewide economic development strategy" means the economic development
 2143 strategy developed by the commission in accordance with Section 63N-1a-202.

2144 ~~[(15)]~~ (14) "Talent board" means the Talent, Education, and Industry Alignment Board
 2145 created in Section 53B-34-102.

2146 ~~[(16)]~~ (15) "Targeted industry" means an industry or group of industries targeted by the [
 2147 ~~commission~~] council under Section ~~[63N-1a-202]~~ 63N-1a-502, for economic
 2148 development in the state.

2149 Section 52. Section **63N-1a-301** is amended to read:

2150 **63N-1a-301 (Effective 05/07/25). Creation of office -- Responsibilities.**

2151 (1) There is created the Governor's Office of Economic Opportunity.

2152 (2) The office is:

2153 (a) responsible for implementing the statewide economic development strategy
 2154 developed by the [~~commission~~] council; and

2155 (b) the industrial and business promotion authority of the state.

2156 (3) The office shall:

2157 (a) consistent with the statewide economic development strategy, coordinate and align
 2158 into a single effort the activities of the economic opportunity agencies in the field of
 2159 economic development;

2160 (b) provide support and direction to economic opportunity agencies in establishing
 2161 goals, metrics, and activities that align with the statewide economic development
 2162 strategy;

2163 (c) administer and coordinate state and federal economic development grant programs;

2164 (d) promote and encourage the economic, commercial, financial, industrial, agricultural,
 2165 and civic welfare of the state;

2166 (e) promote and encourage the employment of workers in the state and the purchase of
 2167 goods and services produced in the state by local businesses;

2168 (f) act to create, develop, attract, and retain business, industry, and commerce in the state:

2169 (i) in accordance with the statewide economic development plan and [~~commission~~]

- 2170 council directives; and
- 2171 (ii) subject to the restrictions in Section 11-41-103;
- 2172 (g) act to enhance the state's economy;
- 2173 (h) act to assist strategic industries that are likely to drive future economic growth;
- 2174 (i) assist communities in the state in developing economic development capacity and
- 2175 coordination with other communities;
- 2176 (j) identify areas of education and workforce development in the state that can be
- 2177 improved to support economic and business development;
- 2178 (k) consistent with direction from the [~~commission~~] council, develop core strategic
- 2179 priorities for the office, which may include:
- 2180 (i) enhancing statewide access to entrepreneurship opportunities and small business
- 2181 support;
- 2182 (ii) focusing industry recruitment and expansion of targeted industries;
- 2183 (iii) ensuring that in awarding competitive economic development incentives the
- 2184 office accurately measures the benefits and costs of the incentives; and
- 2185 (iv) assisting communities with technical support to aid those communities in
- 2186 improving economic development opportunities;
- 2187 (l) submit an annual written report as described in Section 63N-1a-306; and
- 2188 (m) perform other duties as provided by the Legislature.
- 2189 (4) To perform the office's duties under this title, the office may:
- 2190 (a) enter into a contract or agreement with, or make a grant to, a public or private entity,
- 2191 including a municipality, if the contract or agreement is not in violation of state
- 2192 statute or other applicable law;
- 2193 (b) except as provided in Subsection (4)(c), receive and expend funds from a public or
- 2194 private source for any lawful purpose that is in the state's best interest; and
- 2195 (c) solicit and accept a contribution of money, services, or facilities from a public or
- 2196 private donor, but may not use the contribution for publicizing the exclusive interest
- 2197 of the donor.
- 2198 (5) Money received under Subsection (4)(c) shall be deposited into the General Fund as
- 2199 dedicated credits of the office.
- 2200 (6)(a) The office shall[~~z~~]
- 2201 [~~(i) obtain the advice of the GOEO board before implementing a change to a policy,~~
- 2202 ~~priority, or objective under which the office operates; and]~~
- 2203 [~~(ii)~~] provide periodic updates to the [~~commission~~] council regarding the office's

efforts under Subsections (3)(a) and (b).

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

Section 53. Section **63N-1a-302** is amended to read:

63N-1a-302 (Effective 05/07/25). Commissioner of office -- Appointment -- Removal -- Compensation.

(1) The office shall be administered, organized, and managed by ~~[an executive director]~~ a commissioner appointed by the governor, with the advice and consent of the Senate.

(2) The ~~[executive director]~~ commissioner serves at the pleasure of the governor.

(3)(a) The salary of the commissioner shall be determined by the governor, commensurate with the salaries of the executive directors of the Military Installation Development Authority, the Point of the Mountain State Land Authority, and the Utah Inland Port Authority.

~~[(3) The salary of the executive director shall be established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.]~~

Section 54. Section **63N-1a-303** is amended to read:

63N-1a-303 (Effective 05/07/25). Powers and duties of commissioner.

(1) Unless otherwise expressly provided by statute, the ~~[executive director]~~ commissioner may organize the office in any appropriate manner, including the appointment of deputy directors of the office.

(2) The ~~[executive director]~~ commissioner may consolidate personnel and service functions for efficiency and economy in the office.

(3) The ~~[executive director]~~ commissioner, with the approval of the governor:

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

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

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

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

- (5) The ~~[executive director]~~ commissioner shall coordinate with the executive directors of the Department of Workforce Services and the Governor's Office of Planning and Budget to review data and metrics to be reported to the Legislature as described in Subsection 63N-1a-306(2)(b).
- (6) The commissioner shall:
- (a) receive guidance from the council regarding statewide strategic objectives;
 - (b) establish strategies for and actively recruit targeted industries identified by the council;
 - (c) encourage a business to permanently relocate to, or significantly expand operations in, the state;
 - (d) establish strategies for and actively support entrepreneurship and small business development;
 - (e) coordinate with the office, state, and the following authorities on economic development activities:
 - (i) the Military Installation Development Authority created in Section 63H-1-201;
 - (ii) the Utah Inland Port Authority created in Section 11-58-201;
 - (iii) the Point of the Mountain State Land Authority created in Section 11-59-201;
 - (iv) the Utah Lake Authority created in Section 11-65-201;
 - (v) the State Fair Park Authority created in Section 11-68-201;
 - (vi) the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201; or
 - (vii) the Beehive Development Agency created in Section 11-71-201;
 - (f) develop proposals for significant community impact projects for consideration by the Beehive Development Agency established in Title 11, Chapter 71, Beehive Development Agency Act;
 - (g) consider any targeted industries identified by the council;
 - (h) consider areas of the state for targeted economic development, including housing development, as identified by the council;
 - (i) match areas of the state for targeted economic development, including housing development, with targeted industries or businesses encouraged to permanently relocate to, or significantly expand operations in, the state;
 - (j) ensure the office's efforts are, to the extent practicable, data-driven, evidence-based, and focused on developing human capital, physical capital, and innovation; and
 - (k) support an integrated international trade strategy for the state.

- (7) Nothing in Subsection (6) shall be construed to give the commissioner authority over the entities described in Subsection (6)(e).
- (8) The commissioner shall comply with the disclosure requirements of Section 11-71-304.
- (9) In addition to any reports required in this chapter, the commissioner shall, no later than October 1 of each year, report to the Legislative Management Committee about:
- (a) any proposals developed for significant community impact projects;
 - (b) the progress of adopted significant community impact project areas; and
 - (c) any potential proposals for significant community impact projects.
- [(6)] (10) Unless otherwise provided in this title, the [executive director] commissioner may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary for the administration of programs established under state law.
- Section 55. Section **63N-1a-303.2** is enacted to read:
- 63N-1a-303.2 (Effective 05/07/25). Coordination of future Office of Housing.**
- (1) In addition to the duties described in Section 63N-1a-303, the commissioner shall coordinate with the following in order to create a plan to consolidate the state housing components of the Division of Housing and Community Development into the office by July 1, 2026:
- (a) the governor, or the governor's designee;
 - (b) the president of the Senate, or the president's designee;
 - (c) the speaker of the House of Representatives, or the speaker's designee;
 - (d) the executive director of the Department of Workforce Services;
 - (e) the executive director of the Governor's Office of Planning and Budget; and
 - (f) the chairs of the Commission on Housing Affordability, created in Section 35A-8-2202.
- (2) In coordinating with the individuals and entities described in Subsection (1), the commissioner shall provide a written report on the plan in Subsection (1), including recommended statutory changes, by September 1, 2025 to:
- (a) the Economic Development and Workforce Services Interim Committee;
 - (b) the Political Subdivisions Interim Committee;
 - (c) the Economic and Community Development Appropriations Subcommittee; and
 - (d) the Governor's Office of Planning and Budget.
- (3) The commissioner may hire a director for the Office of Housing and the director may assist in the process described in Subsections (1) and (2).
- Section 56. Section **63N-1a-306** is amended to read:

2306 **63N-1a-306 (Effective 05/07/25). Annual report -- Content -- Format.**

- 2307 (1) The office shall prepare and submit to the governor and the Legislature, by October 1 of
2308 each year, an annual written report of the operations, activities, programs, and services
2309 of the office, including the divisions, sections, boards, commissions, councils, and
2310 committees established under this title, for the preceding fiscal year.
- 2311 (2) For each operation, activity, program, or service provided by the office, the annual
2312 report shall include:
- 2313 (a) a description of the operation, activity, program, or service;
- 2314 (b) data and metrics:
- 2315 (i) selected and used by the office to measure progress, performance, effectiveness,
2316 and scope of the operation, activity, program, or service, including summary data;
2317 and
- 2318 (ii) that are consistent and comparable for each state operation, activity, program, or
2319 service that primarily involves employment training or placement as determined
2320 by the ~~[executive directors of the office]~~ commissioner, the executive director of
2321 the Department of Workforce Services, and the executive director of the
2322 Governor's Office of Planning and Budget;
- 2323 (c) budget data, including the amount and source of funding, expenses, and allocation of
2324 full-time employees for the operation, activity, program, or service;
- 2325 (d) historical data from previous years for comparison with data reported under
2326 Subsections (2)(b) and (c);
- 2327 (e) goals, challenges, and achievements related to the operation, activity, program, or
2328 service;
- 2329 (f) relevant federal and state statutory references and requirements;
- 2330 (g) contact information of officials knowledgeable and responsible for each operation,
2331 activity, program, or service; and
- 2332 (h) other information determined by the office that:
- 2333 (i) may be needed, useful, or of historical significance; or
- 2334 (ii) promotes accountability and transparency for each operation, activity, program,
2335 or service with the public and elected officials.
- 2336 (3) The annual report shall be designed to provide clear, accurate, and accessible
2337 information to the public, the governor, and the Legislature.
- 2338 (4) The office shall:
- 2339 (a) submit the annual report in accordance with Section 68-3-14;

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

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

Section 57. Section **63N-1a-306** is amended to read:

63N-1a-306 (Effective 07/01/25). Annual report -- Content -- Format.

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

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

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

(b) data and metrics:

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

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

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

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

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

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

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

(h) other information determined by the office that:

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

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

- (3) The annual report shall be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature.
- (4) The office shall:
- (a) submit the annual report in accordance with Section 68-3-14;
 - (b) make the annual report, and previous annual reports, accessible to the public by placing a link to the reports on the office's website; and
 - (c) provide the data and metrics described in Subsection (2)(b) to the talent board.

Section 58. Section **63N-1a-501** is enacted to read:

Part 5. Economic Opportunity Coordinating Council

63N-1a-501 (Effective 05/07/25). Creation of Economic Opportunity Coordinating Council.

- (1) There is created the Economic Opportunity Coordinating Council.
- (2) The council consists of:
 - (a) the governor, or the governor's designee, who shall be the chair of the council;
 - (b) the president of the Senate or the president's designee;
 - (c) the speaker of the House of Representatives or the speaker's designee;
 - (d) the commissioner;
 - (e) a member appointed by the Military Installation Development Authority board created in Section 63H-1-301, to represent the interests of the Military Installation Development Authority;
 - (f) a member appointed by the Point of the Mountain State Land Authority board created in Section 11-59-301, to represent the interests of the Point of the Mountain State Land Authority;
 - (g) a member appointed by the Utah Inland Port Authority board created in Section 11-58-301, to represent the interests of the Utah Inland Port Authority;
 - (h) a member appointed by the Utah Fairpark Area Investment and Restoration District board created in Section 11-70-301, to represent the interests of the Utah Fairpark Area Investment and Restoration District;
 - (i) the director of the School and Institutional Trust Lands Administration created in Section 53C-1-201;
 - (j) beginning July 1, 2025, a member appointed by the Beehive Development Agency board, to represent the interests of the Beehive Development Agency;
 - (k) a member appointed to represent the interests of municipalities, appointed by the League of Cities and Towns; and

- 2408 (l) a member appointed to represent the interests of counties, appointed by the Utah
2409 Association of Counties.
- 2410 (3)(a) A majority of council members, not including a vacancy, constitutes a quorum for
2411 the purpose of conducting council business.
- 2412 (b) The action of a majority of a quorum constitutes the action of the council.
- 2413 (4) The office shall provide office space and administrative staff support for the council.
- 2414 (5)(a) A council member may not receive compensation or benefits for the member's
2415 service on the council, but may receive per diem and travel expenses in accordance
2416 with:
- 2417 (i) Sections 63A-3-106 and 63A-3-107; and
2418 (ii) rules made by the Division of Finance in accordance with Sections 63A-3-106
2419 and 63A-3-107.
- 2420 (b) Compensation and expenses of a council member who is a legislator are governed by
2421 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and
2422 Expenses.
- 2423 Section 59. Section **63N-1a-502** is enacted to read:
- 2424 **63N-1a-502 (Effective 05/07/25). Coordinating council duties.**
- 2425 (1) The council shall:
- 2426 (a) establish strategic economic development objectives for the state, including
2427 establishing broad objectives;
- 2428 (b) provide recommendations to the commissioner regarding efforts to achieve the
2429 strategic economic development objectives;
- 2430 (c) make recommendations to the Legislature;
- 2431 (d) unify and coordinate economic development projects that have regional or statewide
2432 impact;
- 2433 (e) at least once every five years, recommend to the commissioner industries or groups
2434 of industries to target for economic development in the state;
- 2435 (f) gather input from organizations contributing to economic development in the state,
2436 including economic opportunity agencies; and
- 2437 (g) receive an annual report from the board.
- 2438 (2) The council may establish working groups as appropriate to assist and advise the
2439 council.
- 2440 Section 60. Section **63N-2-103** is amended to read:
- 2441 **63N-2-103 (Effective 05/07/25). Definitions.**

2442 As used in this part:

- 2443 (1)(a) "Business entity" means a person that enters into a written agreement with the
2444 office to initiate a new commercial project in Utah that will qualify the person to
2445 receive a tax credit under Section 59-7-614.2 or 59-10-1107.
- 2446 (b) With respect to a tax credit authorized by the office in accordance with Subsection
2447 63N-2-104.3(2), "business entity" includes a nonprofit entity.
- 2448 (2) "Commercial or industrial zone" means an area zoned agricultural, commercial,
2449 industrial, manufacturing, business park, research park, or other appropriate business
2450 related use in a general plan that contemplates future growth.
- 2451 (3) "Development zone" means an economic development zone created under Section
2452 63N-2-104.
- 2453 (4) "Local government entity" means a county, city, or town.
- 2454 (5) "New commercial project" means an economic development opportunity that:
2455 (a) involves a targeted industry;
2456 (b) is located within:
2457 (i) a county of the third, fourth, fifth, or sixth class; or
2458 (ii) a municipality that has a population of 10,000 or less and the municipality is
2459 located within a county of the second class; or
2460 (c) involves an economic development opportunity that the ~~[commission]~~ office
2461 determines to be eligible for a tax credit under this part.
- 2462 (6) "Remote work opportunity" means a new commercial project that:
2463 (a) does not require a physical office in the state where employees associated with the
2464 new commercial project are required to work; and
2465 (b) requires employees associated with the new commercial project to:
2466 (i) work remotely from a location within the state; and
2467 (ii) maintain residency in the state.
- 2468 (7) "Significant capital investment" means an investment in capital or fixed assets, which
2469 may include real property, personal property, and other fixtures related to a new
2470 commercial project that represents an expansion of existing operations in the state or
2471 that increases the business entity's existing workforce in the state.
- 2472 (8) "Tax credit" means an economic development tax credit created by Section 59-7-614.2
2473 or 59-10-1107.
- 2474 (9) "Tax credit amount" means the amount the office lists as a tax credit on a tax credit
2475 certificate for a taxable year.

- (10) "Tax credit certificate" means a certificate issued by the office that:
- (a) lists the name of the business entity to which the office authorizes a tax credit;
 - (b) lists the business entity's taxpayer identification number;
 - (c) lists the amount of tax credit that the office authorizes the business entity for the taxable year; and
 - (d) may include other information as determined by the office.
- (11) "Written agreement" means a written agreement entered into between the office and a business entity under Section 63N-2-104.2.
- Section 61. Section **63N-2-104.2** is amended to read:
- 63N-2-104.2 (Effective 05/07/25). Written agreement -- Contents -- Grounds for amendment or termination.**
- (1) If the office determines that a business entity is eligible for a tax credit under Section 63N-2-104.1, the office may enter into a written agreement with the business entity that:
- (a) establishes performance benchmarks for the business entity to claim a tax credit, including any minimum wage requirements;
 - (b) specifies the maximum amount of tax credit that the business entity may be authorized for a taxable year and over the life of the new commercial project, subject to the limitations in Section 63N-2-104.3;
 - (c) establishes the length of time the business entity may claim a tax credit;
 - (d) requires the business entity to retain records supporting a claim for a tax credit for at least four years after the business entity claims the tax credit;
 - (e) requires the business entity to submit to audits for verification of any tax credit claimed; and
 - (f) requires the business entity, in order to claim a tax credit, to meet the requirements of Section 63N-2-105.
- (2) In establishing the terms of a written agreement, including the duration and amount of tax credit that the business entity may be authorized to receive, the office shall:
- (a) authorize the tax credit in a manner that provides the most effective incentive for the new commercial project; and
 - (b) consider the following factors:
 - (i) whether the new commercial project provides vital or specialized support to supply chains;
 - (ii) whether the new commercial project provides an innovative product, technology, or service;

- 2510 (iii) the number and wages of new incremental jobs associated with the new
 2511 commercial project;
- 2512 (iv) the amount of financial support provided by local government entities for the
 2513 new commercial project;
- 2514 (v) the amount of capital expenditures associated with the new commercial project;
- 2515 (vi) whether the new commercial project returns jobs transferred overseas;
- 2516 (vii) the rate of unemployment in the county in which the new commercial project is
 2517 located;
- 2518 (viii) whether the new commercial project creates a remote work opportunity;
- 2519 (ix) whether the new commercial project is located in a development zone created by
 2520 a local government entity as described in Subsection 63N-2-104(2);
- 2521 (x) whether the business entity commits to hiring Utah workers for the new
 2522 commercial project;
- 2523 (xi) whether the business entity adopts a corporate citizenry plan or supports
 2524 initiatives in the state that advance education, gender equality, diversity and
 2525 inclusion, work-life balance, environmental or social good, or other similar causes;
- 2526 (xii) whether the business entity's headquarters are located within the state;
- 2527 (xiii) the likelihood of other business entities relocating to another state as a result of
 2528 the new commercial project;
- 2529 (xiv) the necessity of the tax credit for the business entity's expansion in the state or
 2530 relocation from another state;
- 2531 (xv) whether the proposed new commercial project might reasonably be expected to
 2532 occur in the foreseeable future without the tax credit; and
- 2533 (xvi) the location and impact of the new commercial project on existing and planned
 2534 transportation facilities, existing and planned housing, including affordable
 2535 housing, and public infrastructure[; and] .
- 2536 [~~(e) consult with the GEO board.~~]
- 2537 (3) In determining the amount of tax credit that a business entity may be authorized to
 2538 receive under a written agreement, the office may:
- 2539 (a) authorize a higher or optimized amount of tax credit for a new commercial project
 2540 located within a development zone created by a local government entity as described
 2541 in Subsection 63N-2-104(2); and
- 2542 (b) establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
 2543 Rulemaking Act, a process by which the office closely approximates the amount of

2544 taxes the business entity paid under Title 59, Chapter 12, Sales and Use Tax Act, for
2545 a capital project.

2546 (4) If the office identifies any of the following events after entering into a written
2547 agreement with a business entity, the office and the business entity shall amend, or the
2548 office may terminate, the written agreement:

2549 (a) a change in the business entity's organization resulting from a merger with or
2550 acquisition of another entity located in the state;

2551 (b) a material increase in the business entity's retail operations that results in new state
2552 revenue not subject to the incentive; or

2553 (c) an increase in the business entity's operations that:

2554 (i) is outside the scope of the written agreement or outside the boundaries of a
2555 development zone; and

2556 (ii) results in new state revenue not subject to the incentive.

2557 Section 62. Section **63N-2-104.3** is amended to read:

2558 **63N-2-104.3 (Effective 05/07/25). Limitations on tax credit amount.**

2559 (1) Except as provided in Subsection (2)(a), for a new commercial project that is located
2560 within the boundary of a county of the first or second class, the office may not authorize
2561 a tax credit that exceeds:

2562 (a) 50% of the new state revenues from the new commercial project in any given year;

2563 (b) 30% of the new state revenues from the new commercial project over a period of up
2564 to 20 years; or

2565 (c) 35% of the new state revenues from the new commercial project over a period of up
2566 to 20 years, if:

2567 (i) the new commercial project brings 2,500 or more new incremental jobs to the
2568 state;

2569 (ii) the amount of capital expenditures associated with the new commercial project is
2570 \$1,000,000,000 or more; and

2571 (iii) the ~~[commission]~~ council approves the tax credit.

2572 (2) If the office authorizes a tax credit for a new commercial project located within the
2573 boundary of:

2574 (a) a municipality with a population of 10,000 or less located within a county of the
2575 second class and that is experiencing economic hardship as determined by the office,
2576 the office may authorize a tax credit of up to 50% of new state revenues from the new
2577 commercial project over a period of up to 20 years;

- (b) a county of the third class, the office may authorize a tax credit of up to 50% of new state revenues from the new commercial project over a period of up to 20 years; and
- (c) a county of the fourth, fifth, or sixth class, the office may authorize a tax credit of 50% of new state revenues from the new commercial project over a period of up to 20 years.

Section 63. Section **63N-2-504** is amended to read:

63N-2-504 (Effective 05/07/25). Independent review committee.

- (1) In accordance with rules adopted by the office under Section 63N-2-509, the [GOEO board] office shall establish a separate, independent review committee to provide recommendations to the office regarding the terms and conditions of an agreement and to consult with the office as provided in this part or in rule.
- (2) The review committee shall consist of:
- (a) one member appointed by the ~~the[-executive-director]~~ commissioner to represent the office;
 - (b) two members appointed by the mayor or chief executive of the county in which the qualified hotel is located or proposed to be located;
 - (c) two members appointed by:
 - (i) the mayor of the municipality in which the qualified hotel is located or proposed to be located, if the qualified hotel is located or proposed to be located within the boundary of a municipality; or
 - (ii) the mayor or chief executive of the county in which the qualified hotel is located or proposed to be located, in addition to the two members appointed under Subsection (2)(b), if the qualified hotel is located or proposed to be located outside the boundary of a municipality;
 - (d) an individual representing the hotel industry, appointed by the Utah Hotel and Lodging Association;
 - (e) an individual representing the commercial development and construction industry, appointed by the president or chief executive officer of the local chamber of commerce; and
 - (f) an individual representing the convention and meeting planners industry, appointed by the president or chief executive officer of the local convention and visitors bureau[; ~~and~~] .
- ~~[(g) one member appointed by the GOEO board.]~~
- (3)(a) A member serves an indeterminate term and may be removed from the review

committee by the appointing authority at any time.

(b) A vacancy may be filled in the same manner as an appointment under Subsection (2).

(4) A member of the review committee may not be paid for serving on the review committee and may not receive per diem or expense reimbursement.

(5) The office shall provide any necessary staff support to the review committee.

Section 64. Section **63N-2-808** is amended to read:

63N-2-808 (Effective 05/07/25). Agreements between office and tax credit applicant and life science establishment -- Tax credit certificate.

(1)(a) The office~~[-with advice from the GOEO board,]~~ may enter into an agreement to grant a tax credit certificate to a tax credit applicant selected in accordance with this part, if the tax credit applicant meets the conditions established in the agreement and under this part.

(b) The agreement described in Subsection (1)(a) shall:

(i) detail the requirements that the tax credit applicant shall meet prior to receiving a tax credit certificate;

(ii) require the tax credit certificate recipient to retain records supporting a claim for a tax credit for at least four years after the tax credit certificate recipient claims a tax credit under this part; and

(iii) require the tax credit certificate recipient to submit to audits for verification of the tax credit claimed, including audits by the office and by the State Tax Commission.

(2)(a) The office~~[-with advice from the GOEO board,]~~ shall enter into an agreement with the life science establishment in which the tax credit applicant invested for purposes of claiming a tax credit.

(b) The agreement described in Subsection (2)(a):

(i) shall provide the office with a document that expressly and directly authorizes the State Tax Commission to disclose to the office the life science establishment's tax returns and other information that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code;

(ii) shall authorize the Department of Workforce Services to disclose to the office the employment data that the life science establishment submits to the Department of Workforce Services;

(iii) shall require the life science establishment to provide the office with the life science establishment's current capitalization tables; and

- 2646 (iv) may require the life science establishment to provide the office with other data
2647 that:
2648 (A) ensure compliance with the requirements of this chapter; and
2649 (B) demonstrate the economic impact of the tax credit applicant's investment in
2650 the life science establishment.

2651 Section 65. Section **63N-3-102** is amended to read:

2652 **63N-3-102 (Effective 07/01/25). Definitions.**

2653 As used in this part:

- 2654 (1) "Administrator" means the [~~executive director~~] commissioner or the [~~executive director's~~]
2655 commissioner's designee.
2656 (2) "Applicant" means an individual, for profit business entity, nonprofit, corporation,
2657 partnership, unincorporated association, government entity, executive branch department
2658 or division of a department, a political subdivision, a state institution of higher
2659 education, or any other administrative unit of the state.
2660 (3) "Economic opportunities" means business situations or community circumstances which
2661 lend themselves to the furtherance of the economic interests of the state by providing a
2662 catalyst or stimulus to the growth or retention, or both, of commerce and industry in the
2663 state, including retention of companies whose relocation outside the state would have a
2664 significant detrimental economic impact on the state as a whole, regions of the state, or
2665 specific components of the state.
2666 (4) "Restricted Account" means the restricted account known as the Industrial Assistance
2667 Account created in Section 63N-3-103.
2668 (5) "Talent development grant" means a grant awarded under Section 63N-3-112.

2669 Section 66. Section **63N-3-403** is amended to read:

2670 **63N-3-403 (Effective 07/01/25). Transient Room Tax Fund -- Source of revenues**
2671 **-- Interest -- Expenditure or pledge of revenues.**

- 2672 (1) There is created a fiduciary fund held by the state in a purely custodial capacity known
2673 as the Transient Room Tax Fund.
2674 (2)(a) The fund shall be funded by the portion of the sales and use tax described in
2675 Subsection 59-12-301(2).
2676 (b)(i) The fund shall earn interest.
2677 (ii) Any interest earned on fund money shall be deposited into the fund.
2678 (3)(a) Subject to Subsection (3)(b), the [~~executive director~~] commissioner shall expend or
2679 pledge the money deposited into the fund:

- (i) to mitigate the impacts of traffic and parking relating to a convention facility within a county of the first class;
- (ii) for a purpose listed in Section 17-31-2, except that any requirements in Section 17-31-2 for the expenditure of money do not apply; or
- (iii) for a combination of Subsections (3)(a)(i) and (ii).
- (b) The ~~[executive director]~~ commissioner may not expend more than \$20,000,000 in total to mitigate the impacts of traffic and parking relating to a convention facility within a county of the first class.

Section 67. Section **63N-3-605** is amended to read:

63N-3-605 (Effective 07/01/25). Housing and Transit Reinvestment Zone

Committee -- Creation.

- (1) For any housing and transit reinvestment zone proposed under this part, or for a first home investment zone proposed in accordance with Part 16, First Home Investment Zone Act, there is created a housing and transit reinvestment zone committee with membership described in Subsection (2).
- (2) Each housing and transit reinvestment zone committee shall consist of the following members:
- (a) one representative from the Governor's Office of Economic Opportunity, designated by the ~~[executive director of the Governor's Office of Economic Opportunity]~~ commissioner;
 - (b) one representative from each municipality that is a party to the proposed housing and transit reinvestment zone or first home investment zone, designated by the chief executive officer of each respective municipality;
 - (c) a member of the Transportation Commission created in Section 72-1-301;
 - (d) a member of the board of trustees of a large public transit district;
 - (e) one individual from the Office of the State Treasurer, designated by the state treasurer;
 - (f) two members designated by the president of the Senate;
 - (g) two members designated by the speaker of the House of Representatives;
 - (h) one member designated by the chief executive officer of each county affected by the housing and transit reinvestment zone or first home investment zone;
 - (i) two representatives designated by the school superintendent from the school district affected by the housing and transit reinvestment zone or first home investment zone;
- and

- 2714 (j) one representative, representing the largest participating local taxing entity, after the
2715 municipality, county, and school district.
- 2716 (3) The individual designated by the Governor's Office of Economic Opportunity as
2717 described in Subsection (2)(a) shall serve as chair of the housing and transit
2718 reinvestment zone committee.
- 2719 (4)(a) A majority of the members of the housing and transit reinvestment zone
2720 committee constitutes a quorum of the housing and transit reinvestment zone
2721 committee.
- 2722 (b) An action by a majority of a quorum of the housing and transit reinvestment zone
2723 committee is an action of the housing and transit reinvestment zone committee.
- 2724 (5)(a) After the Governor's Office of Economic Opportunity receives the results of the
2725 analysis described in Section 63N-3-604, and after the Governor's Office of
2726 Economic Opportunity has received a request from the submitting municipality or
2727 public transit county to submit the housing and transit reinvestment zone proposal to
2728 the housing and transit reinvestment zone committee, the Governor's Office of
2729 Economic Opportunity shall notify each of the entities described in Subsection (2) of
2730 the formation of the housing and transit reinvestment zone committee.
- 2731 (b) For a first home investment zone, the housing and transit reinvestment zone
2732 committee shall follow the procedures described in Section 63N-3-1604.
- 2733 (6)(a) The chair of the housing and transit reinvestment zone committee shall convene a
2734 public meeting to consider the proposed housing and transit reinvestment zone.
- 2735 (b) A meeting of the housing and transit reinvestment zone committee is subject to Title
2736 52, Chapter 4, Open and Public Meetings Act.
- 2737 (7)(a) The proposing municipality or public transit county shall present the housing and
2738 transit reinvestment zone proposal to the housing and transit reinvestment zone
2739 committee in a public meeting.
- 2740 (b) The housing and transit reinvestment zone committee shall:
- 2741 (i) evaluate and verify whether the elements of a housing and transit reinvestment
2742 zone described in Subsections 63N-3-603(2) and (4) have been met; and
- 2743 (ii) evaluate the proposed housing and transit reinvestment zone relative to the
2744 analysis described in Subsection 63N-3-604(2).
- 2745 (8)(a) Subject to Subsection (8)(b), the housing and transit reinvestment zone committee
2746 may:
- 2747 (i) request changes to the housing and transit reinvestment zone proposal based on

the analysis, characteristics, and criteria described in Section 63N-3-604; or

(ii) vote to approve or deny the proposal.

(b) Before the housing and transit reinvestment zone committee may approve the housing and transit reinvestment zone proposal, the municipality or public transit county proposing the housing and transit reinvestment zone shall ensure that the area of the proposed housing and transit reinvestment zone is zoned in such a manner to accommodate the requirements of a housing and transit reinvestment zone described in this section and the proposed development.

(9) If a housing and transit reinvestment zone is approved by the committee:

(a) the proposed housing and transit reinvestment zone is established according to the terms of the housing and transit reinvestment zone proposal;

(b) affected local taxing entities are required to participate according to the terms of the housing and transit reinvestment zone proposal; and

(c) each affected taxing entity is required to participate at the same rate[-].

(10) A housing and transit reinvestment zone proposal may be amended by following the same procedure as approving a housing and transit reinvestment zone proposal.

Section 68. Section **63N-3-801** is amended to read:

63N-3-801 (Effective 07/01/25). Creation and administration.

(1) There is created an enterprise fund known as the "State Small Business Credit Initiative Program Fund" administered by the office.

(2) The ~~[executive director]~~ commissioner or the ~~[executive director's]~~ commissioner's designee is the administrator of the fund.

(3) Revenues deposited into the fund shall consist of:

(a) grants, pay backs, bonuses, entitlements, and other money received from the federal government to implement the State Small Business Credit Initiative; and

(b) transfers, grants, gifts, bequests, and other money made available from any source to implement this part.

(4)(a) The state treasurer shall invest the money in the fund according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act.

(b) Interest and other earnings derived from the fund money shall be deposited in the fund.

(5) The office may use fund money for administration of the fund.

Section 69. Section **63N-3-1102** is amended to read:

63N-3-1102 (Effective 05/07/25). Manufacturing Modernization Grant Program

-- Creation -- Purpose -- Requirements -- Rulemaking -- Report.

- (1)(a) There is created the Manufacturing Modernization Grant Program to be administered by the office.
- (b) The purpose of the program is to award grants to existing Utah businesses to establish, relocate, retain, or develop manufacturing industry in the state and lessen dependence on manufacturing overseas.
- (2)(a) An entity that submits a proposal for a grant to the office shall include details in the proposal regarding:
- (i) the entity's plan to use the grant to fulfill the purpose described in Subsection (1)(b);
 - (ii) any plan to use funding sources in addition to a grant for the proposal; and
 - (iii) any existing or planned partnerships between the entity and another individual or entity to implement the proposal.
- (b) In evaluating a proposal for a grant, the office shall consider:
- (i) the likelihood the proposal will accomplish the purpose described in Subsection (1)(b);
 - (ii) the extent to which any additional funding sources or existing or planned partnerships will benefit the proposal; and
 - (iii) the viability and sustainability of the proposal.
- (c) In determining a grant award, the office~~[:]~~
- ~~[(i) may consult with the GOEO board; and]~~
 - ~~[(ii)]~~ _may prioritize a targeted industry or an entity with fewer than 250 employees.
- (3) Before receiving the grant, a grant recipient shall enter into a written agreement with the office that specifies:
- (a) the grant amount;
 - (b) the time period and structure for distribution of the grant, including any terms and conditions the recipient is required to meet to receive a distribution; and
 - (c) the expenses for which the recipient may use the grant, including:
 - (i) acquisition of manufacturing equipment;
 - (ii) production, design, or engineering costs;
 - (iii) specialized employee training;
 - (iv) technology upgrades; or
 - (v) provision of a grant to another individual or entity for the expenses described in Subsections (3)(c)(i) through (iv) or to otherwise fulfill the recipient's proposal.

(4) Subject to Subsection (2), the office may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to establish:

- (a) the form and process for submitting a proposal to the office for a grant;
- (b) the entities that are eligible to apply for a grant;
- (c) the method and formula for determining a grant amount; and
- (d) the reporting requirements for a grant recipient.

(5) On or before October 1 of each year, the office shall provide a written report to the Economic Development and Workforce Services Interim Committee regarding:

- (a) each grant awarded; and
- (b) the economic impact of each grant.

Section 70. Section **63N-4-104** is amended to read:

63N-4-104 (Effective 07/01/25). Duties.

(1) The Center for Rural Development shall:

- (a) work to enhance the capacity of the office to address rural economic development, planning, and leadership training challenges and opportunities by establishing partnerships and positive working relationships with appropriate public and private sector entities, individuals, and institutions;
- (b) work with the ~~[GOEO board]~~ office to coordinate and focus available resources in ways that address the economic development, planning, and leadership training challenges and priorities in rural Utah;
- (c) assist in administering the Rural Opportunity Program created in Section 63N-4-802; and
- (d) in accordance with economic development and planning policies set by state government, coordinate relations between:
 - (i) the state;
 - (ii) rural governments;
 - (iii) other public and private groups engaged in rural economic planning and development; and
 - (iv) federal agencies.

(2) The Center for Rural Development may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules necessary to carry out its duties.

Section 71. Section **63N-4-105** is amended to read:

63N-4-105 (Effective 07/01/25). Program manager.

(1) The ~~[executive director]~~ commissioner may appoint a director for the Center for Rural

Development with the approval of the governor.

- (2) The director of the Center for Rural Development shall be a person knowledgeable in the field of rural economic development and planning and experienced in administration.
- (3) Upon change of the ~~[executive director]~~ commissioner, the director of the Center for Rural Development may not be dismissed without cause for at least 180 days.

Section 72. Section **63N-4-504** is amended to read:

63N-4-504 (Effective 07/01/25). Requirements for awarding a working hubs grant.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules establishing the eligibility and reporting criteria for an entity to receive a grant under this part, including:
- (a) the form and process of submitting an application to the office for a grant;
 - (b) which entities are eligible to apply for a grant;
 - (c) the method and formula for determining grant amounts; and
 - (d) the reporting requirements of grant recipients.
- (2) In determining the award of a grant, the office may prioritize projects:
- (a) that will serve underprivileged or underserved communities, including communities with high unemployment or low median incomes;
 - (b) where an applicant demonstrates comprehensive planning of the project but has limited access to financial resources, including financial resources from local or county government; and
 - (c) that maximize economic development opportunities in collaboration with the economic development needs or plans of an educational institution, a county, and a municipality.
- (3) Subject to legislative appropriation, a grant may only be awarded by the ~~[executive director]~~ commissioner.
- (4) A grant may only be awarded under this part:
- (a) if the grant recipient agrees to provide any combination of funds, land, buildings, or in-kind work in an amount equal to at least 25% of the grant;
 - (b) if the grant recipient agrees not to use grant money for the ongoing operation or maintenance of a coworking and innovation center; and
 - (c) in an amount no more than \$500,000 to a grant applicant.

Section 73. Section **63N-4-804** is amended to read:

63N-4-804 (Effective 07/01/25). Rural Opportunity Advisory Committee.

- 2884 (1) There is created within the office the Rural Opportunity Advisory Committee.
- 2885 (2) The advisory committee shall be composed of seven members appointed by the [
2886 ~~executive director~~] commissioner, at least five of whom shall reside in a rural county.
- 2887 (3) The advisory committee shall advise and make recommendations to the office regarding
2888 the awarding of grants and loans under the Rural Opportunity Program.
- 2889 (4)(a) Subject to Subsection (4)(b), each member of the advisory committee shall be
2890 appointed for a four-year term unless a member is appointed to complete an
2891 unexpired term.
- 2892 (b) The [~~executive director~~] commissioner may adjust the length of term at the time of
2893 appointment or reappointment so that approximately half of the advisory committee
2894 is appointed every two years.
- 2895 (5) The advisory committee shall annually elect a chair from among the advisory
2896 committee's members.
- 2897 (6) A majority of the advisory committee constitutes a quorum for the purpose of
2898 conducting advisory committee business and the action of a majority of a quorum
2899 constitutes the action of the advisory committee.
- 2900 (7) The office shall provide staff support for the advisory committee.
- 2901 (8) A member may not receive compensation or benefits for the member's service, but may
2902 receive per diem and travel expenses in accordance with:
- 2903 (a) Section 63A-3-106;
- 2904 (b) Section 63A-3-107; and
- 2905 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2906 63A-3-107.
- 2907 Section 74. Section **63N-7-102** is amended to read:
- 2908 **63N-7-102 (Effective 07/01/25). Utah Office of Tourism created -- Appointment**
2909 **of managing director -- Responsibilities of tourism office.**
- 2910 (1) There is created within GOEO the Utah Office of Tourism.
- 2911 (2)(a) The [~~executive director~~] commissioner shall appoint a managing director of the
2912 tourism office.
- 2913 (b) The managing director may, with the approval of the [~~executive director~~]
2914 commissioner, appoint staff.
- 2915 (3) The tourism office shall:
- 2916 (a) be the tourism development authority of the state;
- 2917 (b) develop a tourism advertising, marketing, branding, destination development, and

- 2918 destination management program for the state;
- 2919 (c) receive approval from the board under Subsection 63N-7-202(1)(a) before
- 2920 implementing the program described in Subsection (3)(b);
- 2921 (d) develop a plan to increase the economic contribution by tourists visiting the state;
- 2922 (e) plan and conduct a program of information, advertising, and publicity relating to the
- 2923 recreational, scenic, historic, cultural, and culinary tourist attractions, amenities, and
- 2924 advantages of the state at large;
- 2925 (f) encourage and assist in the coordination of the activities of persons, firms,
- 2926 associations, corporations, travel regions, counties, and governmental agencies
- 2927 engaged in publicizing, developing, and promoting the tourist attractions, amenities,
- 2928 and advantages of the state;
- 2929 (g) conduct a regular and ongoing research program to identify statewide economic
- 2930 trends and conditions in the tourism sector of the economy; and
- 2931 (h) ensure that any plan or program developed under this Subsection (3) addresses, but
- 2932 not be limited to, the following policies:
- 2933 (i) enhancing the state's image;
- 2934 (ii) promoting the state as a year-round destination;
- 2935 (iii) encouraging expenditures by visitors to the state; and
- 2936 (iv) expanding the markets where the state is promoted.

2937 Section 75. Section **63N-7-103** is amended to read:

2938 **63N-7-103 (Effective 07/01/25). Annual report.**

2939 The [~~executive director~~] commissioner shall include, in the annual written report

2940 described in Section 63N-1a-306, a report from the managing director on the activities of the

2941 tourism office, including information regarding the economic efficiency and results of the

2942 tourism advertising, marketing, branding, destination development, and destination

2943 management program developed under Section 63N-7-102.

2944 Section 76. Section **63N-13-101** is amended to read:

2945 **63N-13-101 (Effective 07/01/25). Title -- Projects to assist companies to secure**

2946 **new business with federal, state, and local governments.**

2947 (1) This chapter is known as "Procurement Programs."

2948 (2) The Legislature recognizes that:

- 2949 (a) many Utah companies provide products and services which are routinely procured by
- 2950 a myriad of governmental entities at all levels of government, but that attempting to
- 2951 understand and comply with the numerous certification, registration, proposal, and

- 2952 contract requirements associated with government procurement often raises
2953 significant barriers for those companies with no government contracting experience;
2954 (b) the costs associated with obtaining a government contract for products or services
2955 often prevent most small businesses from working in the governmental procurement
2956 market;
2957 (c) currently a majority of federal procurement opportunities are contracted to
2958 businesses located outside of the state;
2959 (d) the office currently administers programs and initiatives that help create and grow
2960 companies in Utah and recruit companies to Utah through the use of state employees,
2961 public-private partnerships, and contractual services; and
2962 (e) there exists a significant opportunity for Utah companies to secure new business with
2963 federal, state, and local governments.
- 2964 (3) The office, through [~~its executive director~~] the commissioner:
- 2965 (a) shall manage and direct the administration of state and federal programs and
2966 initiatives whose purpose is to procure federal, state, and local governmental
2967 contracts;
2968 (b) may require program accountability measures; and
2969 (c) may receive and distribute legislative appropriations and public and private grants for
2970 projects and programs that:
- 2971 (i) are focused on growing Utah companies and positively impacting statewide
2972 revenues by helping these companies secure new business with federal, state, and
2973 local governments;
2974 (ii) provide guidance to Utah companies interested in obtaining new business with
2975 federal, state, and local governmental entities;
2976 (iii) would facilitate marketing, business development, and expansion opportunities
2977 for Utah companies in cooperation with the office's APEX accelerator program
2978 and with public, nonprofit, or private sector partners such as local chambers of
2979 commerce, trade associations, or private contractors as determined by the office's
2980 director to successfully match Utah businesses with government procurement
2981 opportunities; and
2982 (iv) may include the following components:
- 2983 (A) recruitment, individualized consultation, and an introduction to government
2984 contracting;
2985 (B) specialized contractor training for companies located in Utah;

(C) a Utah contractor matching program for government requirements;

(D) experienced proposal and bid support; and

(E) specialized support services.

(4)(a) The office, through ~~[its executive director]~~ the commissioner, shall make any distribution referred to in Subsection (3) on a semiannual basis.

(b) A recipient of money distributed under this section shall provide the office with a set of standard monthly reports, the content of which shall be determined by the office to include at least the following information:

(i) consultive meetings with Utah companies;

(ii) seminars or training meetings held;

(iii) government contracts awarded to Utah companies;

(iv) increased revenues generated by Utah companies from new government contracts;

(v) jobs created;

(vi) salary ranges of new jobs; and

(vii) the value of contracts generated.

Section 77. Section **63N-16-102** is amended to read:

63N-16-102 (Effective 07/01/25). Definitions.

As used in this chapter:

(1) "Advisory committee" means the General Regulatory Sandbox Program Advisory Committee created in Section 63N-16-104.

(2) "Applicable agency" means a department or agency of the state that by law regulates a business activity and persons engaged in such business activity, including the issuance of licenses or other types of authorization, which the office determines would otherwise regulate a sandbox participant.

(3) "Applicant" means a person that applies to participate in the regulatory sandbox.

(4) "Blockchain technology" means the use of a digital database containing records of financial transactions, which can be simultaneously used and shared within a decentralized, publicly accessible network and can record transactions between two parties in a verifiable and permanent way.

(5) "Consumer" means a person that purchases or otherwise enters into a transaction or agreement to receive an offering pursuant to a demonstration by a sandbox participant.

(6) "Demonstrate" or "demonstration" means to temporarily provide an offering in accordance with the provisions of the regulatory sandbox program described in this

3020 chapter.

3021 (7) "Director" means the director of the Utah Office of Regulatory Relief created in Section

3022 63N-16-103.

3023 ~~[(8) "Executive director" means the executive director of the Governor's Office of~~

3024 ~~Economic Opportunity.]~~

3025 [(9)] (8) "Financial product or service" means:

3026 (a) a financial product or financial service that requires state licensure or registration; or

3027 (b) a financial product, financial service, or banking business that includes a business

3028 model, delivery mechanism, offering of deposit accounts, or element that may require

3029 a license or other authorization to act as a financial institution, enterprise, or other

3030 entity that is regulated by Title 7, Financial Institutions Act, or other related

3031 provisions.

3032 ~~[(10)]~~ (9) "Health, safety, and financial well-being" includes protecting against physical

3033 injury, property damage, or financial harm.

3034 ~~[(11)]~~ (10) "Innovation" means the use or incorporation of a new or existing idea, a new or

3035 emerging technology, or a new use of existing technology, including blockchain

3036 technology, to address a problem, provide a benefit, or otherwise offer a product,

3037 production method, or service.

3038 ~~[(12)]~~ (11) "Insurance product or service" means an insurance product or insurance service

3039 that requires state licensure, registration, or other authorization as regulated by Title

3040 31A, Insurance Code, including an insurance product or insurance service that includes a

3041 business model, delivery mechanism, or element that requires a license, registration, or

3042 other authorization to do an insurance business, act as an insurance producer or

3043 consultant, or engage in insurance adjusting as regulated by Title 31A, Insurance Code.

3044 ~~[(13)]~~ (12)(a) "Offering" means a product, production method, or service, including a

3045 financial product or service or an insurance product or service, that includes an

3046 innovation.

3047 (b) "Offering" does not include a product, production method, or service that is governed

3048 by Title 61, Chapter 1, Utah Uniform Securities Act.

3049 ~~[(14)]~~ (13) "Product" means a commercially distributed good that is:

3050 (a) tangible personal property;

3051 (b) the result of a production process; and

3052 (c) passed through the distribution channel before consumption.

3053 ~~[(15)]~~ (14) "Production" means the method or process of creating or obtaining a good, which

may include assembling, breeding, capturing, collecting, extracting, fabricating, farming, fishing, gathering, growing, harvesting, hunting, manufacturing, mining, processing, raising, or trapping a good.

[(16)] (15) "Regulatory relief office" means the Utah Office of Regulatory Relief created in Section 63N-16-103.

[(17)] (16) "Regulatory sandbox" means the General Regulatory Sandbox Program created in Section 63N-16-201, which allows a person to temporarily demonstrate an offering under a waiver or suspension of one or more state laws or regulations.

[(18)] (17) "Sandbox participant" means a person whose application to participate in the regulatory sandbox is approved in accordance with the provisions of this chapter.

[(19)] (18) "Service" means any commercial activity, duty, or labor performed for another person.

Section 78. Section **63N-16-103** is amended to read:

63N-16-103 (Effective 07/01/25). Creation of regulatory relief office and appointment of director -- Responsibilities of regulatory relief office.

(1) There is created within the Governor's Office of Economic Opportunity the Utah Office of Regulatory Relief.

(2)(a) The regulatory relief office shall be administered by a director.

(b) The director shall report to the ~~[executive director]~~ commissioner or the ~~[executive director's]~~ commissioner's designee and may appoint staff subject to the approval of the ~~[executive director]~~ commissioner.

(3) The regulatory relief office shall:

(a) administer the provisions of this chapter;

(b) administer the regulatory sandbox program; and

(c) act as a liaison between private businesses and applicable agencies to identify state laws or regulations that could potentially be waived or suspended under the regulatory sandbox program, or amended.

(4) The regulatory relief office may:

(a) propose potential reciprocity agreements between states that use or are proposing to use similar programs to the regulatory sandbox; and

(b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the provisions of this chapter, make rules regarding:

(i) administering the regulatory sandbox, including making rules regarding the application process and the reporting requirements of sandbox participants; and

3088 (ii) cooperating and consulting with other agencies in the state that administer
3089 sandbox programs.

3090 Section 79. Section **63N-17-201** is amended to read:

3091 **63N-17-201 (Effective 07/01/25). Utah Broadband Center -- Creation -- Director**
3092 **-- Duties.**

3093 (1) There is created within the office the Utah Broadband Center.

3094 (2) The ~~[executive director]~~ commissioner shall appoint a director of the broadband center to
3095 oversee the operations of the broadband center.

3096 (3) The broadband center shall:

3097 (a) ensure that publicly funded broadband projects continue to be publicly accessible and
3098 provide a public benefit;

3099 (b) develop the statewide digital connectivity plan described in Section 63N-17-203;

3100 (c) carry out the duties described in Section 63N-17-202;

3101 (d) administer the Broadband Access Grant Program in accordance with Part 3,
3102 Broadband Access Grant Program; and

3103 (e) administer the Broadband Equity Access and Deployment Grant Program in
3104 accordance with Part 4, Broadband Equity Access and Deployment Program.

3105 (f) The broadband center shall ensure efficiency with respect to:

3106 (i) expenditure of funds; and

3107 (ii) avoiding duplication of efforts.

3108 (g) The broadband center shall consider administering broadband infrastructure funds in
3109 a manner that:

3110 (i) efficiently maximizes the leverage of federal funding;

3111 (ii) avoids the use of public funds for broadband facilities that duplicate existing
3112 broadband facilities that already meet or exceed federal standards; and

3113 (iii) accounts for the benefits and costs to the state of existing facilities, equipment,
3114 and services of public and private broadband providers.

3115 Section 80. Section **63N-22-101** is enacted to read:

3116 **CHAPTER 22. OFFICE OF HOUSING**

3117 **63N-22-101 (Effective 07/01/26). Office of Housing.**

3118 (1) There is created the Office of Housing.

3119 (2) The commissioner may hire a director of the Office of Housing and Community
3120 Development.

3121 Section 81. Section **67-1-2** is amended to read:

**67-1-2 (Effective 07/01/25). Senate confirmation of gubernatorial nominees --
Verification of nomination requirements -- Consultation on appointments -- Notification
of anticipated vacancies.**

- (1)(a) Except as provided in Subsection (3), at least 30 days before the day of an extraordinary session of the Senate to confirm a gubernatorial nominee, the governor shall send to each member of the Senate and to the Office of Legislative Research and General Counsel the following information for each nominee:
- (i) the nominee's name and biographical information, including a resume and curriculum vitae with personal contact information, including home address, email address, and telephone number, redacted, except that the governor shall send to the Office of Legislative Research and General Counsel the contact information for the nominee;
 - (ii) a detailed list, with citations, of the legal requirements for the appointed position;
 - (iii) a detailed list with supporting documents explaining how, and verifying that, the nominee meets each statutory and constitutional requirement for the appointed position;
 - (iv) a written certification by the governor that the nominee satisfies all requirements for the appointment; and
 - (v) public comment information collected in accordance with Section 63G-24-204.
- (b) This Subsection (1) does not apply to a judicial appointee.
- (2)(a) A majority of the president of the Senate, the Senate majority leader, and the Senate minority leader may waive the 30-day requirement described in Subsection (1) for a gubernatorial nominee other than a nominee for the following:
- (i) the executive director of a department;
 - (ii) the ~~[executive director]~~ commissioner of the Governor's Office of Economic Opportunity;
 - (iii) the executive director of the Labor Commission;
 - (iv) a member of the State Tax Commission;
 - (v) a member of the State Board of Education;
 - (vi) a member of the Utah Board of Higher Education; or
 - (vii) an individual:
 - (A) whose appointment requires the advice and consent of the Senate; and
 - (B) whom the governor designates as a member of the governor's cabinet.
- (b) The Senate shall hold a confirmation hearing for a nominee for an individual

- 3156 described in Subsection (2)(a).
- 3157 (3) The governor shall:
- 3158 (a) if the governor is aware of an upcoming vacancy in a position that requires Senate
- 3159 confirmation, provide notice of the upcoming vacancy to the president of the Senate,
- 3160 the Senate minority leader, and the Office of Legislative Research and General
- 3161 Counsel at least 30 days before the day on which the vacancy occurs; and
- 3162 (b) establish a process for government entities and other relevant organizations to
- 3163 provide input on gubernatorial appointments.
- 3164 (4) When the governor makes a judicial appointment, the governor shall immediately
- 3165 provide to the president of the Senate and the Office of Legislative Research and
- 3166 General Counsel:
- 3167 (a) the name of the judicial appointee; and
- 3168 (b) the judicial appointee's:
- 3169 (i) resume;
- 3170 (ii) complete file of all the application materials the governor received from the
- 3171 judicial nominating commission; and
- 3172 (iii) any other related documents, including any letters received by the governor
- 3173 about the appointee, unless the letter specifically directs that the letter may not be
- 3174 shared.
- 3175 (5) The governor shall inform the president of the Senate and the Office of Legislative
- 3176 Research and General Counsel of the number of letters withheld pursuant to Subsection
- 3177 (4)(b)(iii).
- 3178 (6)(a) Letters of inquiry submitted by any judge at the request of any judicial nominating
- 3179 commission are classified as private in accordance with Section 63G-2-302.
- 3180 (b) All other records received from the governor pursuant to this Subsection (6) may be
- 3181 classified as private in accordance with Section 63G-2-302.
- 3182 (7) The Senate shall consent or refuse to give the Senate's consent to a nomination or
- 3183 judicial appointment.
- 3184 Section 82. **Repealer.**
- 3185 This bill repeals:
- 3186 Section **63N-1a-201, Creation of commission.**
- 3187 Section **63N-1a-202, Commission duties.**
- 3188 Section **63N-1a-304, Executive director and the Public Service Commission.**
- 3189 Section **63N-1a-401, Creation of Board of Economic Opportunity.**

3190 Section **63N-1a-402, Board of Economic Opportunity duties and powers.**

3191 Section **63N-1b-102, Subcommittees generally.**

3192 Section 83. **Effective Date.**

3193 (1) Except as provided in Subsections (2)-(4), this bill takes effect July 1, 2025.

3194 (2) The actions affecting the following sections take effect on May 7, 2025:

3195 (a) Section 63H-8-302 (Effective 05/07/25);

3196 (b) Section 63N-1a-501 (Effective 05/07/25);

3197 (c) Section 63N-1a-301 (Effective 05/07/25);

3198 (d) Section 63N-1a-201;

3199 (e) Section 63N-2-808 (Effective 05/07/25);

3200 (f) Section 63N-2-103 (Effective 05/07/25);

3201 (g) Section 63N-1a-306 (Effective 05/07/25);

3202 (h) Section 63N-1a-303 (Effective 05/07/25);

3203 (i) Section 63N-2-104.2 (Effective 05/07/25);

3204 (j) Section 63N-1a-304;

3205 (k) Section 63N-1b-102;

3206 (l) Section 63I-1-263 (Effective 05/07/25);

3207 (m) Section 11-59-302 (Effective 05/07/25);

3208 (n) Section 63N-2-104.3 (Effective 05/07/25);

3209 (o) Section 63N-1a-401;

3210 (p) Section 63N-1a-303.2 (Effective 05/07/25);

3211 (q) Section 63N-1a-502 (Effective 05/07/25);

3212 (r) Section 63N-1a-302 (Effective 05/07/25);

3213 (s) Section 35A-8-202 (Effective 05/07/25);

3214 (t) Section 63N-1a-402;

3215 (u) Section 63N-2-504 (Effective 05/07/25);

3216 (v) Section 63N-1a-102 (Effective 05/07/25);

3217 (w) Section 63N-1a-202; and

3218 (x) Section 63N-3-1102 (Effective 05/07/25).

3219 (3) The actions affecting the following sections take effect on January 1, 2026:

3220 (a) Section 59-12-401 (Effective 01/01/26);

3221 (b) Section 59-12-354 (Effective 01/01/26);

3222 (c) Section 59-12-402 (Effective 01/01/26); and

3223 (d) Section 59-12-352 (Effective 01/01/26).

3224 (4) The actions affecting Section 63N-22-101 (Effective 07/01/26) take effect on July 1,
3225 2026.