

# HB0475S02 compared with HB0475S01

{Omitted text} shows text that was in HB0475S01 but was omitted in HB0475S02  
inserted text shows text that was not in HB0475S01 but was inserted into HB0475S02

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## 1 Development Planning and Coordination Amendments

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Calvin Roberts**

Senate Sponsor:

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### 2 LONG TITLE

#### 3 General Description:

4 This bill addresses economic development planning and programs within the Governor's  
5 Office of Economic Development.

#### 6 Highlighted Provisions:

7 This bill:

- 8 ▶ defines terms and modifies definitions;
- 9 ▶ renames the Governor's Office of Economic Opportunity to the Governor's Office of Economic
- 10 Development;
- 11 ▶ modifies the duties of the executive director of the Governor's Office of Economic Development  
(executive director);
- 12 ▶ establishes the Economic Opportunity Coordinating Council (council);
- 13 ▶ describes the membership of the council;
- 14 ▶ describes the duties of the council;
- 15 ▶ requires the council to create a {work} working group to provide oversight for the opportunity
- 16 zone application process in 2026;

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19        ▶ establishes reporting requirements for the council;

20        ▶ beginning January 1, 2028, requires the executive director to provide an annual written report to  
the Economic Development and Workforce Services Interim Committee;

22        ▶ modifies the requirements for the creation of an economic development zone;

23        ▶ includes {[revisor instructions](#)} [a coordination clause](#); and

24        ▶ makes technical and conforming changes.

### 25 **Money Appropriated in this Bill:**

26        None

### 27 **Other Special Clauses:**

28        This bill provides a special effective date.

29        This bill provides a coordination clause.

### 30 **Utah Code Sections Affected:**

#### 31 AMENDS:

32        **9-9-104.6 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 277

33        **9-9-112 (Effective 05/06/26) (Repealed 12/31/26)**, as last amended by Laws of Utah 2025,  
Chapter 57

35        **10-21-203 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special  
Session, Chapter 15

37        **11-17-1.5 (Effective 05/06/26)**, as last amended by Laws of Utah 2010, Chapter 378

38        **11-17-18 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 282

39        **11-41-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session,  
Chapter 16

41        **11-58-901 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 435

42        **11-59-304 (Effective 05/06/26) (Repealed 01/01/29)**, as last amended by Laws of Utah 2023,  
Chapter 263

44        **11-59-501 (Effective 05/06/26) (Repealed 01/01/29)**, as last amended by Laws of Utah 2023,  
Chapters 263, 435

46        **11-65-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 204

47        **11-65-701 (Effective 05/06/26)**, as enacted by Laws of Utah 2022, Chapter 59

48        **11-70-801 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 419

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17-78-707 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

51 17C-1-603 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 480

52 17C-1-606 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 480

53 17C-1-1001 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 459

54 17D-1-507 (Effective 05/06/26), as last amended by Laws of Utah 2021, Chapter 282

55 35A-1-104.5 (Effective 05/06/26), as last amended by Laws of Utah 2021, Chapter 282

56 35A-1-201 (Effective 05/06/26), as last amended by Laws of Utah 2021, Chapters 282, 345 and 382

58 35A-1-206 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 57

59 35A-4-312 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 96

60 35A-6-105 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 271

61 35A-8-2103 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 529

62 35A-8-2202 (Effective 05/06/26), as last amended by Laws of Utah 2022, Chapter 118

63 46-4-503 (Effective 05/06/26), as last amended by Laws of Utah 2021, Chapter 344

64 49-11-406 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 425

65 49-12-203 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 64

66 49-13-203 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 64

67 49-22-205 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 64

68 53E-1-201 (Effective 05/06/26) (Partially Repealed 07/01/27), as last amended by Laws of Utah 2025, First Special Session, Chapter 9

70 53E-4-308 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 9

72 53H-1-402 (Effective 05/06/26) (Partially Repealed 07/01/27), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

74 53H-3-305 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

76 53H-4-306.1 (Effective 05/06/26) (Repealed 07/01/28), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

78 53H-4-306.3 (Effective 05/06/26) (Repealed 07/01/28), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

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80      **53H-11-415 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

82      **53H-13-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

84      **53H-13-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

86      **53H-13-307 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

88      **53H-13-309 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

90      **53H-13-403 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

92      **53H-16-303 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

94      **54-4-41 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapters 280, 282

95      **59-1-403 (Effective 05/06/26) (Partially Repealed 07/01/29)**, as last amended by Laws of Utah 2025, Chapters 182, 323, 400, and 498

97      **59-7-159 (Effective 05/06/26) (Partially Repealed 12/31/26)**, as last amended by Laws of Utah 2025, Chapter 292

99      **59-7-614.2 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 292

100      **59-7-614.5 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 292

101      **59-7-614.10 (Effective 05/06/26) (Repealed 12/31/26)**, as last amended by Laws of Utah 2025, Chapters 182, 292

103      **59-7-621 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 195

104      **59-10-137 (Effective 05/06/26) (Partially Repealed 12/31/26)**, as last amended by Laws of Utah 2025, Chapter 292

106      **59-10-1025 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 292

107      **59-10-1037 (Effective 05/06/26) (Repealed 12/31/26)**, as last amended by Laws of Utah 2025, Chapters 182, 292

109      **59-10-1038 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 195

110      **59-10-1107 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 292

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111      **59-10-1108 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 292  
112      **63A-5b-403 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9  
114      **63B-5-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9  
116      **63B-18-401 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 282  
117      **63B-24-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 282  
118      **63B-30-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 2  
120      **63C-4a-202 (Effective 05/06/26) (Repealed 07/01/28)**, as last amended by Laws of Utah 2014, Chapter 387  
122      **63C-27-201 (Effective 05/06/26) (Repealed 07/01/32)**, as enacted by Laws of Utah 2022, Chapter 153  
124      **63G-2-305 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17  
126      **63G-4-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 14, 260 and 340  
128      **63G-21-102 (Effective 05/06/26) (Repealed 07/01/28)**, as last amended by Laws of Utah 2021, Chapters 282, 344  
130      **63G-21-201 (Effective 05/06/26) (Repealed 07/01/28)**, as last amended by Laws of Utah 2023, Chapter 34  
132      **63H-1-801 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 282  
133      **63J-1-602.2 (Effective 05/06/26) (Partially Repealed 07/01/29)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17  
135      **63L-2-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 362  
136      **63L-11-402 (Effective 05/06/26) (Repealed 07/01/27)**, as last amended by Laws of Utah 2025, Chapter 140  
138      **63M-5-306 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 282  
139      **63M-11-201 (Effective 05/06/26) (Repealed 07/01/26)**, as last amended by Laws of Utah 2021, Chapters 196, 282  
141      **63N-1a-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 512  
142      **63N-1a-103 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 159

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143      **63N-1a-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 512  
144      **63N-1a-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 512  
145      **63N-1a-401 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 512  
146      **63N-1a-402 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 159  
147      **63N-2-103 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 512  
148      **63N-2-104 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapters 200, 362  
150      **63N-2-104.2 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapters 159, 316  
152      **63N-2-504 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 159  
153      **63N-2-512 (Effective 05/06/26) (Superseded 07/01/26)**, as last amended by Laws of Utah 2025,  
First Special Session, Chapter 17  
155      **63N-2-512 (Effective 07/01/26) (Repealed 07/01/28)**, as last amended by Laws of Utah 2025,  
Chapter 285  
157      **63N-2-808 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 159  
158      **63N-3-112 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 159  
159      **63N-3-603 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session,  
Chapter 15  
161      **63N-3-603.1 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 29  
162      **63N-3-604 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 29  
163      **63N-3-604.1 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 29  
164      **63N-3-605 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 29  
165      **63N-3-606 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 29  
166      **63N-3-610.1 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 29  
167      **63N-3-611 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 29  
168      **63N-3-1101 (Effective 05/06/26) (Repealed 07/01/28)**, as last amended by Laws of Utah 2024,  
Chapter 159  
170      **63N-3-1102 (Effective 05/06/26) (Repealed 07/01/28)**, as last amended by Laws of Utah 2024,  
Chapter 159  
172      **63N-3-1602 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session,  
Chapter 15  
174      **63N-3-1603 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 537  
175      **63N-3-1604 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 537

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176      **63N-3-1702 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 495  
177      **63N-4-103 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 159  
178      **63N-4-104 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 159  
179      **63N-7-102 (Effective 05/06/26) (Partially Repealed 07/01/30)**, as last amended by Laws of Utah  
2024, Chapter 159  
181      **63N-16-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 400  
182      **63N-16-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 159  
183      **63N-18-201 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2023, Chapter 499  
185      **63N-20-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 252, 328 and  
renumbered and amended by Laws of Utah 2023, Chapter 380  
187      **67-1-2 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 250  
188      **67-3-1 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter  
17  
190      **67-22-2 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 232  
191      **71A-9-303 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 71  
192      **72-1-209 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 282  
193      **72-2-503 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 502  
194      **72-4-302 (Effective 05/06/26) (Repealed 01/02/30)**, as last amended by Laws of Utah 2021,  
Chapters 184, 280 and 282  
196      **72-7-504 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 282  
197      **79-6-902 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session,  
Chapter 17  
199      **79-7-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 270

200      ENACTS:

201      **63N-1a-501 (Effective 05/06/26)**, Utah Code Annotated 1953  
202      **63N-1a-502 (Effective 05/06/26)**, Utah Code Annotated 1953  
203      **63N-1a-503 (Effective 05/06/26)**, Utah Code Annotated 1953

204      **Utah Code Sections affected by Coordination Clause:**

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

207      Section 1. Section **9-9-104.6** is amended to read:

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### 9-9-104.6. Participation of state agencies in meetings with tribal leaders -- Contact information.

- (1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the division shall coordinate with representatives of tribal governments and the entities listed in Subsection (2) to provide for the broadest participation possible in the joint meetings.
- (2) The following may participate in all meetings described in Subsection (1):
  - (a) the chairs of the Native American Legislative Liaison Committee created in Section 36-22-1;
  - (b) the governor or the governor's designee;
  - (c) the American Indian-Alaska Native Public Education Liaison appointed in accordance with Section 53F-5-604; and
  - (d) a representative appointed by the chief administrative officer of the following:
    - (i) the Department of Health and Human Services;
    - (ii) the Department of Natural Resources;
    - (iii) the Department of Workforce Services;
    - (iv) the Governor's Office of Economic Opportunity Development;
    - (v) the State Board of Education; and
    - (vi) the Utah Board of Higher Education.
- (3)
  - (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:
    - (i) designate the name of a contact person for that agency that can assist in coordinating the efforts of state and tribal governments in meeting the needs of the Native Americans residing in the state; and
    - (ii) notify the division:
      - (A) who is the designated contact person described in Subsection (3)(a)(i); and
      - (B) of any change in who is the designated contact person described in Subsection (3)(a)(i).
  - (b) This Subsection (3) applies to:
    - (i) the Department of Agriculture and Food;
    - (ii) the Department of Cultural and Community Engagement;
    - (iii) the Department of Corrections;
    - (iv) the Department of Environmental Quality;
    - (v) the Department of Public Safety;

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240 (vi) the Department of Transportation;  
241 (vii) the Office of the Attorney General;  
242 (viii) the State Tax Commission; and  
243 (ix) any individual or agency described in Subsections (2)(c) through (d).

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

246 (4)

249 (a) A participant under this section who is not a legislator may not receive compensation or benefits for the participant's service, but may receive per diem and travel expenses as allowed in:

250 (i) Section 63A-3-106;  
251 (ii) Section 63A-3-107; and  
252 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

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

257 Section 2. Section **9-9-112** is amended to read:

258 **9-9-112. Bears Ears Visitor Center Advisory Committee.**

259 (1) Utah extends an invitation to the Navajo Nation, the Ute Mountain Ute Tribe, the Hopi Nation, the Zuni Tribe, and the Ute Indian Tribe of the Uintah Ouray to form an advisory committee for the purpose of exploring the feasibility, location, functions, and other important matters surrounding the creation of a visitor center at Bears Ears.

263 (2) As used in this section:

264 (a) "Advisory committee" means the Bears Ears Visitor Center Advisory Committee created by this section.

266 (b) "Bears Ears" means the Bears Ears National Monument.

267 (3)

269 (a) Subject to Subsection (3)(b), there is created the Bears Ears Visitor Center Advisory Committee consisting of the following voting members:

270 (i) a representative of the Navajo Nation, appointed by the Navajo Nation;  
271 (ii) a representative of the Ute Mountain Ute Tribe, appointed by the Ute Mountain Ute Tribe;  
272 (iii) a representative of the Hopi Nation, appointed by the Hopi Nation;  
273 (iv) a representative of the Zuni Tribe, appointed by the Zuni Tribe; and

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274 (v) a representative of the Ute Indian Tribe of the Uintah Ouray, appointed by the Ute Indian Tribe  
of the Uintah Ouray.

276 (b) The advisory committee is formed when all of the tribes described in Subsection (1) have  
communicated to the other tribes and to the Division of Indian Affairs that the tribe has appointed a  
member to the advisory committee.

279 (c)

281 (i) The president of the Senate and the speaker of the House of Representatives may each appoint to the  
advisory committee one nonvoting individual.

284 (ii) If an individual appointed under Subsection (3)(c)(i) is a member of the Legislature, the member  
serves as a member of the public and not in the member's legislative capacity.

286 (4) The advisory committee may select from the advisory committee members the chair or other  
officers of the advisory committee.

289 (5)

291 (a) If a vacancy occurs in the membership of the advisory committee appointed under Subsection (3),  
the member shall be replaced in the same manner in which the original appointment was made.

292 (b) A member appointed under Subsection (3) serves until the member's successor is appointed and  
qualified.

293 (6)

295 (a) A majority of the voting members of the advisory committee constitutes a quorum.

297 (b) The action of a majority of a quorum constitutes an action of the advisory committee.

299 (7) An advisory committee member may not receive compensation or benefits for the member's service  
on the advisory committee, but may receive per diem and reimbursement for travel expenses  
incurred as an advisory committee member at the rates established by the Division of Finance under:

301 (a) Sections 63A-3-106 and 63A-3-107; and

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

305 (8) The advisory committee may invite the United States Forest Service, the Bureau of Land  
Management, the Division of State Parks, the Division of Outdoor Recreation, and the Utah Office  
of Tourism within the Governor's Office of Economic Opportunity Development, to serve as  
technical advisors to the advisory committee.

307 (9) The Division of Indian Affairs shall staff the advisory committee.

309 (10) The advisory committee shall study and make recommendations concerning:

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306 (a) the need for a visitor center associated with Bears Ears;

307 (b) the feasibility of a visitor center associated with Bears Ears, including investigating:

308 (i) potential locations for the visitor center;

309 (ii) purposes for the visitor center; and

310 (iii) sources of funding to build and maintain the visitor center;

311 (c) whether a visitor center will increase visitorship to Bears Ears; and

312 (d) whether a visitor center at Bears Ears could function as a repository of traditional knowledge and practices.

314 (11) The advisory committee may contract with one or more consultants to conduct work related to the issues raised in Subsection (10) if the Legislature appropriates money expressly for the purpose of the advisory committee contracting with a consultant.

317 (12) The advisory committee shall hold at least one public hearing to obtain public comment on the creation of a Bears Ears visitor center.

319 (13) The advisory committee shall report the advisory committee's recommendations to one or more of the following:

321 (a) the Economic Development and Workforce Services Interim Committee;

322 (b) the House Economic Development and Workforce Services Committee; or

323 (c) the Senate Economic Development and Workforce Services Committee.

325 Section 3. Section **10-21-203** is amended to read:

326 **10-21-203. Station area plan requirements -- Contents -- Review and certification by applicable metropolitan planning organization.**

327 (1)

328 (a) Subject to the requirements of this section, a municipality that has a fixed guideway public transit station located within the municipality's boundaries shall, for the station area:

330 (i) develop and adopt a station area plan; and

331 (ii) adopt any appropriate land use regulations to implement the station area plan.

332 (b) The requirements of Subsection (1)(a) shall be considered satisfied if:

333 (i)

334 (A) the municipality has already adopted plans or ordinances, approved land use applications, approved agreements or financing, or investments have been made, before June 1, 2022, that substantially promote each of the objectives in Subsection (6)(a) within the station area, and can demonstrate

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that such plans, ordinances, approved land use applications, approved agreements or financing, or investments are still relevant to making meaningful progress towards achieving such objectives; and

340 (B) the municipality adopts a resolution finding that the objectives of Subsection (6)(a) have been substantially promoted; or

342 (ii) (A) the municipality has determined that conditions exist that make satisfying a portion or all of the requirements of Subsection (1)(a) for a station area impracticable, including conditions that relate to existing development, entitlements, land ownership, land uses that make opportunities for new development and long-term redevelopment infeasible, environmental limitations, market readiness, development impediment conditions, or other similar conditions; and

349 (B) the municipality adopts a resolution describing the conditions that exist to make satisfying the requirements of Subsection (1)(a) impracticable.

351 (c) To the extent that previous actions by a municipality do not satisfy the requirements of Subsection (1)(a) for a station area, the municipality shall take the actions necessary to satisfy those requirements.

354 (2) (a) A municipality that has a new fixed guideway public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection (1)(a) for the station area surrounding the new fixed guideway public transit station before the new fixed guideway public transit station begins transit services.

358 (b) Except as provided in Subsections (2)(c) and (d), a municipality that has an existing fixed guideway public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection (1)(a) for the station area surrounding the existing fixed guideway public transit station on or before December 31, 2025.

362 (c) If a municipality has more than four existing fixed guideway public transit stations located within the municipality's boundaries, the municipality shall:

364 (i) on or before December 31, 2025, satisfy the requirements of Subsection (1)(a) for four or more station areas located within the municipality; and

366 (ii) on or before December 31 of each year thereafter, satisfy the requirements of Subsection (1)(a) for no less than two station areas located within the municipality until the municipality has satisfied the requirements of Subsection (1)(a) for each station area located within the municipality.

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370 (d)

371 (i) Subject to Subsection (2)(d)(ii):

371 (A) if a municipality receives a complete qualifying land use petition on or before July 1, 2022, the municipality shall satisfy the requirements of Subsection (1)(a) for the station area in which the development is proposed on or before July 1, 2023; and

375 (B) if a municipality receives a complete qualifying land use petition after July 1, 2022, the municipality shall satisfy the requirements of Subsection (1)(a) for the station area in which the development is proposed within a 12-month period beginning on the first day of the month immediately following the month in which the qualifying land use petition is submitted to the municipality, and shall notify the applicable metropolitan planning organization of the receipt of the qualified land use petition within 45 days of the date of receipt.

383 (ii)

383 (A) A municipality is not required to satisfy the requirements of Subsection (1)(a) for more than two station areas under Subsection (2)(d)(i) within any 12-month period.

386 (B) If a municipality receives more than two complete qualifying land use petitions on or before July 1, 2022, the municipality shall select two station areas for which the municipality will satisfy the requirements of Subsection (1)(a) in accordance with Subsection (2)(d)(i)(A).

390 (iii) A municipality shall process on a first priority basis a land use application, including an application for a building permit, if:

392 (A) the land use application is for a residential use within a station area for which the municipality has not satisfied the requirements of Subsection (1)(a); and

394 (B) the municipality would be required to change a zoning designation for the land use application to be approved.

396 (e) Notwithstanding Subsections (2)(a) through (d), the time period for satisfying the requirements of Subsection (1)(a) for a station area may be extended once for a period of 12 months if:

399 (i) the municipality demonstrates to the applicable metropolitan planning organization that conditions exist that make satisfying the requirements of Subsection (1)(a) within the required time period infeasible, despite the municipality's good faith efforts; and

403 (ii) the applicable metropolitan planning organization certifies to the municipality in writing that the municipality satisfied the demonstration in Subsection (2)(e)(i).

405 (3)

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- (a) Except as provided in Subsection (3)(b), if a station area is included within the boundaries of more than one municipality, each municipality with jurisdiction over the station area shall satisfy the requirements of Subsection (1)(a) for the portion of the station area over which the municipality has jurisdiction.
- 409 (b) Two or more municipalities with jurisdiction over a station area may coordinate to develop a shared station area plan for the entire station area.
- 411 (4) A municipality that has more than one fixed guideway public transit station located within the municipality may, through an integrated process, develop station area plans for multiple station areas if the station areas are within close proximity of each other.
- 414 (5)
  - (a) A municipality that is required to develop and adopt a station area plan under this section may request technical assistance from the applicable metropolitan planning organization.
  - 417 (b) An applicable metropolitan planning organization that receives funds from the Governor's Office of Economic ~~Opportunity~~ Development under Section 63N-3-113 shall, when utilizing the funds, give priority consideration to requests for technical assistance for station area plans required under Subsection (2)(d).
- 421 (6)
  - (a) A station area plan shall promote the following objectives within the station area:
    - 422 (i) increasing the availability and affordability of housing, including moderate income housing;
    - 424 (ii) promoting sustainable environmental conditions;
    - 425 (iii) enhancing access to opportunities; and
    - 426 (iv) increasing transportation choices and connections.
  - 427 (b)
    - (i) To promote the objective described in Subsection (6)(a)(i), a municipality may consider implementing the following actions:
      - 429 (A) aligning the station area plan with the moderate income housing element of the municipality's general plan;
      - 431 (B) providing for densities necessary to facilitate the development of moderate income housing;
      - 433 (C) providing for affordable costs of living in connection with housing, transportation, and parking; or
      - 435 (D) any other similar action that promotes the objective described in Subsection (6)(a)(i).

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437 (ii) To promote the objective described in Subsection (6)(a)(ii), a municipality may consider  
438 implementing the following actions:

439 (A) conserving water resources through efficient land use;

440 (B) improving air quality by reducing fuel consumption and motor vehicle trips;

441 (C) establishing parks, open spaces, and recreational opportunities; or

442 (D) any other similar action that promotes the objective described in Subsection (6)(a)(ii).

443 (iii) To promote the objective described in Subsection (6)(a)(iii), a municipality may consider the  
444 following actions:

445 (A) maintaining and improving the connections between housing, transit, employment, education,  
446 recreation, and commerce;

447 (B) encouraging mixed-use development;

448 (C) enabling employment and educational opportunities within the station area;

449 (D) encouraging and promoting enhanced broadband connectivity; or

450 (E) any other similar action that promotes the objective described in Subsection (6)(a)(iii).

451 (iv) To promote the objective described in Subsection (6)(a)(iv), a municipality may consider the  
452 following:

453 (A) supporting investment in infrastructure for all modes of transportation;

454 (B) increasing utilization of public transit;

455 (C) encouraging safe streets through the designation of pedestrian walkways and bicycle lanes;

456 (D) encouraging manageable and reliable traffic conditions;

457 (E) aligning the station area plan with the regional transportation plan of the applicable metropolitan  
458 planning organization; or

459 (F) any other similar action that promotes the objective described in Subsection (6)(a)(iv).

460 (7) A station area plan shall include the following components:

461 (a) a station area vision that:

462 (i) is consistent with Subsection (6); and

463 (ii) describes the following:

464 (A) opportunities for the development of land within the station area under existing conditions;

465 (B) constraints on the development of land within the station area under existing conditions;

466 (C) the municipality's objectives for the transportation system within the station area and the future  
467 transportation system that meets those objectives;

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474 (D) the municipality's objectives for land uses within the station area and the future land uses that meet  
those objectives;

476 (E) the municipality's objectives for public and open spaces within the station area and the future public  
and open spaces that meet those objectives; and

478 (F) the municipality's objectives for the development of land within the station area and the future  
development standards that meet those objectives;

480 (b) a map that depicts:

481 (i) the station area;

482 (ii) the area within the station area to which the station area plan applies, provided that the station area  
plan may apply to areas outside the station area, and the station area plan is not required to apply to  
the entire station area; and

485 (iii) the area where each action is needed to implement the station area plan;

486 (c) an implementation plan that identifies and describes each action needed within the next five years  
to implement the station area plan, and the party responsible for taking each action, including any  
actions to:

489 (i) modify land use regulations;

490 (ii) make infrastructure improvements;

491 (iii) modify deeds or other relevant legal documents;

492 (iv) secure funding or develop funding strategies;

493 (v) establish design standards for development within the station area; or

494 (vi) provide environmental remediation;

495 (d) a statement that explains how the station area plan promotes the objectives described in Subsection  
(6)(a); and

497 (e) as an alternative or supplement to the requirements of Subsection (6) or this Subsection (7), and for  
purposes of Subsection (1)(b)(ii), a statement that describes any conditions that would make the  
following impracticable:

500 (i) promoting the objectives described in Subsection (6)(a); or

501 (ii) satisfying the requirements of this Subsection (7).

502 (8) A municipality shall develop a station area plan with the involvement of all relevant stakeholders  
that have an interest in the station area through public outreach and community engagement,  
including:

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505 (a) other impacted communities;

506 (b) the applicable public transit district;

507 (c) the applicable metropolitan planning organization;

508 (d) the Department of Transportation;

509 (e) owners of property within the station area; and

510 (f) the municipality's residents and business owners.

511 (9)

512 (a) A municipality that is required to develop and adopt a station area plan for a station area under this section shall submit to the applicable metropolitan planning organization and the applicable public transit district documentation evidencing that the municipality has satisfied the requirement of Subsection (1)(a)(i) for the station area, including:

513 (i) a station area plan; or

514 (ii) a resolution adopted under Subsection (1)(b)(i) or (ii).

515 (b) The applicable metropolitan planning organization, in consultation with the applicable public transit district, shall:

516 (i) review the documentation submitted under Subsection (9)(a) to determine the municipality's compliance with this section; and

517 (ii) provide written certification to the municipality if the applicable metropolitan planning organization determines that the municipality has satisfied the requirement of Subsection (1)(a)(i) for the station area.

518 (c) The municipality shall include the certification described in Subsection (9)(b)(ii) in the municipality's report to the Department of Workforce Services under Section 10-21-202.

519 (10)

520 (a) Following certification by a metropolitan planning organization of a municipality's station area plan under Subsection (9)(b)(ii), the municipality shall provide a report to the applicable metropolitan planning organization on or before December 31 of the fifth year after the year in which the station area plan was certified, and every five years thereafter for a period not to exceed 15 years.

521 (b) The report described in Subsection (10)(a) shall:

522 (i) contain the status of advancing the station area plan objectives, including, if applicable, actions described in the implementation plan required in Subsection (7)(c); and

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- (ii) identify potential actions over the next five years that would advance the station area plan objectives.
- 539 (c) If a municipality has multiple certified station area plans, the municipality may consolidate the reports required in Subsection (10)(a) for the purpose of submitting reports to the metropolitan planning organization.
- 543       Section 4. Section **11-17-1.5** is amended to read:
- 544       **11-17-1.5. Purpose of chapter.**
- 544 (1)
  - (a) The purposes of this chapter are to stimulate the economic growth of the state, to promote employment and achieve greater industrial development in the state, to maintain or enlarge domestic or foreign markets for Utah industrial products, to authorize municipalities and counties in the state to facilitate capital formation, finance, acquire, own, lease, or sell projects for the purpose of reducing, abating, or preventing pollution and to protect and promote the health, welfare, and safety of the citizens of the state and to improve local health and the general welfare by inducing corporations, persons, or entities engaged in health care services, including hospitals, nursing homes, extended care facilities, facilities for the care of persons with a physical or mental disability, and administrative and support facilities, to locate, relocate, modernize, or expand in this state and to assist in the formation of investment capital with respect thereto.
  - 556 (b) The Legislature declares that the acquisition or financing, or both, of projects under ~~[the Utah Industrial Facilities and Development Act]~~ this chapter and the issuance of bonds under ~~[it]~~ this chapter constitutes a proper public purpose.
- 559 (2)
  - (a) It is declared that the policy of the state is to encourage the development of free enterprise and entrepreneurship for the purpose of the expansion of employment opportunities and economic development.
  - 562 (b) It is declared that there exists in the state an inadequate amount of locally managed, pooled venture capital in the private sector available to invest in early stage businesses having high growth potential and that can provide jobs for Utah citizens.
  - 565 (c) It is found that venture capital is required for healthy economic development of sectors of the economy having high growth and employment potential.

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(d) It is further found that the public economic development purposes of the state, [and its-]counties, and municipalities can be fostered by the sale of industrial revenue bonds for the purpose of providing funding for locally managed, pooled new venture and economic development funds in accordance with the provisions of this chapter.

571 (e) It is declared that in order to assure adequate investment of private capital for these uses, cooperation between private enterprise and state and local government is necessary and in the public interest and that the facilitation of capital accumulation is the appropriate activity of[ the counties and municipalities of this state and also of] :

575 (i) a county;

576 (ii) a municipality; and

577 (iii) the Governor's Office of Economic [Opportunity] Development.

578 (f) It is found that venture capital funds historically, because of the more intensive nature of their relationship with companies in which [they] the funds invest, tend to concentrate [their] investments within a relatively close geographical area to their headquarters location.

582 (g)

(i) It is found and declared that investors in economic development or new venture investment funds require for the overall security of their investments reasonable diversification of investment portfolios and that, in the course of this diversification, investments are often syndicated or jointly made among several financial institutions or funds.

587 (ii) It is expressly found and declared that an economic development or new venture investment fund shall, from time to time for [its-]optimal profitability and efficiency, [(which are important for the security and profit of bond purchasers providing funds therefor)] , cooperate with others who may be located outside of [Utah] the state or the county or municipality where the fund is headquartered in the making of investments; and [that the fund shall] be free in the interests of reciprocal relationships with other financial institutions and diversification of risks to invest from time to time in enterprises that are located outside of [Utah] the state or the counties or municipalities.

596 (iii) It is specifically found that [such-]activity by a locally managed fund, funded in whole or in part with the proceeds of bonds sold under this chapter, is within the public purposes of the state and any county or municipality offering the bonds, provided that the fund locates within [Utah] the state or the county or municipality [its] the fund's headquarters where [its] the fund's actual investment

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decisions and management functions occur and limits the aggregate amount of [its] the fund's investments in companies located outside of [Utah] the state to an amount that in the aggregate does not exceed the aggregate amount of investments made by institutions and funds located outside of [Utah] the state in Utah companies, that the locally managed fund has sponsored or in which [it] the locally managed fund has invested and that [it] the locally managed fund has brought to the attention of investors outside of [Utah] the state.

609       Section 5. Section **11-17-18** is amended to read:

610       **11-17-18. Powers of Governor's Office of Economic Development.**

611       (1) For purposes of this chapter and for the purposes of the Utah Interlocal Cooperation Act, the Governor's Office of Economic [Opportunity] Development, created in Section 63N-1a-301, has all the powers set out in this chapter of, and is subject to the same limitations as, a municipality as though the office were defined as a municipality for purposes of this chapter, but it shall have such powers with respect to economic development or new venture investment fund projects only. [It]

617       (2) The Governor's Office of Economic Development is not authorized to exercise such powers in any manner which will create general obligations of the state or any agency, department, division, or political subdivision [thereof] of the state.

621       Section 6. Section **11-41-102** is amended to read:

622       **11-41-102. Definitions.**

623       As used in this chapter:

624       (1) "Agreement" means an oral or written agreement between a public entity and a person.

624       (2) "Business entity" means a sole proprietorship, partnership, limited partnership, limited liability company, corporation, or other entity or association used to carry on a business for profit.

627       (3) "Determination of violation" means a determination by the Governor's Office of Economic [Opportunity] Development of substantial likelihood that a retail facility incentive payment has been made in violation of Section 11-41-103, in accordance with Section 11-41-104.

631       (4) "Environmental mitigation" means an action or activity intended to remedy known negative impacts to the environment.

633       (5) "Executive director" means the executive director of the Governor's Office of Economic [Opportunity] Development.

635       (6) "General plan" means the same as that term is defined in Section 23A-6-101.

636       (7) "Legislative body" means the same as that term is defined in:

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637 (a) Section 10-20-102; or

638 (b) Section 17-79-102.

639 (8) "Mixed-use development" means development with mixed land uses, including housing.

640 (9) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

643 (10) "Moderate income housing plan" means the moderate income housing plan element of a general plan.

645 (11) "Office" means the Governor's Office of Economic Opportunity Development created in Section 63N-1a-301.

647 (12) "Political subdivision" means any county, city, town, school district, special district, special service district, community reinvestment agency, or entity created by an interlocal agreement adopted under Chapter 13, Interlocal Cooperation Act.

650 (13) "Public entity" means:

651 (a) a political subdivision;

652 (b) a department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the executive branch of the state;

655 (c) an institution of higher education as defined in Section 53H-1-101;

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

657 (e) the Utah Inland Port Authority created in Section 11-58-201; or

658 (f) the Point of the Mountain State Land Authority created in Section 11-59-201.

659 (14) "Public funds" means any money received by a public entity that is derived from:

660 (a) a sales and use tax authorized under Title 59, Chapter 12, Sales and Use Tax Act; or

661 (b) a property tax levy.

662 (15) "Public infrastructure" means:

663 (a) a public facility, as defined in Section 11-36a-102;

664 (b) a system improvement, as defined in Section 11-36a-102; or

665 (c) infrastructure developed with public funds included as part of an infrastructure master plan related to a general plan.

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(16) "Retail facility" means any facility operated by a business entity for the primary purpose of making retail transactions.

669 (17) "Retail facility incentive payment" means a payment of public funds:

670 (a) to a person by a public entity;

671 (b) for the development, construction, renovation, or operation of a retail facility within an area of the state; and

673 (c) in the form of:

674 (i) a payment;

675 (ii) a rebate;

676 (iii) a refund;

677 (iv) a subsidy; or

678 (v) any other similar incentive, award, or offset.

679 (18) "Retail transaction" means any transaction subject to a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

681 (19)

(a) "Small business" means a business entity that:

682 (i) has fewer than 30 full-time equivalent employees; and

683 (ii) maintains the business entity's principal office in the state.

684 (b) "Small business" does not include:

685 (i) a franchisee, as defined in 16 C.F.R. Sec. 436.1;

686 (ii) a dealer, as defined in Section 41-1a-102; or

687 (iii) a subsidiary or affiliate of another business entity that is not a small business.

689 Section 7. Section **11-58-901** is amended to read:

**690 11-58-901. Dissolution of port authority -- Restrictions -- Notice of dissolution -- Disposition of port authority property -- Port authority records -- Dissolution expenses.**

692 (1) The authority may not be dissolved unless the authority 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.

695 (2) Upon the dissolution of the authority:

696 (a) the Governor's Office of Economic Opportunity Development shall publish a notice of dissolution:

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- (i) for the county in which the dissolved authority 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 authority vests in the state.
- (3) The books, documents, records, papers, and seal of each dissolved authority shall be deposited for safekeeping and reference with the state auditor.
- (4) The authority shall pay all expenses of the deactivation and dissolution.

Section 8. Section **11-59-304** is amended to read:

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

- (1) As used in this section, "office" means the Governor's Office of Economic [Opportunity] Development, created in Section 63N-1a-301.
- (2) If and as requested by the board:
  - (a) the facilities division shall:
    - (i) provide staff support to the board; and
    - (ii) make available to the board existing division resources and expertise to assist the board in the development, marketing, and disposition of the point of the mountain state land; and
  - (b) the office shall cooperate with and provide assistance to the board in the board's:
    - (i) formulation of a development plan for the point of the mountain state land; and
    - (ii) management and implementation of a development plan, including the marketing of property and recruitment of businesses and others to locate on the point of the mountain state land.
- (3) A department, division, or other agency of the state and a political subdivision of the state shall cooperate with the authority and the board to the fullest extent possible to provide whatever support, information, or other assistance the board requests that is reasonably necessary to help the authority fulfill [its] the authority's duties and responsibilities under this chapter.
- (4)
  - (a) The authority may request and, upon request, shall receive services that include:
    - (i) fuel dispensing and motor pool services provided by the Division of Fleet Operations;
    - (ii) surplus property services provided by the Division of Purchasing and General Service;
    - (iii) information technology services provided by the Division of Technology Services;
    - (iv) archive services provided by the Division of Archives and Records Service;

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- 735 (v) financial services provided by the Division of Finance;
- 736 (vi) human resource management services provided by the Division of Human Resource
- 738 Management;
- 739 (vii) legal services provided by the Office of the Attorney General; and
- 740 (viii) banking services provided by the Office of the State Treasurer.

740 (b) Nothing in Subsection (4)(a) may be construed to relieve the authority of the obligation to pay the applicable fee for the service provided.

743 Section 9. Section **11-59-501** is amended to read:

**11-59-501. Dissolution of authority -- Restrictions -- Publishing notice of dissolution --**

**Authority records -- Dissolution expenses.**

- 746 (1) The authority may not be dissolved unless:
  - 747 (a) the authority board first receives approval from the Legislative Management Committee of the Legislature to dissolve the authority; and
  - 749 (b) the authority 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.
- 752 (2) To dissolve the authority, the board shall:
  - 753 (a) obtain the approval of the Legislative Management Committee of the Legislature; and
  - 754 (b) adopt a resolution dissolving the authority, to become effective as provided in the resolution.
- 756 (3) Upon the dissolution of the authority:
  - 757 (a) the Governor's Office of Economic Opportunity Development shall publish a notice of dissolution:
    - 759 (i) for the county in which the dissolved authority is located, as a class A notice under Section 63G-30-102, for at least seven days; and
    - 761 (ii) as required in Section 45-1-101; and
    - 762 (b) all title to property owned by the authority vests in the facilities division for the benefit of the state.
  - 764 (4) The board shall deposit all books, documents, records, papers, and seal of the dissolved authority with the state auditor for safekeeping and reference.
  - 766 (5) The authority shall pay all expenses of the deactivation and dissolution.

768 Section 10. Section **11-65-302** is amended to read:

**11-65-302. Number of board members -- Appointment -- Vacancies.**

- 770 (1) The lake authority's board shall consist of 15 members, as provided in Subsection (2).
- 771 (2)

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- (a) The governor shall appoint two board members, at least one of whom shall be from the Governor's Office of Economic Opportunity Development created in Section 63N-1a-301.
- 774 (b) The president of the Senate shall appoint as one board member an individual who holds office as a member of the Senate and whose Senate district includes an area within Utah County.
- 777 (c) The speaker of the House of Representatives shall appoint as one board member an individual who holds office as a member of the House of Representatives and whose House of Representatives district includes an area within Utah County.
- 780 (d) The legislative body of Utah County shall appoint a member of the legislative body of Utah County as a board member.
- 782 (e)
  - (i) The Utah County Council of Governments shall appoint eight board members, at least one of whom shall be an individual selected from among individuals designated by chambers of commerce in Utah County, each of which may recommend an individual for appointment to the board.
  - 786 (ii) Except for a member appointed as designated by a chamber of commerce in Utah County, all members appointed by the Utah County Council of Governments shall be elected officials from municipalities whose boundaries are no more than one half mile from the lake authority boundary.
  - 790 (iii) The initial members appointed by the Utah County Council of Governments shall include:
    - 792 (A) an individual designated by the legislative body of the city of Lehi;
    - 793 (B) an individual designated by the legislative body of the city of Lindon;
    - 794 (C) an individual designated by the legislative body of the city of Spanish Fork;
    - 795 (D) an individual who is an elected officer of the city of Provo, designated by the mayor of the city of Provo;
  - 797 (E) an individual who is an elected officer of the city of Orem, designated by the legislative body of the city of Orem;
  - 799 (F) an individual who is an elected officer of the city of Vineyard, designated by the legislative body of the city of Vineyard; and
  - 801 (G) an individual who is an elected officer of the city of Saratoga Springs, designated by the legislative body of the city of Saratoga Springs.
- 803 (f) The executive director of the Department of Natural Resources shall appoint one board member.
- 805 (g) The executive director of the Department of Environmental Quality shall appoint one board member.

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807 (3) Appointments required under Subsection (2) shall be made no later than June 1, 2022.

808 (4)

809 (a) A vacancy in the board shall be filled in the same manner under this section as the appointment of  
the member whose vacancy is being filled.

810 (b) An individual appointed to fill a vacancy shall serve the remaining unexpired term of the member  
whose vacancy the individual is filling.

811 (5) 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.

812 (6) The lake authority may appoint nonvoting members of the board and set terms for those nonvoting  
members.

813 (7) Upon a vote of a majority of all board members, the board may appoint a board chair and any other  
officer of the board.

814 (8) The board:

815 (a) may appoint one or more advisory committees that may include individuals from impacted public  
entities, community organizations, environmental organizations, business organizations, or other  
organizations or associations; and

816 (b) shall appoint an advisory committee to advise on:

817 (i) water rights, water projects, and water facilities associated with Utah Lake; and

818 (ii) recreation and avian and other wildlife activities on Utah Lake.

819 Section 11. Section **11-65-701** is amended to read:

820 **11-65-701. Dissolution of lake authority -- Restrictions -- Notice of dissolution -- Disposition  
of lake authority property -- Lake authority records -- Dissolution expenses.**

821 (1) The lake authority may not be dissolved unless the lake authority 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.

822 (2) Upon the dissolution of the lake authority:

823 (a) the Governor's Office of Economic Opportunity Development shall publish a notice of dissolution  
as required in Section 45-1-101; and

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

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

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

842 Section 12. Section **11-70-801** is amended to read:

843 **11-70-801. Dissolution of fairpark district -- Restrictions -- Notice of dissolution --**

**Disposition of fairpark district property -- Fairpark district records -- Dissolution expenses.**

845 (1) The fairpark district may not be dissolved unless the fairpark district 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.

848 (2) Upon the dissolution of the fairpark district:

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

851 (i) for the county in which the dissolved fairpark district is located, as a class A notice under Section  
63G-30-102, for at least seven days; and

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

854 (b) all title to property owned by the fairpark district vests in the state.

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

857 (4) The fairpark district shall pay all expenses of the deactivation and dissolution.

859 Section 13. Section **17-78-707** is amended to read:

860 **17-78-707. Payment to Stay Another Day and Bounce Back Fund and Hotel Impact**

**Mitigation Fund.**

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

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

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

865 (b) for any year in which the Governor's Office of Economic [Opportunity] Development provides a  
convention incentive, as defined in Section 63N-2-502; and

867 (c) in the amount of 5% of the state portion, as defined in Section 63N-2-502; and

868 (2) make payments to the Division of Finance:

869 (a) for deposit into the Hotel Impact Mitigation Fund, created in Section 63N-2-512;

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(b) for each year described in Subsection 63N-2-512(5) during which the balance of the Hotel Impact Mitigation Fund, defined in Section 63N-2-512, is less than \$2,100,000 before any payment for that year under Subsection 63N-2-512(5); and

873 (c) in the amount of the difference between \$2,100,000 and the balance of the Hotel Impact Mitigation Fund, defined in Section 63N-2-512, before any payment for that year under Subsection 63N-2-512(5).

877 Section 14. Section **17C-1-603** is amended to read:

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

879 (1) As used in this section:

880 (a) "Database" means the collection of electronic data described in Subsection (2)(a).

881 (b) "Office" means the Governor's Office of Economic [Opportunity] Development created in Section 63N-1a-301.

883 (c) "Office website" means a public website maintained by the office.

884 (2) The office shall:

885 (a) create and maintain electronic data to track information for each agency located within the state; and

887 (b) make the database publicly accessible from the office website.

888 (3)

889 (a) The office may:

890 (i) contract with a third party to create and maintain the database; and

891 (ii) charge a fee for a county, city, or agency to provide information to the database.

892 (b) The office shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a fee schedule for the fee described in Subsection (3)(a)(ii).

893 (4) On or before June 30 of each year, an agency shall, for each active project area for which the project area funds collection period has not expired, submit to the office for inclusion in the database the following information:

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

895 (i) the base year;

896 (ii) the estimated current assessed value;

897 (iii) the percentage change in marginal value; and

898 (iv) a narrative description of the relative growth in assessed value;

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902 (b) the amount of project area funds the agency received and the amount of project area funds the agency spent for each year of the project area funds collection period, broken down by the applicable budget or funds analysis category described in Subsection (4)(d), including:

906 (i) a comparison of the actual project area funds received and spent for each year to the amount of project area funds forecasted for each year when the project area was created, if available;

909 (ii)

912 (A) the agency's historical receipts and expenditures of project area funds, including the tax year for which the agency first received project area funds from the project area; or

915 (B) if the agency has not yet received project area funds from the project area, the year in which the agency expects each project area funds collection period to begin;

918 (iii) a list of each taxing entity that levies or imposes a tax within the project area and a description of the benefits that each taxing entity receives from the project area; and

919 (iv) the amount paid to other taxing entities under Section 17C-1-410, if applicable;

920 (c) a description of current and anticipated project area development, including:

923 (i) a narrative of any significant project area development, including infrastructure development, site development, participation agreements, or vertical construction; and

924 (ii) other details of development within the project area, including:

925 (A) the total developed acreage;

926 (B) the total undeveloped acreage;

927 (C) the percentage of residential development; and

928 (D) the total number of housing units authorized, if applicable;

932 (d) the project area budget, if applicable, or other project area funds analyses, with receipts and expenditures categorized by the type of receipt and expenditure related to the development performed or to be performed under the project area plan, including:

933 (i) each project area funds collection period, including:

934 (A) the start and end date of the project area funds collection period; and

935 (B) the number of years remaining in each project area funds collection period;

937 (ii) the amount of project area funds the agency is authorized to receive from the project area cumulatively and from each taxing entity, including:

938 (A) the total dollar amount; and

938 (B) the percentage of the total amount of project area funds generated within the project area;

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

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

944        (A) the total dollar amount; and

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

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

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

949        (g) a map of the project area;

950        (h) a description of how the goals, policies, and purposes of the project area plan have been furthered  
951        during the preceding year; and

952        (i) any other relevant information the agency elects to provide.

953        (5) An agency with no active project area shall, no later than June 30 of each year until the agency is  
954        dissolved under Section 17C-1-701.5, submit a report to the office stating that the agency has no  
955        active project area.

956        (6) Any information an agency submits in accordance with this section:

957        (a) is for informational purposes only; and

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

960        (7) The provisions of this section apply regardless of when the agency or project area is created.

961        (8) On or before September 1 of each year, the office shall prepare and submit an annual written report  
962        to the Political Subdivisions Interim Committee that identifies the agencies that complied and the  
963        agencies that failed to comply with the reporting requirements of this section during the preceding  
964        reporting period.

965        (9)

966        (a) If, by September 30 of the year the information is due, the office does not receive the information  
967        that an agency is required to submit under Subsection (4), the office shall:

968        (i) refer the noncompliant agency to the state auditor for review; and

969        (ii) post a notice on the office website identifying the noncompliant agency and describing the  
970        agency's noncompliance.

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973 (b) If the office does not receive a report an agency is required to submit under Subsection (5), the office shall refer the noncompliant agency to the state auditor for review.

976 (c) If, for two consecutive years, the office does not receive information an agency is required to submit under Subsection (4):

978 (i) the office shall, no later than July 31 of the second consecutive year, notify the auditor and treasurer of the county in which the noncompliant agency is located of the agency's noncompliance; and

981 (ii) upon receiving the notice described in Subsection (9)(c)(i), the county treasurer shall withhold from the agency 20% of the amount of tax increment the agency is otherwise entitled to receive.

984 (d) If, after having funds withheld under Subsection (9)(c)(ii), an agency complies with Subsection (4):

986 (i) the office shall notify the county auditor and treasurer that the agency has complied with the requirement of Subsection (4); and

988 (ii) the county treasurer shall disburse the withheld funds to the agency.

990       Section 15. Section **17C-1-606** is amended to read:

991       **17C-1-606. County auditor report on project areas.**

991 (1)

993 (a) On or before March 31 of each year, the auditor of each county in which an agency is located shall prepare a report on the project areas within each agency.

996 (b) The county auditor shall send a copy of each report under Subsection (1)(a) to the agency that is the subject of the report, the State Tax Commission, the State Board of Education, and each taxing entity from which the agency receives tax increment.

999 (c) On or before March 31 of each year, the county auditor shall submit a copy of each report under Subsection (1)(a) to the Governor's Office of Economic Opportunity Development for inclusion in the database described in Section 17C-1-603.

1000 (2) Each report under Subsection (1)(a) shall report:

1001 (a) the total assessed property value within each project area for the previous tax year;

1002 (b) the base taxable value of each project area for the previous tax year;

1003 (c) the tax increment available to be paid to the agency for the previous tax year;

1004 (d) the tax increment requested by the agency for the previous tax year; and

1005 (e) the tax increment paid to the agency for the previous tax year.

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(3) Within 30 days after a request by an agency, the State Tax Commission, the State Board of Education, or any taxing entity from which the agency receives tax increment, the county auditor or the county assessor shall provide access to:

1008 (a) the county auditor's method and calculations used to make adjustments under Section 17C-1-408;

1010 (b) the unequalized assessed valuation of an existing or proposed project area, or any parcel or parcels within an existing or proposed project area, if the equalized assessed valuation has not yet been determined for that year;

1013 (c) the most recent equalized assessed valuation of an existing or proposed project area or any parcel or parcels within an existing or proposed project area; and

1015 (d) the tax rate of each taxing entity adopted as of November 1 for the previous tax year.

1016 (4) Each report described in Subsection (1)(a) shall include:

1017 (a) sufficient detail regarding the calculations performed by a county auditor so that an agency or other interested party could repeat and verify the calculations; and

1019 (b) a detailed explanation of any adjustments made to the base taxable value of each project area.

1022 Section 16. Section **17C-1-1001** is amended to read:

### **17C-1-1001. Definitions.**

1023 As used in this part:

1024 (1)

(a) "Agency-wide project development" means activity within the agency's boundaries that, as determined by the board, encourages, promotes, or provides development or redevelopment for the purpose of achieving the results described in an implementation plan, including affordable housing.

1028 (b) "Agency-wide project development" does not include project area development under a project area plan.

1030 (2) "Certified tax rate" means the same as that term is defined in Section 59-2-924.

1031 (3) "Cooperative development project" means project area development with impacts that extend beyond an agency's geographic boundaries to the benefit of two or more communities.

1034 (4) "Economic development project" means project area development for the purpose of:

1035 (a) creating, developing, attracting, and retaining business;

1036 (b) creating or preserving jobs;

1037 (c) stimulating business and economic activity; or

1038

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(d) providing a local incentive as required by the Governor's Office of Economic  
[Opportunity] Development under Title 63N, Economic Opportunity Act.

1040 (5) "Eligible taxing entity" means a taxing entity that:

1041 (a) is a municipality, a county, or a school district; and

1042 (b) contains an agency partially or completely within the taxing entity's geographic boundaries.

1044 (6) "Final tax rate" means:

1045 (a) the certified rate; or

1046 (b) if the agency adopts a rate that is different than the certified rate, the rate the agency adopts in  
accordance with the provisions of Title 59, Chapter 2, Part 9, Levies.

1048 (7) "Implementation plan" means a plan adopted in accordance with Section 17C-1-1004 that:

1050 (a) describes how the agency uses property tax revenue; and

1051 (b) guides and controls agency-wide project development.

1052 (8) "Project area incremental revenue" means the amount of revenue generated by the incremental value  
that a taxing entity receives after a project area funds collection period ends.

1055 (9) "Property tax revenue" means the amount of revenue generated by an agency from the property  
within the agency using the current taxable value of the property and the agency's final tax rate.

1059 Section 17. Section **17D-1-507** is amended to read:

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

1060 (1) Before a special service district may issue guaranteed bonds:

1061 (a) the special service district shall:

1062 (i) obtain a report:

1063 (A) prepared by:

1064 (I) a qualified, registered architect or engineer; or

1065 (II) a person qualified by experience appropriate to the project proposed to be funded by the proceeds  
from the guaranteed bonds; and

1067 (B) setting forth:

1068 (I) a description of the project proposed to be funded by the proceeds from the guaranteed bonds;

1070 (II) the estimated or, if available, the actual cost of the project;

1071 (III) the principal amount and date and amount of each stated maturity of:

1072 (Aa) the guaranteed bonds to be issued; and

1073 (Bb) any outstanding guaranteed bonds of the special service district;

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1074 (IV) the interest rate or rates of any outstanding guaranteed bonds of the special service district;

1076 (V) the amount of the annual debt service for each year during the life of all outstanding guaranteed  
bonds issued by the special service district;

1078 (VI) the estimated amount of the annual debt service for each year during the life of all guaranteed  
bonds that the special service district intends to issue to finance all or any part of the project; and

1081 (VII) the date or estimated date that the project will be complete; and

1082 (ii) submit to the Governor's Office of Economic Opportunity Development:

1083 (A) the report described in Subsection (1)(a)(i);

1084 (B) a copy of each proposed guarantee of the guaranteed bonds, certified by the special service district;

1086 (C) a legal opinion indicating that each guarantee, when executed, will be the legal and binding  
obligation of the taxpayer executing the guarantee in accordance with the terms of the guarantee;  
and

1089 (D) evidence satisfactory to the Governor's Office of Economic Opportunity Development from each  
taxpayer executing a guarantee of the guaranteed bonds as to the financial ability of the taxpayer to  
perform under the guarantee;

1092 (b) the Governor's Office of Economic Opportunity Development shall, if it the office approves the  
issuance of the guaranteed bonds, deliver to the special service district governing body a written  
statement of its the office's approval; and

1095 (c) the special service district governing body shall file the written approval statement under Subsection  
(1)(b) with the recorder of the county in which the special service district is located.

1098 (2) The issuance of guaranteed bonds is conditioned upon the approval of special service district voters  
at an election held for that purpose as provided in Title 11, Chapter 14, Local Government Bonding  
Act.

1101 (3) Guaranteed bonds that have been issued and remain outstanding shall be included in the  
determination of the debt limit under Subsection 17D-1-502(4) if the bonds by their terms no longer  
enjoy the benefit of the guarantee.

1104 (4) On July 1 of each year, the governing body shall file with the department of community affairs a  
report certifying:

1106 (a) the total amount of bonds issued by the special service district and other debt then outstanding and  
subject to the debt limit of Subsection 17D-1-502(4);

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- (b) the total amount of guaranteed bonds then outstanding and not subject to the debt limit of Subsection 17D-1-502(4); and
- (c) the total amount of guaranteed bonds that, during the preceding 12 months, discontinued to enjoy the benefit of the guarantee.

Section 18. Section **35A-1-104.5** is amended to read:

### **35A-1-104.5. Other department duties -- Strategic plan for health system reform --**

## **Reporting suspected misuse of a social security number.**

- (1) The department shall work with the Department of Health and Human Services, the Insurance Department, the Governor's Office of Economic Opportunity Development, and the Legislature to develop the health system reform.
- (2) In the process of determining an individual's eligibility for a public benefit or service under this title or under federal law, if the department determines that a valid social security number is being used by an unauthorized individual, the department shall:
  - (a) inform the individual who the department determines to be the likely actual owner of the social security number or, if the likely actual owner is a minor, the minor's parent or guardian, of the suspected misuse; and
  - (b) subject to federal law, provide information of the suspected misuse to an appropriate law enforcement agency responsible for investigating identity fraud.
- (3) If the department learns or determines that providing information under Subsection (2)(b) is prohibited by federal law, the department shall notify the Legislative Management Committee.

Section 19. Section **35A-1-201** is amended to read:

**35A-1-201. Executive director -- Appointment -- Removal -- Compensation -- Qualifications  
responsibilities -- Deputy directors.**

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

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

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

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

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1140 (2) The executive director shall:

1141 (a) administer and supervise the department in compliance with Title 63A, Chapter 17, Utah State  
Personnel Management Act;

1143 (b) supervise and coordinate between the economic service areas and directors created under Chapter 2,  
Economic Service Areas;

1145 (c) coordinate policies and program activities conducted through the divisions and economic service  
areas of the department;

1147 (d) approve the proposed budget of each division, the Workforce Appeals Board, and each economic  
service area within the department;

1149 (e) approve all applications for federal grants or assistance in support of any department program;

1151 (f) coordinate with the executive directors of the Governor's Office of Economic  
[Opportunity] Development and the Governor's Office of Planning and Budget to review data and  
metrics to be reported to the Legislature as described in Subsection 35A-1-109(2)(b); and

1155 (g) fulfill such other duties as assigned by the Legislature or as assigned by the governor that are not  
inconsistent with this title.

1157 (3) The executive director may appoint deputy or assistant directors to assist the executive director in  
carrying out the department's responsibilities.

1159 (4) The executive director shall at least annually provide for the sharing of information between the  
advisory councils established under this title.

1162 Section 20. Section **35A-1-206** is amended to read:

1163 **35A-1-206. State Workforce Development Board -- Appointment -- Membership -- Terms of  
members -- Compensation.**

1164 (1) There is created within the department the State Workforce Development Board in accordance with  
the provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C. Sec. 3101 et seq.

1167 (2) The board shall consist of the following members:

1168 (a) the governor or the governor's designee;

1169 (b) the executive director or the executive director's designee;

1170 (c) the executive director of the Department of Health and Human Services or the executive director's  
designee;

1172 (d) the director of the Utah State Office of Rehabilitation or the director's designee;

1173 (e) the state superintendent of public instruction or the superintendent's designee;

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1174 (f) the commissioner of higher education or the commissioner's designee;

1175 (g) the executive director of the Governor's Office of Economic ~~Opportunity~~ Development or the executive director's designee;

1177 (h) the executive director of the Department of Veterans and Military Affairs or the executive director's designee; and

1179 (i) the following members appointed by the governor:

1180 (i) 20 representatives of business in the state, selected among the following:

1181 (A) owners of businesses, chief executive or operating officers of businesses, or other business executives or employers with policymaking or hiring authority;

1183 (B) representatives of businesses, including small businesses, that provide employment opportunities that include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the state; and

1186 (C) representatives of businesses appointed from among individuals nominated by state business organizations or business trade associations;

1188 (ii) six representatives of the workforce within the state, which:

1189 (A) shall include at least two representatives of labor organizations who have been nominated by state labor federations;

1191 (B) shall include at least one representative from a registered apprentice program;

1192 (C) may include one or more representatives from a community-based organization that has demonstrated experience and expertise in addressing the employment, training, or educational needs of individuals with barriers to employment; and

1196 (D) may include one or more representatives from an organization that has demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including organizations that serve out of school youth; and

1200 (iii) two elected officials that represent a city or a county.

1201 (3)

1203 (a) The governor shall appoint one of the appointed business representatives as chair of the board.

1204 (b) The chair shall serve at the pleasure of the governor.

1204 (4)

1204 (a) The governor shall ensure that members appointed to the board represent diverse geographic areas of the state, including urban, suburban, and rural areas.

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1206 (b) A member appointed by the governor shall serve a term of four years and may be reappointed to one additional term.

1208 (c) A member shall continue to serve until the member's successor has been appointed and qualified.

1210 (d) Except as provided in Subsection (4)(e), as terms of board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

1212 (e) Notwithstanding the requirements of Subsection (4)(d), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately one half of the board is appointed every two years.

1216 (f) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

1218 (g) The executive director shall terminate the term of any governor-appointed member of the board if the member leaves the position that qualified the member for the appointment.

1221 (5) A majority of members constitutes a quorum for the transaction of business.

1222 (6) A member of the board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:

1224 (a) Section 63A-3-106;

1225 (b) Section 63A-3-107; and

1226 (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

1228 (7) The department shall provide staff and administrative support to the board at the direction of the executive director.

1230 (8) The board has the duties, responsibilities, and powers described in 29 U.S.C. Sec. 3111, including:

1232 (a) identifying opportunities to align initiatives in education, training, workforce development, and economic development;

1234 (b) developing and implementing the state workforce services plan described in Section 35A-1-207;

1236 (c) utilizing strategic partners to ensure the needs of industry are met, including the development of expanded strategies for partnerships for in-demand occupations and understanding and adapting to economic changes;

1239 (d) developing strategies for staff training;

1240 (e) developing and improving employment centers; and

1241 (f) performing other responsibilities within the scope of workforce services as requested by:

1243 (i) the Legislature;

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1244 (ii) the governor; or

1245 (iii) the executive director.

1247 Section 21. Section **35A-4-312** is amended to read:

1248 **35A-4-312. Records.**

1248 (1)

(a) An employing unit shall keep true and accurate work records containing information the department may prescribe by rule.

1250 (b) A record shall be open to inspection and subject to being copied by the division or [its] the division's authorized representatives at a reasonable time and as often as necessary.

1253 (c) An employing unit shall make a record available in the state for three years after the calendar year in which the services are rendered.

1255 (2) The division may require from an employing unit a sworn or unsworn report with respect to a person employed by the employing unit that the division considers necessary for the effective administration of this chapter.

1258 (3) Except as provided in this section or in Sections 35A-4-103 and 35A-4-106, information obtained under this chapter or obtained from an individual may not be published or open to public inspection in a manner revealing the employing unit's or individual's identity.

1261 (4)

(a) The information obtained by the division under this section may not be used in court or admitted into evidence in an action or proceeding, except:

1263 (i) in an action or proceeding arising out of this chapter;

1264 (ii) if the Labor Commission enters into a written agreement with the division under Subsection (6) (b), in an action or proceeding by the Labor Commission to enforce:

1266 (A) Title 34, Chapter 23, Employment of Minors;

1267 (B) Title 34, Chapter 28, Payment of Wages;

1268 (C) Title 34, Chapter 40, Utah Minimum Wage Act; or

1269 (D) Title 34A, Utah Labor Code;

1270 (iii) under the terms of a court order obtained under Subsection 63G-2-202(7) and Section 63G-2-207; or

1272 (iv) under the terms of a written agreement between the Office of State Debt Collection and the division as provided in Subsection (5).

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1274 (b) The information obtained by the division under this section shall be disclosed to:

1275 (i) a party to an unemployment insurance hearing before an administrative law judge of the department  
or a review by the Workforce Appeals Board to the extent necessary for the proper presentation of  
the party's case; or

1278 (ii) an employer, upon request in writing for information concerning a claim for a benefit with respect  
to a former employee of the employer.

1280 (5) The information obtained by the division under this section may be disclosed to:

1281 (a) an employee of the department in the performance of the employee's duties in administering this  
chapter or other programs of the department;

1283 (b) an employee of the Labor Commission for the purpose of carrying out the programs administered by  
the Labor Commission;

1285 (c) an employee of the Department of Commerce for the purpose of carrying out the programs  
administered by the Department of Commerce;

1287 (d) an employee of the governor's office or another state governmental agency administratively  
responsible for statewide economic development, to the extent necessary for economic development  
policy analysis and formulation;

1290 (e) an employee of another governmental agency that is specifically identified and authorized by federal  
or state law to receive the information for the purposes stated in the law authorizing the employee of  
the agency to receive the information;

1293 (f) an employee of a governmental agency or workers' compensation insurer to the extent the  
information will aid in:

1295 (i) the detection or avoidance of duplicate, inconsistent, or fraudulent claims against:

1296 (A) a workers' compensation program; or

1297 (B) public assistance funds; or

1298 (ii) the recovery of overpayments of workers' compensation or public assistance funds;

1300 (g) an employee of a law enforcement agency to the extent the disclosure is necessary to avoid a  
significant risk to public safety or in aid of a felony criminal investigation;

1302 (h) an employee of the State Tax Commission or the Internal Revenue Service for the purposes of:

1304 (i) audit verification or simplification;

1305 (ii) state or federal tax compliance;

1306 (iii) verification of a code or classification of the:

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1307 (A) 1987 Standard Industrial Classification Manual of the federal Executive Office of the President, Office of Management and Budget; or

1309 (B) 2002 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget; and

1311 (iv) statistics;

1312 (i) an employee or contractor of the department or an educational institution, or other governmental entity engaged in workforce investment and development activities under the Workforce Innovation and Opportunity Act, 29 U.S.C. Sec. 3101 et seq., for the purpose of:

1316 (i) coordinating services with the department;

1317 (ii) evaluating the effectiveness of those activities; and

1318 (iii) measuring performance;

1319 (j) an employee of the Governor's Office of Economic [Opportunity] Development, for the purpose of periodically publishing in the Directory of Business and Industry, the name, address, telephone number, number of employees by range, code or classification of an employer, and type of ownership of Utah employers;

1323 (k) the public for any purpose following a written waiver by all interested parties of their rights to nondisclosure;

1325 (l) an individual whose wage data is submitted to the department by an employer, if no information other than the individual's wage data and the identity of the employer who submitted the information is provided to the individual;

1328 (m) an employee of the Insurance Department for the purpose of administering Title 31A, Chapter 40, Professional Employer Organization Licensing Act;

1330 (n) an employee of the Office of State Debt Collection for the purpose of collecting state accounts receivable as provided in Section 63A-3-502; or

1332 (o) a creditor, under a court order, to collect on a judgment as provided in Section 35A-4-314.

1334 (6) Disclosure of private information under Subsection (4)(a)(ii) or Subsection (5), with the exception of Subsections (5)(a), (g), and (o), may be made if:

1336 (a) the division determines that the disclosure will not have a negative effect on:

1337 (i) the willingness of employers to report wage and employment information; or

1338 (ii) the willingness of individuals to file claims for unemployment benefits; and

1339

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(b) the agency enters into a written agreement with the division in accordance with rules made by the department.

1341 (7)

(a) The employees of a division of the department other than the Workforce Research and Analysis Division and the Unemployment Insurance Division or an agency receiving private information from the division under this chapter are subject to the same requirements of privacy and confidentiality and to the same penalties for misuse or improper disclosure of the information as employees of the division.

1346 (b) Use of private information obtained from the department by a person or for a purpose other than one authorized in Subsection (4) or (5) violates Section 76-8-1304.

1349 Section 22. Section **35A-6-105** is amended to read:

**35A-6-105. Commissioner of apprenticeship programs.**

1350 (1) There is created the position of [Commissioner of Apprenticeship Programs] commissioner of apprenticeship programs within the department.

1352 (2) The commissioner shall be appointed by the executive director and chosen from one or more recommendations provided by a majority vote of the State Workforce Development Board.

1355 (3) The commissioner may be terminated without cause by the executive director.

1356 (4) The commissioner shall:

1357 (a) promote and educate the public, including high school guidance counselors and potential participants in apprenticeship programs, about apprenticeship programs, youth apprenticeship, and pre-apprenticeship programs offered in the state, including apprenticeship, youth apprenticeship, and pre-apprenticeship programs offered by private sector businesses, trade groups, labor unions, partnerships with educational institutions, and other associations in the state;

1363 (b) coordinate with the department and other stakeholders, including union and nonunion apprenticeship programs, the Office of Apprenticeship, the State Board of Education, the Utah [system of higher education] System of Higher Education, the Department of Commerce, the Division of Professional Licensing, and the Governor's Office of Economic [Opportunity] Development to improve and promote apprenticeship opportunities in the state; and

1369 (c) provide an annual written report to:

1370 (i) the department for inclusion in the department's annual written report described in Section 35A-1-109;

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1372 (ii) the Economic and Community Development Appropriations Subcommittee; and  
1373 (iii) the Higher Education Appropriations Subcommittee.

1374 (5) The annual written report described in Subsection (4)(c) shall provide information concerning:

1376 (a) the number of available apprenticeship, youth apprenticeship, and pre-apprenticeship programs in  
the state;

1378 (b) the number of apprentice participants in each program;

1379 (c) the completion rate of each program;

1380 (d) the cost of state funding for each program; and

1381 (e) recommendations for improving apprenticeship, youth apprenticeship, and pre-apprenticeship  
programs.

1384 Section 23. Section **35A-8-2103** is amended to read:

1385 **35A-8-2103. Private Activity Bond Review Board.**

1385 (1) There is created within the department the Private Activity Bond Review Board, composed of the  
following 11 members:

1387 (a)

1388 (i) the executive director of the department or the executive director's designee;

1390 (ii) the executive director of the Governor's Office of Economic Opportunity Development or the  
executive director's designee;

1391 (iii) the state treasurer or the state treasurer's designee;

1392 (iv) the chair of the Utah Board of Higher Education or the chair's designee; and

1393 (v) the chair of the Utah Housing Corporation or the chair's designee; and

1394 (b) six local government members who are:

1394 (i) three elected or appointed county officials, nominated by the Utah Association of Counties  
and appointed or reappointed by the governor with the advice and consent of the Senate and in  
accordance with Title 63G, Chapter 24, Part 2, Vacancies; and

1398 (ii) three elected or appointed municipal officials, nominated by the Utah League of Cities and Towns  
and appointed or reappointed by the governor with the advice and consent of the Senate and in  
accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1402 (2)

1402 (a) Except as required by Subsection (2)(b), the terms of office for the local government members of the  
board of review shall be four-year terms.

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1404 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of  
appointment or reappointment, adjust the length of terms to ensure that the terms of board of review  
members are staggered so that approximately half of the board of review is appointed every two  
years.

1408 (c) Members may be reappointed only once.

1409 (3)  
(a) If a local government member ceases to be an elected or appointed official of the city or county the  
member is appointed to represent, that membership on the board of review terminates immediately  
and there shall be a vacancy in the membership.

1412 (b) When a vacancy occurs in the local government membership for any reason:  
(i) the Utah Association of Counties or the Utah League of Cities and Towns shall, within 30 days after  
the date of the vacancy, nominate an official described in Subsection (1)(b)(i) or (ii), as applicable,  
to fill the vacancy; and

1416 (ii) the governor shall, with the advice and consent of the Senate in accordance with Title 63G, Chapter  
24, Part 2, Vacancies, appoint the nominee for the unexpired term.

1419 (4)  
(a) The chair of the board of review is the executive director of the department or the executive  
director's designee.  
(b) The chair is nonvoting except in the case of a tie vote.  
(5) Six members of the board of review constitute a quorum.  
(6) Formal action by the board of review requires a majority vote of a quorum.  
(7) A member may not receive compensation or benefits for the member's service, but may receive per  
diem and travel expenses in accordance with:  
(a) Section 63A-3-106;  
(b) Section 63A-3-107; and  
(c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.  
(8) The chair of the board of review serves as the state official designated under state law to make  
certifications required to be made under Section 146 of the code including the certification required  
by Section 149(e)(2)(F) of the code.  
(9) A member appointed to fill a position described in Subsection (1)(b) shall comply with the conflict  
of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

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1436       Section 24. Section **35A-8-2202** is amended to read:

1437       **35A-8-2202. Commission on Housing Affordability.**

1438       (1) There is created within the department the Commission on Housing Affordability.

1439       (2) The commission shall consist of 21 members as follows:

1440       (a) one senator appointed by the president of the Senate;

1441       (b) two representatives appointed by the speaker of the House of Representatives;

1442       (c) the executive director of the department or the executive director's designee;

1443       (d) the director of the division;

1444       (e) the executive director of the Governor's Office of Economic **[Opportunity] Development** or the executive director's designee;

1445       (f) the president of the Utah Transit Authority or the president's designee;

1446       (g) the chair of the board of trustees of the Utah Housing Corporation or the chair's designee;

1447       (h) the state homelessness coordinator appointed under Section 63J-4-202 or the state homelessness coordinator's designee; and

1448       (i) 12 members appointed by the governor as follows:

1449       (i) one individual representing the land development community with experience and expertise in affordable, subsidized multi-family development, recommended by the Utah Homebuilders Association;

1450       (ii) one individual representing the real estate industry, recommended by the Utah Association of Realtors;

1451       (iii) one individual representing the banking industry, recommended by the Utah Bankers Association;

1452       (iv) one individual representing public housing authorities, recommended by the director of the division;

1453       (v) two individuals representing municipal government, recommended by the Utah League of Cities and Towns;

1454       (vi) one individual representing redevelopment agencies and community reinvestment agencies, recommended by the Utah Redevelopment Association;

1455       (vii) two individuals representing county government, recommended by the Utah Association of Counties, where:

1456       (A) one of the individuals is from a county of the first class; and

1457       (B) one of the individuals is from a county of the third, fourth, fifth, or sixth class;

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1468 (viii) one individual representing a nonprofit organization that addresses issues related to housing  
affordability;

1470 (ix) one individual with expertise on housing affordability issues in rural communities; and

1472 (x) one individual representing the Salt Lake Chamber, recommended by the Salt Lake Chamber.

1474 (3)

1476 (a) When a vacancy occurs in a position appointed by the governor under Subsection (2)(i), the  
governor shall appoint a person to fill the vacancy.

1478 (b) Members appointed under Subsection (2)(i) may be removed by the governor for cause.

1480 (c) A member appointed under Subsection (2)(i) shall be removed from the commission and replaced  
by an appointee of the governor if the member is absent for three consecutive meetings of the  
commission without being excused by a cochair of the commission.

1482 (d) A member serves until the member's successor is appointed.

1483 (4)

1485 (a) The commission shall select two members to serve as cochairs, one of whom shall be a legislator.

1487 (b) Subject to the other provisions of this Subsection (4), the cochairs are responsible for the call and  
conduct of meetings.

1489 (c) The cochairs shall call and hold meetings of the commission at least four times each year.

1491 (d) One or more additional meetings may be called upon request by a majority of the commission's  
members.

1493 (5)

1495 (a) A majority of the members of the commission constitutes a quorum.

1497 (b) The action of a majority of a quorum constitutes the action of the commission.

1499 (6)

1501 (a) A member of the commission described in Subsections (2)(c) through (i) may not receive  
compensation or benefits for the member's service, but may receive per diem and travel expenses in  
accordance with:

1503 (i) Section 63A-3-106;

1505 (ii) Section 63A-3-107; and

1507 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

1509 (b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and  
Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

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1502 (7) The division shall provide staff support to the commission.

1504       Section 25. Section **46-4-503** is amended to read:

1505       **46-4-503. Government products and services provided electronically.**

1506 (1) Notwithstanding Section 46-4-501, a state governmental agency that administers one or more of the  
1507       following transactions shall allow those transactions to be conducted electronically:

1509 (a) an application for or renewal of a professional or occupational license issued under Title 58,  
1510       Occupations and Professions;

1511 (b) the renewal of a drivers license;

1512 (c) an application for a hunting or fishing license;

1513 (d) the filing of:

1514 (i) a return under Title 59, Chapter 10, Individual Income Tax Act, or Title 59, Chapter 12, Sales and  
1515       Use Tax Act;

1516 (ii) a court document, as defined by the Judicial Council; or

1517 (iii) a document under Title 70A, Uniform Commercial Code;

1518 (e) a registration for:

1519 (i) a product; or

1520 (ii) a brand;

1521 (f) a renewal of a registration of a motor vehicle;

1522 (g) a registration under:

1523 (i) Title 16, Corporations;

1524 (ii) Title 42, Names; or

1525 (iii) Title 48, Unincorporated Business Entity Act; or

1526 (h) submission of an application for benefits:

1527 (i) under Title 35A, Chapter 3, Employment Support Act;

1528 (ii) under Title 35A, Chapter 4, Employment Security Act; or

1529 (iii) related to accident and health insurance.

1530 (2) The state system of public education, in coordination with the Utah Education and Telehealth  
1531       Network, shall make reasonable progress toward making the following services available  
1532       electronically:

1533 (a) secure access by parents and students to student grades and progress reports;

1534 (b) email communications with:

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1535 (i) teachers;

1536 (ii) parent-teacher associations; and

1537 (iii) school administrators;

1538 (c) access to school calendars and schedules; and

1539 (d) teaching resources that may include:

1540 (i) teaching plans;

1541 (ii) curriculum guides; and

1542 (iii) media resources.

1543 (3) A state governmental agency shall:

1544 (a) in carrying out the requirements of this section, take reasonable steps to ensure the security and privacy of records that are private or controlled as defined by Title 63G, Chapter 2, Government Records Access and Management Act;

1547 (b) in addition to those transactions listed in Subsections (1) and (2), determine any additional services that may be made available to the public through electronic means; and

1550 (c) as part of the agency's information technology plan required by Section 63A-16-203, report on the progress of compliance with Subsections (1) through this (3).

1552 (4) Notwithstanding the other provisions of this part, a state governmental agency is not required by this part to conduct a transaction electronically if:

1554 (a) conducting the transaction electronically is not required by federal law; and

1555 (b) conducting the transaction electronically is:

1556 (i) impractical;

1557 (ii) unreasonable; or

1558 (iii) not permitted by laws pertaining to privacy or security.

1559 (5)

1561 (a) For purposes of this Subsection (5), "one-stop shop" means the consolidation of access to diverse services and agencies at one location including virtual colocation.

(b)

(i) State agencies that provide services or offer direct assistance to the business community shall participate in the establishment, maintenance, and enhancement of an integrated Utah business web portal known as Business.utah.gov.

1564

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(ii) The purpose of the business web portal is to provide ["one-stop] [shop"] one-stop shop assistance to businesses.

1566 (c) State agencies shall partner with other governmental and nonprofit agencies whose primary mission is to provide services or offer direct assistance to the business community in Utah in fulfilling the requirements of this section.

1569 (d) The following state entities shall comply with the provisions of this Subsection (5):

1570 (i) Governor's Office of Economic [Opportunity] Development created in Section 63N-1a-301, which shall serve as the managing partner for the website;

1572 (ii) Department of Workforce Services;

1573 (iii) Department of Commerce;

1574 (iv) State Tax Commission;

1575 (v) Department of Government Operations - Division of Purchasing and General Services, including other state agencies operating under a grant of authority from the division to procure goods and services in excess of \$5,000;

1578 (vi) Department of Agriculture;

1579 (vii) Department of Natural Resources; and

1580 (viii) other state agencies that provide services or offer direct assistance to the business sector.

1582 (e) The business services available on the business web portal may include:

1583 (i) business life cycle information;

1584 (ii) business searches;

1585 (iii) employment needs and opportunities;

1586 (iv) motor vehicle registration;

1587 (v) permit applications and renewal;

1588 (vi) tax information;

1589 (vii) government procurement bid notifications;

1590 (viii) general business information;

1591 (ix) business directories; and

1592 (x) business news.

1594 Section 26. Section **49-11-406** is amended to read:

1595 **49-11-406. Governor's appointed executives and senior staff -- Appointed legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**

## HB0475S01 compared with HB0475S02

1597 (1) As used in this section:

1598 (a) "Defined benefit balance" means the total amount of the contributions made on behalf of a member to a defined benefit system plus refund interest.

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

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

1610 (a) the state auditor;

1611 (b) the state treasurer;

1612 (c) an appointed executive under Subsection 67-22-2(1)(a);

1613 (d) an employee in the [Governor's Office] ~~{governor's office}~~ Office of the Governor;

1614 (e) senior staff in the Governor's Office of Planning and Budget;

1615 (f) senior staff in the Governor's Office of Economic [Opportunity] Development;

1616 (g) senior staff in the State Commission on Criminal and Juvenile Justice;

1617 (h) senior staff in the Public Lands Policy Coordinating Office, created in Section 63L-11-201;

1619 (i) a legislative employee appointed under Subsection 36-12-7(3); or

1620 (j) a legislative employee appointed by the speaker of the House of Representatives, the House of Representatives minority leader, the president of the Senate, or the Senate minority leader.

1623 (3) An election made under Subsection (2):

1624 (a) is final, and no right exists to make any further election;

1625 (b) is considered a request to be exempt from coverage under a defined benefits system; and

1627 (c) shall be made on forms provided by the office.

1628 (4) The board shall adopt rules to implement and administer this section.

1630 Section 27. Section **49-12-203** is amended to read:

1631 **49-12-203. Exclusions from membership in system.**

## **HB0475S01 compared with HB0475S02**

1631 (1) The following employees are not eligible for service credit in this system:

1632 (a) subject to the requirements of Subsection (2), an employee whose employment status is temporary  
in nature due to the nature or the type of work to be performed;

1634 (b) except as provided under Subsection (3)(a), an employee of an institution of higher education  
who participates in a retirement system with a public or private retirement system, organization,  
or company designated by the Utah Board of Higher Education, or the technical college board  
of trustees for an employee of each technical college, during any period in which required  
contributions based on compensation have been paid on behalf of the employee by the employer;

1640 (c) an employee serving as an exchange employee from outside the state for an employer who has not  
elected to make all of the employer's exchange employees eligible for service credit in this system;

1643 (d) an executive department head of the state, a member of the State Tax Commission, the Public  
Service Commission, and a member of a full-time or part-time board or commission who files a  
formal request for exemption;

1646 (e) an employee of the Department of Workforce Services who is covered under another retirement  
system allowed under Title 35A, Chapter 4, Employment Security Act;

1648 (f) an employee who is employed on or after July 1, 2009, with an employer that has elected, prior to  
July 1, 2009, to be excluded from participation in this system under Subsection 49-12-202(2)(c);

1651 (g) an employee who is employed on or after July 1, 2014, with an employer that has elected, prior to  
July 1, 2014, to be excluded from participation in this system under Subsection 49-12-202(2)(d);

1654 (h) an employee who is employed with a withdrawing entity that has elected under Section 49-11-623,  
prior to January 1, 2017, to exclude:

1656 (i) new employees from participation in this system under Subsection 49-11-623(3)(a); or

1658 (ii) all employees from participation in this system under Subsection 49-11-623(3)(b);

1659 (i) an employee described in Subsection (1)(i)(i) or (ii) who is employed with a withdrawing entity that  
has elected under Section 49-11-624, before January 1, 2018, to exclude:

1662 (i) new employees from participation in this system under Subsection 49-11-624(3)(a); or

1664 (ii) all employees from participation in this system under Subsection 49-11-624(3)(b);

1665 (j) an employee who is employed with a withdrawing entity that has elected under Section 49-11-625,  
before July 1, 2022, to exclude all employees from participation in this system; or

1668 (k) an employee who is employed with a withdrawing entity that elects under Section 49-11-626 to  
exclude:

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1670 (i) new employees from participation in this system under Subsection 49-11-626(3)(a); or  
1672 (ii) all employees from participation in this system under Subsection 49-11-626(3)(b).

1673 (2) If an employee whose status is temporary in nature due to the nature or type of work to be performed:

1675 (a) is employed for a term that exceeds six months and the employee otherwise qualifies for service credit in this system, the participating employer shall report and certify to the office that the employee is a regular full-time employee effective the beginning of the seventh month of employment; or

1679 (b) was previously terminated prior to being eligible for service credit in this system and is reemployed within three months of termination by the same participating employer, the participating employer shall report and certify that the member is a regular full-time employee when the total of the periods of employment equals six months and the employee otherwise qualifies for service credits in this system.

1684 (3)

1686 (a) Upon cessation of the participating employer contributions, an employee under Subsection (1)(b) is eligible for service credit in this system.

1689 (b) Notwithstanding the provisions of Subsection (1)(f), any eligibility for service credit earned by an employee under this chapter before July 1, 2009, is not affected under Subsection (1)(f).

1692 (c) Notwithstanding the provisions of Subsection (1)(g), any eligibility for service credit earned by an employee under this chapter before July 1, 2014, is not affected under Subsection (1)(g).

1694 (4) Upon filing a written request for exemption with the office, the following employees shall be exempt from coverage under this system:

1696 (a) a full-time student or the spouse of a full-time student and individuals employed in a trainee relationship;

1697 (b) an elected official;

1700 (c) an executive department head of the state, a member of the State Tax Commission, a member of the Public Service Commission, and a member of a full-time or part-time board or commission;

1701 (d) an employee of the Governor's Office of Planning and Budget;

1702 (e) an employee of the Governor's Office of Economic Opportunity Development;

1703 (f) an employee of the Commission on Criminal and Juvenile Justice;

1703 (g) an employee of the Governor's Office {governor's office} Office of the Governor;

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- 1704 (h) an employee of the Public Lands Policy Coordinating Office, created in Section 63L-11-201;
- 1706 (i) an employee of the [State Auditor's Office] state auditor's office;
- 1707 (j) an employee of the [State Treasurer's Office] state treasurer's office;
- 1708 (k) any other member who is permitted to make an election under Section 49-11-406;
- 1709 (l) a person appointed as a city manager or chief city administrator or another person employed by a municipality, county, or other political subdivision, who is an at-will employee;
- 1712 (m) an employee of an interlocal cooperative agency created under Title 11, Chapter 13, Interlocal Cooperation Act, who is engaged in a specialized trade customarily provided through membership in a labor organization that provides retirement benefits to the organization's members;
- 1716 (n) an employee serving as an exchange employee from outside the state for an employer who has elected to make all of the employer's exchange employees eligible for service credit in this system; and
- 1719 (o) the adjutant general of the Utah National Guard appointed under Section 39A-1-201 and each individual listed in Subsection 39A-1-203(1).

1721 (5)

- (a) Each participating employer shall prepare and maintain a list designating those positions eligible for exemption under Subsection (4).
- (b) An employee may not be exempted unless the employee is employed in an exempted position designated by the participating employer.

1725 (6)

- (a) In accordance with this section, Section 49-13-203, and Section 49-22-205, a municipality, county, or political subdivision may not exempt a total of more than 50 positions or a number equal to 10% of the eligible employees of the municipality, county, or political subdivision, whichever is less.
- (b) A municipality, county, or political subdivision may exempt at least one regular full-time employee.

1729 (7) Each participating employer shall:

- (a) maintain a list of employee exemptions; and
- (b) update the employee exemptions in the event of any change.

1734 (8) The office may make rules to implement this section.

1735 (9) An employee's exclusion, exemption, participation, or election described in this section:

- (a) shall be made in accordance with this section; and
- (b) is subject to requirements under federal law and rules made by the board.

## HB0475S01 compared with HB0475S02

1739       Section 28. Section **49-13-203** is amended to read:

1740       **49-13-203. Exclusions from membership in system.**

1740       (1) The following employees are not eligible for service credit in this system:

1741       (a) subject to the requirements of Subsection (2), an employee whose employment status is temporary  
1741           in nature due to the nature or the type of work to be performed;

1743       (b) except as provided under Subsection (3)(a), an employee of an institution of higher education  
1743           who participates in a retirement system with a public or private retirement system, organization,  
1743           or company designated by the Utah Board of Higher Education, or the technical college board  
1743           of trustees for an employee of each technical college, during any period in which required  
1743           contributions based on compensation have been paid on behalf of the employee by the employer;

1749       (c) an employee serving as an exchange employee from outside the state for an employer who has not  
1749           elected to make all of the employer's exchange employees eligible for service credit in this system;

1752       (d) an executive department head of the state or a legislative director, senior executive employed by  
1752           the governor's office, a member of the State Tax Commission, a member of the Public Service  
1752           Commission, and a member of a full-time or part-time board or commission who files a formal  
1752           request for exemption;

1756       (e) an employee of the Department of Workforce Services who is covered under another retirement  
1756           system allowed under Title 35A, Chapter 4, Employment Security Act;

1758       (f) an employee who is employed with an employer that has elected to be excluded from participation in  
1758           this system under Subsection 49-13-202(5), effective on or after the date of the employer's election  
1758           under Subsection 49-13-202(5);

1761       (g) an employee who is employed with a withdrawing entity that has elected under Section 49-11-623,  
1761           prior to January 1, 2017, to exclude:

1763       (i) new employees from participation in this system under Subsection 49-11-623(3)(a); or

1765       (ii) all employees from participation in this system under Subsection 49-11-623(3)(b);

1766       (h) an employee described in Subsection (1)(h)(i) or (ii) who is employed with a withdrawing entity that  
1766           has elected under Section 49-11-624, before January 1, 2018, to exclude:

1769       (i) new employees from participation in this system under Subsection 49-11-624(3)(a); or

1771       (ii) all employees from participation in this system under Subsection 49-11-624(3)(b);

1772       (i) an employee who is employed with a withdrawing entity that has elected under Section 49-11-625,  
1772           before July 1, 2022, to exclude all employees from participation in this system; or

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1775 (j) an employee who is employed with a withdrawing entity that elects under Section 49-11-626 to exclude:

1777 (i) new employees from participation in this system under Subsection 49-11-626(3)(a); or

1779 (ii) all employees from participation in this system under Subsection 49-11-626(3)(b).

1780 (2) If an employee whose status is temporary in nature due to the nature of type of work to be performed:

1782 (a) is employed for a term that exceeds six months and the employee otherwise qualifies for service credit in this system, the participating employer shall report and certify to the office that the employee is a regular full-time employee effective the beginning of the seventh month of employment; or

1786 (b) was previously terminated prior to being eligible for service credit in this system and is reemployed within three months of termination by the same participating employer, the participating employer shall report and certify that the member is a regular full-time employee when the total of the periods of employment equals six months and the employee otherwise qualifies for service credits in this system.

1791 (3)

(a) Upon cessation of the participating employer contributions, an employee under Subsection (1)(b) is eligible for service credit in this system.

1793 (b) Notwithstanding the provisions of Subsection (1)(f), any eligibility for service credit earned by an employee under this chapter before the date of the election under Subsection 49-13-202(5) is not affected under Subsection (1)(f).

1796 (4) Upon filing a written request for exemption with the office, the following employees shall be exempt from coverage under this system:

1798 (a) a full-time student or the spouse of a full-time student and individuals employed in a trainee relationship;

1800 (b) an elected official;

1801 (c) an executive department head of the state, a member of the State Tax Commission, a member of the Public Service Commission, and a member of a full-time or part-time board or commission;

1804 (d) an employee of the Governor's Office of Planning and Budget;

1805 (e) an employee of the Governor's Office of Economic Opportunity Development;

1806 (f) an employee of the Commission on Criminal and Juvenile Justice;

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1807 (g) an employee of the Governor's Office;

1808 (h) an employee of the State Auditor's Office;

1809 (i) an employee of the State Treasurer's Office;

1810 (j) any other member who is permitted to make an election under Section 49-11-406;

1811 (k) a person appointed as a city manager or chief city administrator or another person employed by a municipality, county, or other political subdivision, who is an at-will employee;

1814 (l) an employee of an interlocal cooperative agency created under Title 11, Chapter 13, Interlocal Cooperation Act, who is engaged in a specialized trade customarily provided through membership in a labor organization that provides retirement benefits to its members;

1818 (m) an employee serving as an exchange employee from outside the state for an employer who has elected to make all of the employer's exchange employees eligible for service credit in this system; and

1821 (n) the adjutant general of the Utah National Guard appointed under Section 39A-1-201 and each individual listed in Subsection 39A-1-203(1).

1823 (5)

1825 (a) Each participating employer shall prepare and maintain a list designating those positions eligible for exemption under Subsection (4).

(b) An employee may not be exempted unless the employee is employed in a position designated by the participating employer.

1827 (6)

1831 (a) In accordance with this section, Section 49-12-203, and Section 49-22-205, a municipality, county, or political subdivision may not exempt a total of more than 50 positions or a number equal to 10% of the eligible employees of the municipality, county, or political subdivision, whichever is less.

1833 (b) A municipality, county, or political subdivision may exempt at least one regular full-time employee.

1834 (7) Each participating employer shall:

1835 (a) maintain a list of employee exemptions; and

(b) update the employee exemptions in the event of any change.

1836 (8) The office may make rules to implement this section.

1837 (9) An employee's exclusion, exemption, participation, or election described in this section:

1838 (a) shall be made in accordance with this section; and

1839 (b) is subject to requirements under federal law and rules made by the board.

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1841       Section 29. Section **49-22-205** is amended to read:

1842       **49-22-205. Exemptions from participation in system.**

1842       (1) Upon filing a written request for exemption with the office, the following employees are exempt  
1843           from participation in the system as provided in this section:

1844           (a) an executive department head of the state;

1845           (b) a member of the State Tax Commission;

1846           (c) a member of the Public Service Commission;

1847           (d) a member of a full-time or part-time board or commission;

1848           (e) an employee of the Governor's Office of Planning and Budget;

1849           (f) an employee of the Governor's Office of Economic [Opportunity] Development;

1850           (g) an employee of the Commission on Criminal and Juvenile Justice;

1851           (h) an employee of the Governor's Office;

1852           (i) an employee of the State Auditor's Office;

1853           (j) an employee of the State Treasurer's Office;

1854           (k) any other member who is permitted to make an election under Section 49-11-406;

1855           (l) a person appointed as a city manager or appointed as a city administrator or another at-will employee  
1856           of a municipality, county, or other political subdivision;

1857           (m) an employee of an interlocal cooperative agency created under Title 11, Chapter 13, Interlocal  
1858           Cooperation Act, who is engaged in a specialized trade customarily provided through membership  
1859           in a labor organization that provides retirement benefits to its members;

1860           (n) an employee serving as an exchange employee from outside the state for an employer who has  
1861           elected to make all of the employer's exchange employees eligible for service credit in this system;  
1862           and

1863           (o) the adjutant general of the Utah National Guard appointed under Section 39A-1-201 and each  
1864           individual listed in Subsection 39A-1-203(1).

1865       (2)

1866           (a) A participating employer shall prepare and maintain a list designating those positions eligible for  
1867           exemption under Subsection (1).

1868           (b) An employee may not be exempted unless the employee is employed in a position designated by the  
1869           participating employer under Subsection (1).

1870       (3)

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- (a) In accordance with this section, Section 49-12-203, and Section 49-13-203, a municipality, county, or political subdivision may not exempt a total of more than 50 positions or a number equal to 10% of the eligible employees of the municipality, county, or political subdivision, whichever is less.
- (b) A municipality, county, or political subdivision may exempt at least one regular full-time employee.
- (4) Each participating employer shall:
  - (a) maintain a list of employee exemptions; and
  - (b) update an employee exemption in the event of any change.
- (5) Beginning on the effective date of the exemption for an employee who elects to be exempt in accordance with Subsection (1):
  - (a) for a member of the Tier II defined contribution plan:
    - (i) the participating employer shall contribute the nonelective contribution and the amortization rate described in Section 49-22-401, except that the nonelective contribution is exempt from the vesting requirements of Subsection 49-22-401(3)(a);
    - (ii) the member may make voluntary deferrals as provided in Section 49-22-401; and
    - (iii) the member is not eligible for additional service credit in the plan for the period of exempt employment; and
  - (b) for a member of the Tier II hybrid retirement system:
    - (i) the participating employer shall contribute the nonelective contribution and the amortization rate described in Section 49-22-401, except that the contribution is exempt from the vesting requirements of Subsection 49-22-401(3)(a);
    - (ii) the member may make voluntary deferrals as provided in Section 49-22-401; and
    - (iii) the member is not eligible for additional service credit in the system for the period of exempt employment.
- (6) If an employee who is a member of the Tier II hybrid retirement system subsequently revokes the election of exemption made under Subsection (1), the provisions described in Subsection (5)(b) shall no longer be applicable and the coverage for the employee shall be effective prospectively as provided in Part 3, Tier II Hybrid Retirement System.
- (7)
  - (a) All employer contributions made on behalf of an employee shall be invested in accordance with Subsection 49-22-303(3)(a) or 49-22-401(4)(a) until the one-year election period under Subsection 49-22-201(2)(c) is expired if the employee:

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1903 (i) elects to be exempt in accordance with Subsection (1); and

1904 (ii) continues employment with the participating employer through the one-year election period under Subsection 49-22-201(2)(c).

1906 (b) An employee is entitled to receive a distribution of the employer contributions made on behalf of the employee and all associated investment gains and losses if the employee:

1909 (i) elects to be exempt in accordance with Subsection (1); and

1910 (ii) terminates employment prior to the one-year election period under Subsection 49-22-201(2)(c).

1912 (8)

1913 (a) The office shall make rules to implement this section.

1917 (b) The rules made under this Subsection (8) shall include provisions to allow the exemption provided under Subsection (1) to apply to all contributions made beginning on or after July 1, 2011, on behalf of an exempted employee who began the employment before May 8, 2012.

1918 (9) An employee's exemption, participation, or election described in this section:

1919 (a) shall be made in accordance with this section; and

1921 (b) is subject to requirements under federal law and rules made by the board.

1922 Section 30. Section **53E-1-201** is amended to read:

**53E-1-201. Reports to and action required of the Education Interim Committee.**

1923 (1) In accordance with applicable provisions and Section 68-3-14, the following recurring reports are due to the Education Interim Committee:

1925 (a) the report described in Section 9-22-109 by the STEM Action Center Board, including the information described in Section 9-22-113 on the status of the computer science initiative and Section 9-22-114 on the Computing Partnerships Grants Program;

1929 (b) the prioritized list of data research described in Section 53H-15-303 and the report on research and activities described in Section 53H-15-305 by the Utah Data Research Center;

1932 (c) the report described in Section 53H-1-203 by the Utah Board of Higher Education on career and technical education issues and addressing workforce needs;

1934 (d) the annual report of the Utah Board of Higher Education described in Section 53H-1-203;

1936 (e) the reports described in Section 53H-7-603 by the Utah Board of Higher Education regarding activities related to campus safety;

1938 (f) the State Superintendent's Annual Report by the state board described in Section 53E-1-203;

1940

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- (g) the annual report described in Section 53E-2-202 by the state board on the strategic plan to improve student outcomes;
- 1942 (h) the report described in Section 53E-3-501 by the state board on students in an LEA who receive academic credit through the packet method;
- 1944 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for the Deaf and the Blind;
- 1946 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective, Actionable, and Dynamic Education director on research and other activities;
- 1948 (k) the report described in Section 53F-2-522 regarding mental health screening programs;
- 1950 (l) the report described in Section 53F-4-203 by the state board and the independent evaluator on an evaluation of early interactive reading software;
- 1952 (m) the report described in Section 53F-6-412 by the program manager of the Utah Fits All Scholarship Program;
- 1954 (n) the report described in Section 63N-20-107 by the Governor's Office of Economic [Opportunity] Development on UPSTART;
- 1956 (o) the report described in Section 53F-5-215 by the state board related to a grant for an elementary teacher preparation assessment;
- 1958 (p) upon request, the report described in Section 53F-5-219 by the state board on the Local Innovations Civics Education Pilot Program;
- 1960 (q) the report described in Section 53F-5-405 by the state board regarding an evaluation of a partnership that receives a grant to improve educational outcomes for students who are low-income;
- 1963 (r) the report described in Section 53H-1-604 regarding the Higher Education and Corrections Council;
- 1965 (s) the report described in Section 53G-7-221 by the state board regarding innovation plans; and
- 1967 (t) the reports described in Section 53F-6-412 regarding the Utah Fits All Scholarship Program.
- 1969 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Education Interim Committee:
  - 1971 (a) in 2027, 2030, 2033, and 2035, the reports described in Sections 53H-1-502, 53H-1-503, and 53H-1-504;
  - 1973 (b) in 2025, the report described in Section 53H-6-203 by a degree-granting institution regarding policies on abusive coaching practices;

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- (c) if required, the report described in Section 53E-4-309 by the state board explaining the reasons for changing the grade level specification for the administration of specific assessments;
- (d) if required, the report described in Section 53E-5-210 by the state board of an adjustment to the minimum level that demonstrates proficiency for each statewide assessment;
- (e) the report described in Section 53E-10-702 by Utah Leading through Effective, Actionable, and Dynamic Education;
- (f) if required, the report described in Section 53F-2-513 by the state board evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in high-poverty schools;
- (g) upon request, the report described in Section 53F-10-303 by the state board regarding the Rural School Sports Facilities Grant Program;
- (h) upon request, a report described in Section 53G-7-222 by an LEA regarding expenditure of a percentage of state restricted funds to support an innovative education program;
- (i) the reports described in Section 53G-11-304 by the state board regarding proposed rules and results related to educator exit surveys; and
- (j) the report described in Section 26B-5-113 by the Office of Substance Use and Mental Health, the state board, and the Department of Health and Human Services regarding recommendations related to Medicaid reimbursement for school-based health services.

(3) In accordance with applicable provisions and Section 68-3-14, every five years the Education Interim Committee shall review the programs described in the following sections of code:

- (a) beginning July 1, 2027, ~~[Title 53E, Chapter 10, Part 3]~~ Chapter 10, Part 3, Concurrent Enrollment;
- (b) beginning July 1, 2027, Section 53F-2-408, Enhancement for Accelerated Students Program;
- (c) beginning July 1, 2027, Section 53F-2-409, Concurrent enrollment funding;
- (d) beginning July 1, 2027, Section 53F-2-415, Student health and counseling support -- Qualifying personnel -- Distribution formula -- Rulemaking;
- (e) beginning July 1, 2028, Section 53F-2-416, Appropriation and distribution for the Teacher and Student Success Program;
- (f) beginning July 1, 2028, Section 53F-2-510, Digital Teaching and Learning Grant Program;
- (g) beginning July 1, 2028, Section 53F-9-306, Teacher and Student Success Account;
- (h) beginning July 1, 2028, Title 53G, Chapter 7, Part 13, Teacher and Student Success Program; and
- (i) beginning July 1, 2029, Section 53F-2-502, Dual language immersion.

Section 31. Section **53E-4-308** is amended to read:

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2017      **53E-4-308. Unique student identifier -- Coordination of higher education and public education information technology systems -- Coordination of preschool and public education information technology systems.**

2019      (1) As used in this section, "unique student identifier" means an alphanumeric code assigned to each public education student for identification purposes, which:

2021      (a) is not assigned to any former or current student; and

2022      (b) does not incorporate personal information, including a birth date or social security number.

2024      (2) The state board, through the state superintendent, shall assign each public education student a unique student identifier, which shall be used to track individual student performance on achievement tests administered under this part.

2027      (3) The state board and the Utah Board of Higher Education, in collaboration with the Utah Data Research Center created in Section 53H-15-202, shall:

2029      (a) coordinate public education and higher education information technology systems to allow individual student academic achievement to be tracked through both education systems in accordance with this section and Section 53H-1-207; and

2032      (b) coordinate access to the unique student identifier of a public education student who later attends an institution within the state system of higher education.

2034      (4)

2037      (a) The state board and the Department of Workforce Services shall coordinate assignment of a unique student identifier to each student enrolled in a program described in Title 35A, Chapter 15, Preschool Programs.

2040      (b) A unique student identifier assigned to a student under Subsection (4)(a) shall remain the student's unique student identifier used by the state board when the student enrolls in a public school in kindergarten or a later grade.

2045      (c) The Governor's Office of Economic Opportunity Development, the state board, the Department of Workforce Services, and a contractor as defined in Section 63N-20-101, shall coordinate access to the unique student identifier of a preschool student who later attends an LEA.

2046      Section 32. Section **53H-1-402** is amended to read:

2047      **53H-1-402. Reports to and actions of the Higher Education Appropriations Subcommittee.**

2047      (1) In accordance with applicable provisions and Section 68-3-14, the following recurring reports are due to the Higher Education Appropriations Subcommittee:

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2049 (a) the reports described in Sections 53H-1-502, 53H-1-503, and 53H-1-504;

2050 (b) the reports described in Section 53H-1-203 by the board on:

2051 (i) system wide responses to changing demographics and workforce; and

2052 (ii) the board's activities and performance against the board's goals and metrics;

2053 (c) the report described in Section 53H-5-205;

2054 (d) the report described in Section 53H-8-202 by the board on recommended appropriations for higher education institutions and the board, including the report described in Section 53H-11-406 by the board on the effects of offering nonresident partial tuition scholarships;

2058 (e) the report described in Section 53H-8-306 by the Department of Workforce Services and the Governor's Office of Economic Opportunity Development on targeted jobs;

2060 (f) the reports described in Section 53H-8-303 by the board on performance;

2061 (g) the report described in Section 53H-11-402 by the board on the Opportunity Scholarship Program;

2063 (h) the report described in Section 53H-13-309 regarding the talent advisory councils;

2064 (i) the report described in Section 53H-11-414 by the board on the Utah Promise Program;

2066 (j) the report described in Section 53H-6-202 by the board on an institution compensating a student athlete for the use of the student athlete's name, image, or likeness;

2069 (k) the report described in Section 53H-1-604 regarding the Higher Education and Corrections Council; and

2071 (l) the report described in Section 53E-10-308 by the State Board of Education and board on student participation in the concurrent enrollment program.

2073 (2) In accordance with applicable provisions and Section 68-3-14, the [following occasional report] the board's report regarding each institution's strategic reinvestment plan described in Section 53H-8-210 is due, on occasion, to the Higher Education Appropriations Subcommittee~~[: the board's report regarding each institution's strategic reinvestment plan described in Section 53H-8-210]~~.

2078 (3) In accordance with applicable provisions, the Higher Education Appropriations Subcommittee shall complete the following:

2080 (a) an appropriation recommendation described in Section 53H-1-504 regarding compliance with Subsections 53H-1-504(5) and (14); and

2082 (b) as required by Section 53H-8-304, the review of performance funding described in Section 53H-8-304.

2084

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(4) In consultation with the board, the Higher Education Appropriations Subcommittee shall study a redesign of:

2086 (a) the performance funding model described in Chapter 8, Part 3, Performance Funding, to better ensure:

2088 (i) institutional alignment with the statewide system of higher education and the institution's mission within the statewide system; and

2090 (ii) investment in meeting localized and statewide workforce demands and securing post-graduation employment outcomes; and

2092 (b) enrollment-based funding, including, for technical colleges, funding distribution models that:

2094 (i) include equivalent funding value for secondary and adult students; and

2095 (ii) reflect the full responsibility of the technical college's statutorily-required services.

2098 Section 33. Section **53H-3-305** is amended to read:

### **53H-3-305. Technical college presidents.**

2099 (1) The board shall appoint a president for each technical college in accordance with Section 53H-3-302.

2101 (2) A technical college president is the chief executive officer of the technical college.

2102 (3) A technical college president:

2103 (a) does not need to have a doctorate degree; and

2104 (b) shall have extensive experience in career and technical education.

2105 (4) In addition to the duties described in Section 53H-3-303, a technical college president shall:

2107 (a) after consulting with the board, other institutions of higher education, school districts, and charter schools within the technical college's region, prepare a comprehensive strategic plan for delivering technical education within the region;

2110 (b) consult with business, industry, the Department of Workforce Services, the Governor's Office of Economic Opportunity Development, and the Governor's Office of Planning and Budget on an ongoing basis to determine what workers and skills are needed for employment in Utah businesses and industries;

2114 (c) coordinate with local school boards, school districts, and charter schools to meet the technical education needs of secondary students; and

2116

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(d) develop policies and procedures for the admission, classification, instruction, and examination of students in accordance with the policies and accreditation guidelines of the board and the State Board of Education.

2120       Section 34. Section **53H-4-306.1** is amended to read:

**53H-4-306.1. Electrification of Transportation Infrastructure Research Center --**

**Definitions.**

As used in Sections 53H-4-306.1 through 53H-4-306.6:

(1) "Department of Environmental Quality" means the Department of Environmental Quality created in Section 19-1-104.

(2) "Department of Transportation" means the Department of Transportation created in Section 72-1-201.

(3) "Governor's Office of Economic Opportunity Development" means the Governor's Office of Economic Opportunity Development created in Section 63N-1a-301.

(4) "Industry advisory board" means the industry advisory board created in accordance with Section 53H-4-306.4.

(5) "Initiative" means the strategic planning and development initiative to guide the transition to an electrified and intelligent transportation system in this state.

(6) "Large public transit district" means the same as that term is defined in Section 17B-2a-802.

(7) "Office of Energy Development" means the Office of Energy Development created in Section 79-6-401.

(8) "Project director" means the project director of the research center appointed under Subsection 53H-4-306.2(2)(b).

(9) "Research center" means the ASPIRE Engineering Research Center at Utah State University.

(10) "Steering committee" means the Electrification of Transportation Infrastructure Steering Committee created in Section 53H-4-306.3.

2144       Section 35. Section **53H-4-306.3** is amended to read:

**53H-4-306.3. Electrification of Transportation Infrastructure Research Center -- Steering committee.**

(1) There is created the Electrification of Transportation Infrastructure Steering Committee.

(2) The Electrification of Transportation Infrastructure Steering Committee consists of the following members:

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2149 (a) the executive director of the Department of Transportation, or the executive director's designee;  
2151 (b) the executive director of the Department of Environmental Quality, or the executive director's  
designee;  
2153 (c) the director of the Office of Energy Development, or the director's designee;  
2154 (d) the executive director of a large public transit district, or the executive director's designee;  
2156 (e) the executive director of the Governor's Office of Economic Opportunity Development, or the  
executive director's designee;  
2158 (f) one representative of a major electrical power provider in the state, appointed by the governor; and  
2160 (g) the chair of the industry advisory board created in Section 53H-4-306.4.

2161 (3) The steering committee member representing the Department of Transportation shall serve as the  
chair of the steering committee.

2163 (4) The steering committee shall:

2164 (a) provide direction to the project director on the nature and priorities of the strategic planning and  
development initiative;  
2166 (b) assist the project director in the development of a strategic action plan and implementation related to  
the electrification of transportation infrastructure;  
2168 (c) approve annual reports on the strategic planning and development initiative as required in Section  
53H-4-306.6;  
2170 (d) consider and approve the budget proposed by the project director for the expenditure of funds for the  
initiative; and  
2172 (e) review expenditures authorized by the project director made before October 1, 2023.

2173 (5) The steering committee shall convene no later than October 1, 2023.

2175 Section 36. Section **53H-11-415** is amended to read:

2176 **53H-11-415. Talent Development Award Program.**

2176 (1) As used in this section:

2177 (a) "Award" means a monetary grant awarded in accordance with this section.  
2178 (b) "Full-time" means the number of credit hours the board determines is full-time enrollment for a  
student for purposes of the program.  
2180 (c) "GOED" means the Governor's Office of Economic Opportunity Development created  
in Section 63N-1a-301.  
2182 (d) "Program" means the Talent Development Award Program created in this section.

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2183 (e) "Qualifying degree" means an associate's or a bachelor's degree that qualifies an individual to work  
in a qualifying job, as determined by [GOEØ] GOED under this section.

2186 (f) "Qualifying job" means a job:

2187 (i) described in this section for which an individual may receive an award for the current two-year  
period; or

2189 (ii)

2191 (A) that was identified in accordance with this section at the time a recipient received an award; and

2193 (B) for which the recipient is pursuing a qualifying degree, for which the recipient completed a  
qualifying degree, or in which the recipient is working.

2195 (g) "Recipient" means an individual who receives an award.

2197 (2) There is created the Talent Development Award Program to recruit and train individuals to work in  
certain jobs that have a high demand for new employees and offer high wages.

2200 (3) Subject to available funds, an institution shall award an individual who:

2202 (a) is pursuing or declares an intent to pursue a qualifying degree;

2204 (b) declares an intent to work in a qualifying job described in this section in Utah following graduation;

2206 (c) applies to the institution to receive an award; and

2208 (d) meets other criteria determined by the board in the rules described in this section.

2210 (4)

2212 (a) An institution may award a recipient in an amount up to the cost of resident tuition, fees, and books  
for the number of credit hours in which the recipient is enrolled each semester.

2214 (b) An institution may award a recipient for up to the expected amount of time for the recipient to  
complete the qualifying degree, as determined by the institution.

2216 (c) An institution may cancel an award in accordance with the rules described in this section.

2218 (5) An institution may use money from a partnership with an industry or business for funding or  
repaying an award.

2220 (6) The board may use up to 5% of money appropriated for the program for administration.

2222 (7) Every other year, [GOEØ] GOED shall identify:

2224 (a) five qualifying jobs that:

2226 (i) have the highest demand for new employees; and

2228 (ii) offer high wages; and

2230 (b) the qualifying degrees for each qualifying job.

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2217 (8) [GOEO] GOED shall:

2218 (a) ensure that each qualifying job:

2219 (i) ranks in the top 40% of jobs based on an employment index that considers the job's growth rate and  
total openings;

2221 (ii) ranks in the top 40% of jobs for wages; and

2222 (iii) requires an associate's degree or a bachelor's degree; and

2223 (b) report the five qualifying jobs and qualifying degrees to the board.

2224 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall  
make rules to:

2226 (a) establish an application process for an individual to apply for an award;

2227 (b) subject to this section, establish qualifying criteria for an individual to receive an award, including  
enrollment status;

2229 (c) establish a process to evaluate applications that prioritizes awards to students who demonstrate  
financial need;

2231 (d) establish how state funding available for awards is divided among institutions;

2232 (e) establish how to determine an amount of money for an award;

2233 (f) establish the circumstances under which an institution may cancel an award; and

2234 (g) require an institution to provide specified information to the board relevant to administering the  
program.

2236 (10) In administering the program, the board shall use a packaging approach that ensures that  
institutions combine loans, grants, employment, and family and individual contributions toward  
financing the cost of attendance.

2240 Section 37. Section **53H-13-301** is amended to read:

2241 **53H-13-301. General provisions -- Definitions.**

2242 As used in this part:

2243 (1) "Apprenticeship program" means a program that:

2244 (a) combines paid on-the-job learning with formal classroom instruction to prepare students for careers;  
and

2245 (b) includes:

2246 (i) structured on-the-job learning for students under the supervision of a skilled employee;

2248 (ii) classroom instruction for students related to the on-the-job learning;

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2249 (iii) ongoing student assessments using established competency and skills standards; and  
2251 (iv) the student receiving an industry-recognized credential or degree upon completion of the program.

2253 (2) "Career and technical education region" means an economic service area created in Section  
35A-2-101.

2255 (3) ["GOEO"] "GOED" means the Governor's Office of Economic [Opportunity] Development created  
in Section 63N-1a-301.

2257 (4) "High quality professional learning" means the professional learning standards for teachers and  
principals described in Section 53G-11-303.

2259 (5) "Institution of higher education" means the University of Utah, Utah State University, Southern  
Utah University, Weber State University, Snow College, Utah Tech University, Utah Valley  
University, or Salt Lake Community College.

2262 (6) "Local education agency" means a school district, a charter school, or the Utah Schools for the Deaf  
and the Blind.

2264 (7) "Master plan" means the computer science education master plan described in Section 53H-13-305.

2266 (8) "Participating employer" means an employer that:

2267 (a) partners with an educational institution on a curriculum for an apprenticeship program or work-  
based learning program; and

2269 (b) provides an apprenticeship or work-based learning program for students.

2270 (9) "State board" means the State Board of Education.

2271 (10) "Talent board" means the Talent, Education, and Industry Alignment Board created in Section  
53H-13-302.

2273 (11) "Talent program" means the Talent Ready Utah Program created in Section 53H-13-303.

2275 (12) "Targeted industry" means an industry or group of industries targeted by [GOEO] GOED for  
economic development in the state.

2277 (13) "Technical college" means:

2278 (a) the same as that term is defined in Section 53H-1-101; and

2279 (b) a degree-granting institution acting in the degree-granting institution's technical education role  
described in Section 53H-3-608.

2281 (14)

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

2284 (b) "Work-based learning program" includes the following objectives:

2285 (i) providing students an applied workplace experience using knowledge and skills attained in a program of study that includes an internship, externship, or work experience;

2288 (ii) providing an educational institution with objective input from a participating employer regarding the education requirements of the current workforce; and

2290 (iii) providing funding for programs that are associated with high-wage, in-demand, or emerging occupations.

2292 (15) "Workforce programs" means education or industry programs that facilitate training the state's workforce to meet industry demand.

2295 Section 38. Section **53H-13-302** is amended to read:

**53H-13-302. Talent, Education, and Industry Alignment Board -- Creation -- Membership -- Expenses -- Duties.**

2297 (1) There is created the Talent, Education, and Industry Alignment Board composed of the following members:

2299 (a) the state superintendent of public instruction or the superintendent's designee;

2300 (b) the commissioner or the commissioner's designee;

2301 (c) the chair of the State Board of Education or the chair's designee;

2302 (d) the executive director of the Department of Workforce Services or the executive director's designee;

2304 (e) the executive director of the Governor's Office of Economic Opportunity Development or the executive director's designee;

2306 (f) the director of the Division of Professional Licensing or the director's designee;

2307 (g) the governor's education advisor or the advisor's designee;

2308 (h) one member of the Senate, appointed by the president of the Senate;

2309 (i) one member of the House of Representatives, appointed by the speaker of the House of Representatives;

2311 (j) the president of the Salt Lake Chamber or the president's designee;

2312 (k) six representatives of private industry chosen to represent targeted industries, appointed by GOEO GOED;

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2314 (l) the lieutenant governor or the lieutenant governor's designee; and  
2315 (m) any additional individuals appointed by [GOEO] GOED who represent:  
2316 (i) one or more individual educational institutions; or  
2317 (ii) education or industry professionals.  
2318 (2) The talent board shall select a chair and vice chair from among the members of the talent board.  
2320 (3) The talent board shall meet at least quarterly.  
2321 (4) Attendance of a majority of the members of the talent board constitutes a quorum for the transaction  
2323 of official talent board business.  
2324 (5) Formal action by the talent board requires the majority vote of a quorum.  
2325 (6) A member of the talent board:  
2326 (a) may not receive compensation or benefits for the member's service; and  
2327 (b) who is not a legislator may receive per diem and travel expenses in accordance with:  
2328 (i) Section 63A-3-106;  
2329 (ii) Section 63A-3-107; and  
2331 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.  
2332 (7) The talent board shall:  
2333 (a)  
2334 (i) review and develop metrics to measure the progress, performance, effectiveness, and scope of  
any state operation, activity, program, or service that primarily involves employment training or  
placement; and  
2335 (ii) ensure that the metrics described in Subsection (7)(a) are consistent and comparable for each state  
operation, activity, program, or service that primarily involves employment training or placement;  
2336 (b) make recommendations to the board and [GOEO] GOED regarding how to better align training and  
education in the state with industry demand;  
2337 (c) make recommendations to the board and [GOEO] GOED regarding how to better align technical  
education with current and future workforce needs;  
2338 (d) coordinate with the talent program to meet the responsibilities described in Section 53H-13-303;  
2339 (e) develop a computer science education master plan in accordance with Section 53H-13-305;  
2340 (f) coordinate with the talent program to meet the responsibilities described in Section 53H-13-310; and  
2341 (g) administer the Utah Works Program in accordance with Section 53H-13-307.  
2342

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

2354                   Section 39. Section **53H-13-307** is amended to read:

2355                   **53H-13-307. Utah Works Program.**

2355                   (1) There is created the Utah Works Program.

2356                   (2) The Utah Works Program, under the direction of the talent board, shall partner with the following entities to develop short-term pre-employment training and short-term early employment training for student and workforce participants that meet the needs of businesses that are creating jobs and economic growth in the state:

2360                   (a) the Department of Workforce Services;

2361                   (b) the Governor's Office of Economic [Opportunity] Development; and

2362                   (c) businesses that have significant hiring demands for primarily newly created jobs in the state.

2364                   (3) In addition to the duties described in Subsection (2), the Utah Works Program may:

2365                   (a) coordinate with the Department of Workforce Services, education agencies, and employers to create effective recruitment initiatives to attract student and workforce participants and business participants to the program;

2368                   (b) coordinate with the board to develop educational and training resources to provide student participants in the program qualifications to be hired by business participants in the program; and

2371                   (c) coordinate with the state board and local education agencies when appropriate to develop educational and training resources to provide student participants in the program qualifications to be hired by business participants in the program.

2374                   (4) The board, in consultation with the talent board, may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules regarding the development and administration of the Utah Works Program.

2377                   (5) The Utah Works Program shall annually report the following metrics to the board:

2378                   (a) the number of participants in the program;

2379                   (b) how program participants learned about or were referred to the program;

2380                   (c) the number of participants who have completed training offered by the program; and

2381                   (d) the number of participants who have been hired by a business participating in the program.

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2384       Section 40. Section **53H-13-309** is amended to read:

2385       **53H-13-309. Talent advisory councils.**

2385       (1) As used in this section:

2386       (a) "Advisory council" means an advisory council the talent board creates under Subsection (10).

2388       (b) "Talent initiative" means an initiative the board creates under Subsection (2).

2389       (2)

2393       (a) Subject to legislative appropriations and in accordance with the proposal process and other  
2394       provisions of this section, the board shall develop and oversee one or more talent initiatives that  
2395       include providing funding for expanded programs at an institution of higher education related to the  
2396       talent initiative.

2397       (b) The board shall ensure that a talent initiative the board creates:

2398       (i) uses a name for the talent initiative that reflects the area the initiative is targeting;

2399       (ii) contains an outline of the disciplines, industries, degrees, certifications, credentials, and types of  
2400       skills the talent initiative will target; and

2401       (iii) uses a corresponding advisory council created in Subsection (10).

2402       (3) In creating a talent initiative, the board shall facilitate collaborations between an institution of higher  
2403       education and participating employers that:

2404       (a) create expanded, multidisciplinary programs or stackable credential programs offered at a technical  
2405       college, undergraduate, or graduate level of study; and

2406       (b) prepare students to be workforce participants in jobs requiring skills related to a talent initiative.

2407       (4)

2408       (a) An institution of higher education seeking to partner with one or more participating employers to  
2409       create a program related to a talent initiative shall submit a proposal to the talent board through a  
2410       process the talent board creates.

2411       (b) An institution of higher education shall submit a proposal that contains:

2412       (i) a description of the proposed program, including:

2413       (A) implementation timelines for the program;

2414       (B) a demonstration of how the program will be responsive to the talent needs related to the talent  
2415       initiative;

2416       (C) an outline of relevant industry involvement that includes at least one participating employer that  
2417       partners with the institution of higher education; and

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2414 (D) an explanation of how the program addresses an unmet regional workforce need related to a talent  
initiative;

2416 (ii) an estimate of:  
2417 (A) projected student enrollment and completion rates for a program;  
2418 (B) the academic credit or credentials that a program will provide; and  
2419 (C) occupations for which a graduate will qualify;

2420 (iii) evidence that each participating employer is committed to participating and contributing to the  
program by providing any combination of:  
2422 (A) instruction;  
2423 (B) curriculum review;  
2424 (C) feedback regarding effectiveness of program graduates as employees;  
2425 (D) work-based learning opportunities; or  
2426 (E) mentoring;

2427 (iv) a description of any resources a participating employer will provide within the program; and  
2429 (v) the amount of funding requested for the program, including:  
2430 (A) the justification for the funding; and  
2431 (B) the cost per student served as estimated under Subsection (4)(b)(ii).

2432 (5) In reviewing a proposal, the talent board shall provide a proposal to the relevant advisory council  
described in Subsections (10) and (11).

2434 (6) The relevant advisory council shall:  
2435 (a) review and prioritize each proposal the advisory council receives; and  
2436 (b) recommend to the talent board whether the proposal should be funded and the funding amount based  
on:  
2438 (i) the quality and completeness of the elements of the proposal described in Subsection (4)(b);  
2440 (ii) to what extent the proposed program:  
2441 (A) would expand the capacity to meet state or regional workforce needs related to the talent initiative;  
2443 (B) would integrate industry-relevant competencies with disciplinary expertise;  
2444 (C) would incorporate internships or significant project experiences, including team-based experiences;  
2446 (D) identifies how industry professionals would participate in elements described in Subsection (4)(b)  
(iii); and  
2448 (E) would be cost effective; and

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2449 (iii) other relevant criteria as the relevant advisory council and the talent board determines.

2451 (7) The board shall review the recommendations of an advisory council and may provide funding for a program related to a talent initiative using the criteria described in Subsection (6)(b).

2454 (8) In a form that the board approves, each institution of higher education that receives funding shall annually provide written information to the board regarding the activities, successes, and challenges related to administering the program related to the talent initiative, including:

2458 (a) specific entities that received funding under this section;

2459 (b) the amount of funding provided to each entity;

2460 (c) the number of participating students in each program;

2461 (d) the number of graduates of the program;

2462 (e) the number of graduates of the program employed in jobs requiring skills related to the talent initiative; and

2464 (f) progress and achievements relevant to the implementation timeline submitted under Subsection (4) (b)(i)(A).

2466 (9) On or before October 1 of each year, the board shall provide an annual written report containing the information described in Subsection (8) to the:

2468 (a) Education Interim Committee; and

2469 (b) Higher Education Appropriations Subcommittee.

2470 (10) The talent board shall create a talent advisory council for each talent initiative created under Subsection (2) to make recommendations to the board regarding the administration of a talent initiative including:

2473 (a) a deep technology initiative;

2474 (b) a life sciences workforce initiative;

2475 (c) engineering and computer technology; and

2476 (d) health professions initiatives including a nursing initiative.

2477 (11) An advisory council shall consist of the following members:

2478 (a) a minimum of four members who have extensive experience in the talent initiative's subject matter from the private sector whom the chair of the talent board appoints and the board approves;

2481 (b) a representative of the board described in Section 53H-1-203 whom the chair of the board appoints;

2483 (c) a representative of the Governor's Office of Economic Opportunity Development whom the executive director of the Governor's Office of Economic Opportunity Development appoints;

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2486 (d) a representative from Talent Ready Utah; and

2487 (e) any other specialized industry experts whom a majority of the advisory council may invite to participate as needed as nonvoting members.

2489 (12) Talent Ready Utah shall provide staff support for an advisory council.

2490 (13)

2492 (a) Two advisory council members appointed under Subsection (11)(a) shall serve an initial term of two years.

2494 (b) Except as described in Subsection (13)(a), all other advisory council members shall serve an initial term of four years.

2496 (c) Successor advisory council members upon appointment or reappointment shall each serve a term of four years.

2498 (d) When a vacancy occurs in the membership for any reason, the initial appointing authority shall appoint a replacement for the unexpired term.

2500 (e) An advisory council member may not serve more than two consecutive terms.

2502 (14) A vote of a majority of the advisory council members constitutes an action of the advisory council.

2504 (15) The duties of the advisory council include reviewing, prioritizing, and making recommendations to the board regarding proposals for funding under the talent initiative created in accordance with Subsection (2) for which the council was created.

2506 (16) An advisory council member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

2508 (a) Sections 63A-3-106 and 63A-3-107; and

2510 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

2512 (17) The board may discontinue a talent initiative and the related talent advisory council by majority vote.

2514 Section 41. Section **53H-13-403** is amended to read:

2516 **53H-13-403. Talent portal requirements -- Administration -- Labor market data integration.**

2518 (1) The talent portal shall:

2520 (a) focus on industries and occupations identified as high-demand in collaboration with Talent Ready Utah, the Governor's Office of Economic Opportunity Development, and the Department of Workforce Services and in coordination with state labor market data;

2522 (b) provide an intuitive, user-friendly interface for job seekers and employers;

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2520 (c) include robust search, filtering, and geolocation options;

2521 (d) offer mobile-optimized access;

2522 (e) allow users to create profiles and upload resumes;

2523 (f) integrate with relevant training, credentialing, and educational resources;

2524 (g) connect prospective talent to industry requirements for posted high-demand jobs;

2525 (h) highlight internships, apprenticeships, and career pathway opportunities;

2526 (i) provide data analytics to employers on job listing performance;

2527 (j) implement security measures to protect user data and verify employer listings; and

2528 (k) be accessible to users with disabilities in compliance with the Americans with Disabilities Act.

2529 (2) In accordance with Subsection (3), the talent portal administrator shall:

2530 (a) partner with:

2531 (i) Talent Ready Utah;

2532 (ii) the Governor's Office of Economic ~~Opportunity~~ Development;

2533 (iii) the Department of Workforce Services;

2534 (iv) industry associations; and

2535 (v) employers to enhance talent portal offerings;

2536 (b) partner with the State Tax Commission to reconcile that employers registering to utilize the talent

2537 portal are businesses registered to do business in the state of Utah and are in good standing;

2538 (c) conduct targeted outreach to promote the talent portal to:

2539 (i) institutions of higher education within the Utah System of Higher Education;

2540 (ii) students; and

2541 (iii) Utah employers;

2542 (d) regularly collect and analyze user feedback to improve the talent portal; and

2543 (e) provide annual reports on talent portal performance metrics, including:

2544 (i) usage statistics;

2545 (ii) placement rates; and

2546 (iii) user demographics.

2547 (3) The talent portal administrator shall:

2548 (a) utilize current labor market data to inform job listings, industry focus, and emerging opportunities;

2549 (b) update high-demand job categories at least annually based on projected growth, wage data, and

2550 workforce needs; and

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2554 (c) provide labor market insights to users, including salary ranges, career growth trends, and skill requirements.

2556 (4) The talent portal administrator shall ensure that the talent portal has the ability to dynamically adjust to reflect changes in labor market trends and high-demand occupations.

2560       Section 42. Section **53H-16-303** is amended to read:

2561       **53H-16-303. Institute board duties and powers.**

2561 (1) The institute board shall:

2562 (a) manage and conduct the business and affairs of the institute and determine all questions of institute and Utah innovation fund policy;

2564 (b) provide strategic oversight for all institute initiatives;

2565 (c) support and guide workforce development, innovation, and policy integration across institutions and industry;

2567 (d) consistent with this chapter, oversee the Utah innovation fund and investment committee;

2569 (e) coordinate efforts and collaborations across innovation districts;

2570 (f) create opportunities for students through projects and partnerships;

2571 (g) set compensation and incentives for the executive director;

2572 (h) advance the purposes of the Utah innovation fund as described in Section 53H-16-402; and

2574 (i) consider investment proposals and determine whether a proposal furthers the objectives of the fund.

2576 (2) The institute board may establish independent committees for the purpose of assisting the institute board in an advisory role.

2578 (3) In coordination with the Governor's Office of Economic Opportunity Development created in Section 63N-1a-301, the institute board shall convene and facilitate discussions with industry, education, and policy makers to promote regulatory innovation.

2583       Section 43. Section **54-4-41** is amended to read:

2584       **54-4-41. Recovery of investment in utility-owned vehicle charging infrastructure.**

2585 (1) As used in this section, "charging infrastructure program" means the program described in Subsection (2).

2587 (2) The commission shall authorize a large-scale electric utility program that:

2588 (a) allows for funding from large-scale electric utility customers for a maximum of \$50,000,000 for all costs and expenses associated with:

2590 (i) the deployment of utility-owned vehicle charging infrastructure; and

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2591 (ii) utility vehicle charging service provided by the large-scale electric utility;

2592 (b) creates a new customer class, with a utility vehicle charging service rate structure that:

2594 (i) is determined by the commission to be in the public interest;

2595 (ii) is a transitional rate structure expected to allow the large-scale electric utility to recover, through charges to utility vehicle charging service customers, the large-scale electric utility's full cost of service for utility-owned vehicle charging infrastructure and utility vehicle charging service over a reasonable time frame determined by the commission; and

2600 (iii) may allow different rates for large-scale electric utility customers to reflect contributions to investment; and

2602 (c) includes a transportation plan that promotes:

2603 (i) the deployment of utility-owned vehicle charging infrastructure in the public interest; and

2605 (ii) the availability of utility vehicle charging service.

2606 (3) Before submitting a proposed charging infrastructure program to the commission for commission approval under Subsection (2), a large-scale electric utility shall seek and consider input from:

2609 (a) the Division of Public Utilities, established in Section 54-4a-1;

2610 (b) the Office of Consumer Services, created in Section 54-10a-201;

2611 (c) the Division of Air Quality, created in Section 19-1-105;

2612 (d) the Department of Transportation, created in Section 72-1-201;

2613 (e) the Governor's Office of Economic Opportunity Development, created in Section 63N-1a-301;

2615 (f) the Office of Energy Development, created in Section 79-6-401;

2616 (g) the board of the Utah Inland Port Authority, created in Section 11-58-201;

2617 (h) representatives of the Point of the Mountain State Land Development Authority, created in Section 11-59-201;

2619 (i) third-party electric vehicle battery charging service operators; and

2620 (j) any other person who files a request for notice with the commission.

2621 (4) The commission shall find a charging infrastructure program to be in the public interest if the commission finds that the charging infrastructure program:

2623 (a) increases the availability of electric vehicle battery charging service in the state;

2624 (b) enables the significant deployment of infrastructure that supports electric vehicle battery charging service and utility-owned vehicle charging infrastructure in a manner reasonably expected to increase electric vehicle adoption;

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2627 (c) includes an evaluation of investments in the areas of the authority jurisdictional land, as defined in  
2628 Section 11-58-102, and the point of the mountain state land, as defined in Section 11-59-102;

2630 (d) enables competition, innovation, and customer choice in electric vehicle battery charging services,  
2631 while promoting low-cost services for electric vehicle battery charging customers; and

2633 (e) provides for ongoing coordination with the Department of Transportation, created in Section  
2634 72-1-201.

2635 (5) The commission may, consistent with Subsection (2), approve an amendment to the charging  
2636 infrastructure program if the large-scale electric utility demonstrates that the amendment:

2638 (a) is prudent;

2639 (b) will provide net benefits to customers; and

2640 (c) is otherwise consistent with the requirements of Subsection (2).

2641 (6) The commission shall authorize recovery of a large-scale electric utility's investment in utility-  
2642 owned vehicle charging infrastructure through a balancing account or other ratemaking treatment  
2643 that reflects:

2644 (a) charging infrastructure program costs associated with prudent investment, including the large-scale  
2645 electric utility's pre-tax average weighted cost of capital approved by the commission in the large-  
2646 scale electric utility's most recent general rate proceeding, and associated revenue and prudently  
2647 incurred expenses; and

2648 (b) a carrying charge.

2649 (7) A large-scale electric utility's investment in utility-owned vehicle charging infrastructure is  
2650 prudently made if the large-scale electric utility demonstrates in a formal adjudicative proceeding  
2651 before the commission that the investment can reasonably be anticipated to:

2653 (a) result in one or more projects that are in the public interest of the large-scale electric utility's  
2654 customers to reduce transportation sector emissions over a reasonable time period as determined by  
2655 the commission;

2656 (b) provide the large-scale electric utility's customers significant benefits that may include revenue from  
2657 utility vehicle charging service that offsets the large-scale electric utility's costs and expenses; and

2659 (c) facilitate any other measure that the commission determines:

2660 (i) promotes deployment of utility-owned vehicle charging infrastructure and utility vehicle charging  
2661 service; or

2662 (ii) creates significant benefits in the long term for customers of the large-scale electric utility.

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2664 (8) A large-scale electric utility that establishes and implements a charging infrastructure program  
2665 shall annually, on or before June 1, submit a written report to the Public Utilities, Energy, and  
2666 Technology Interim Committee [of the Legislature] about the charging infrastructure program's  
2667 activities during the previous calendar year, including information on:  
2668 (a) the charging infrastructure program's status, operation, funding, and benefits;  
2669 (b) the disposition of charging infrastructure program funds; and  
2670 (c) the charging infrastructure program's impact on rates.  
2671  
2672 Section 44. Section **59-1-403** is amended to read:  
2673  
**59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**  
2674 (1) As used in this section:  
2675 (a) "Distributed tax, fee, or charge" means a tax, fee, or charge:  
2676 (i) the commission administers under:  
2677 (A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax Act;  
2678 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;  
2679 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;  
2680 (D) Section 19-6-805;  
2681 (E) Section 63H-1-205; or  
2682 (F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges; and  
2683 (ii) with respect to which the commission distributes the revenue collected from the tax, fee, or charge  
2684 to a qualifying jurisdiction.  
2685 (b) ["GOEO"] GOED means the Governor's Office of Economic Opportunity Development created  
2686 in Section 63N-1a-301.  
2687 (c) "Qualifying jurisdiction" means:  
2688 (i) a county, city, or town;  
2689 (ii) the military installation development authority created in Section 63H-1-201;  
2690 (iii) the Utah Inland Port Authority created in Section 11-58-201; or  
2691 (iv) the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201.  
2692 (2)  
2693 (a) Any of the following may not divulge or make known in any manner any information gained by that  
2694 person from any return filed with the commission:  
2695 (i) a tax commissioner;

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2699 (ii) an agent, clerk, or other officer or employee of the commission; or  
2700 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or town.

2702 (b) An official charged with the custody of a return filed with the commission is not required to produce  
the return or evidence of anything contained in the return in any action or proceeding in any court,  
except:

2705 (i) in accordance with judicial order;  
2706 (ii) on behalf of the commission in any action or proceeding under:  
2707 (A) this title; or  
2708 (B) other law under which persons are required to file returns with the commission;  
2710 (iii) on behalf of the commission in any action or proceeding to which the commission is a party; or  
2712 (iv) on behalf of any party to any action or proceeding under this title if the report or facts shown by the  
return are directly involved in the action or proceeding.

2714 (c) Notwithstanding Subsection (2)(b), a court may require the production of, and may admit in  
evidence, any portion of a return or of the facts shown by the return, as are specifically pertinent to  
the action or proceeding.

2717 (d) Notwithstanding any other provision of state law, a person described in Subsection (2)(a) may not  
divulge or make known in any manner any information gained by that person from any return filed  
with the commission to the extent that the disclosure is prohibited under federal law.

2721 (3) This section does not prohibit:  
2722 (a) a person or that person's [duly]authorized representative from receiving a copy of any return or  
report filed in connection with that person's own tax;  
2724 (b) the publication of statistics as long as the statistics are classified to prevent the identification of  
particular reports or returns; and  
2726 (c) the inspection by the attorney general or other legal representative of the state of the report or return  
of any taxpayer:  
2728 (i) who brings action to set aside or review a tax based on the report or return;  
2729 (ii) against whom an action or proceeding is contemplated or has been instituted under this title; or  
2731 (iii) against whom the state has an unsatisfied money judgment.

2732 (4)

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(a) Notwithstanding Subsection (2) and for purposes of administration, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for a reciprocal exchange of information with:

(i) the United States Internal Revenue Service; or

(ii) the revenue service of any other state.

(b) Notwithstanding Subsection (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and other written statements with the federal government, any other state, any of the political subdivisions of another state, or any political subdivision of this state, except as limited by Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal government grant substantially similar privileges to this state.

(c) Notwithstanding Subsection (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of information concerning the identity and other information of taxpayers who have failed to file tax returns or to pay any tax due.

(d) Notwithstanding Subsection (2), the commission shall provide to the director of the Division of Environmental Response and Remediation, as defined in Section 19-6-402, as requested by the director of the Division of Environmental Response and Remediation, any records, returns, or other information filed with the commission under Chapter 13, Motor and Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program participation fee.

(e) Notwithstanding Subsection (2), at the request of any person the commission shall provide that person sales and purchase volume data reported to the commission on a report, return, or other information filed with the commission under:

(i) Chapter 13, Part 2, Motor Fuel; or

(ii) Chapter 13, Part 4, Aviation Fuel.

(f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer, as defined in Section 59-22-202, the commission shall report to the manufacturer:

(i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer and reported to the commission for the previous calendar year under Section 59-14-407; and

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- (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer for which a tax refund was granted during the previous calendar year under Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).
- 2771 (g) Notwithstanding Subsection (2), the commission shall notify manufacturers, distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited from selling cigarettes to consumers within the state under Subsection 59-14-210(2).
- 2775 (h) Notwithstanding Subsection (2), the commission may:
- 2776 (i) provide to the Division of Consumer Protection within the Department of Commerce and the attorney general data:
  - 2778 (A) reported to the commission under Section 59-14-212; or
  - 2779 (B) related to a violation under Section 59-14-211; and
- 2780 (ii) upon request, provide to any person data reported to the commission under Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).
- 2782 (i) Notwithstanding Subsection (2), the commission shall, at the request of a committee of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of Planning and Budget, provide to the committee or office the total amount of revenue collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period specified by the committee or office.
- 2787 (j) Notwithstanding Subsection (2), the commission shall make the directory required by Section 59-14-603 available for public inspection.
- 2789 (k) Notwithstanding Subsection (2), the commission may share information with federal, state, or local agencies as provided in Subsection 59-14-606(3).
- 2791 (l)
  - (i) Notwithstanding Subsection (2), the commission shall provide the Office of Recovery Services within the Department of Health and Human Services any relevant information obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer who has become obligated to the Office of Recovery Services.
  - 2796 (ii) The information described in Subsection (4)(l)(i) may be provided by the Office of Recovery Services to any other state's child support collection agency involved in enforcing that support obligation.
- 2799 (m)

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- (i) Notwithstanding Subsection (2), upon request from the state court administrator, the commission shall provide to the state court administrator, the name, address, telephone number, county of residence, and social security number on resident returns filed under Chapter 10, Individual Income Tax Act.
- 2803 (ii) The state court administrator may use the information described in Subsection (4)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.
- 2806 (n)
  - (i) As used in this Subsection (4)(n):
    - 2807 (A) "GOED" means the Governor's Office of Economic Development created in Section 63N-1a-301.
    - 2809 (B) "Income tax information" means information gained by the commission that is required to be attached to or included in a return filed with the commission under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.
    - 2813 [(B)] (C) "Other tax information" means information gained by the commission that is required to be attached to or included in a return filed with the commission except for a return filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.
    - 2817 [(C)] (D) "Tax information" means income tax information or other tax information.
  - 2819 (ii)
    - (A) Notwithstanding Subsection (2) and except as provided in Subsection (4)(n)(ii)(B) or (C), the commission shall at the request of [GOEO] GOED provide to [GOEO] GOED all income tax information.
    - 2822 (B) For purposes of a request for income tax information made under Subsection (4)(n)(ii)(A), [GOEO] GOED may not request and the commission may not provide to [GOEO] GOED a person's address, name, social security number, or taxpayer identification number.
    - 2826 (C) In providing income tax information to [GOEO] GOED, the commission shall in all instances protect the privacy of a person as required by Subsection (4)(n)(ii)(B).
  - 2829 (iii)
    - (A) Notwithstanding Subsection (2) and except as provided in Subsection (4)(n)(iii)(B), the commission shall at the request of [GOEO] GOED provide to [GOEO] GOED other tax information.
    - 2832 (B) Before providing other tax information to [GOEO] GOED, the commission shall redact or remove any name, address, social security number, or taxpayer identification number.

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2835 (iv) [GOEO] GOED may provide tax information received from the commission in accordance with  
this Subsection (4)(n) only:

2837 (A) as a fiscal estimate, fiscal note information, or statistical information; and

2838 (B) if the tax information is classified to prevent the identification of a particular return.

2840 (v)

2841 (A) A person may not request tax information from [GOEO] GOED under Title 63G, Chapter 2,  
Government Records Access and Management Act, or this section, if [GOEO] GOED received the  
tax information from the commission in accordance with this Subsection (4)(n).

2842 (B) [GOEO] GOED may not provide to a person that requests tax information in accordance with  
Subsection (4)(n)(v)(A) any tax information other than the tax information [GOEO] GOED provides  
in accordance with Subsection (4)(n)(iv).

2843 (o) Notwithstanding Subsection (2), the commission may provide to the governing board of the  
agreement or a taxing official of another state, the District of Columbia, the United States, or a  
territory of the United States:

2844 (i) the following relating to an agreement sales and use tax:

2845 (A) information contained in a return filed with the commission;

2846 (B) information contained in a report filed with the commission;

2847 (C) a schedule related to Subsection (4)(o)(i)(A) or (B); or

2848 (D) a document filed with the commission; or

2849 (ii) a report of an audit or investigation made with respect to an agreement sales and use tax.

2850 (p) Notwithstanding Subsection (2), the commission may provide information concerning a taxpayer's  
state income tax return or state income tax withholding information to the Driver License Division if  
the Driver License Division:

2851 (i) requests the information; and

2852 (ii) provides the commission with a signed release form from the taxpayer allowing the Driver License  
Division access to the information.

2853 (q) Notwithstanding Subsection (2), the commission shall provide to the Utah Communications  
Authority, or a division of the Utah Communications Authority, the information requested by the  
authority under Sections 63H-7a-302, 63H-7a-402, and 63H-7a-502.

2854 (r) Notwithstanding Subsection (2), the commission shall provide to the Utah Educational Savings  
Plan information related to a resident or nonresident individual's contribution to a Utah Educational

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Savings Plan account as designated on the resident or nonresident's individual income tax return as provided under Section 59-10-1313.

2872 (s) Notwithstanding Subsection (2), for the purpose of verifying eligibility under Sections 26B-3-106 and 26B-3-903, the commission shall provide an eligibility worker with the Department of Health and Human Services or [its] the department's designee with the adjusted gross income of an individual if:

2876 (i) an eligibility worker with the Department of Health and Human Services or [its] the department's designee requests the information from the commission; and

2878 (ii) the eligibility worker has complied with the identity verification and consent provisions of Sections 26B-3-106 and 26B-3-903.

2880 (t) Notwithstanding Subsection (2), the commission may provide to a county, as determined by the commission, information declared on an individual income tax return in accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption authorized under Section 59-2-103.

2884 (u) Notwithstanding Subsection (2), the commission shall provide a report regarding any access line provider that is over 90 days delinquent in payment to the commission of amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges, to [-]the board of the Utah Communications Authority created in Section 63H-7a-201.

2889 (v) Notwithstanding Subsection (2), the commission shall provide the Department of Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the previous calendar year under Section 59-24-103.5.

2892 (w) Notwithstanding Subsection (2), the commission may, upon request, provide to the Department of Workforce Services any information received under Chapter 10, Part 4, Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

2896 (x) Notwithstanding Subsection (2), the commission may provide the Public Service Commission or the Division of Public Utilities information related to a seller that collects and remits to the commission a charge described in Subsection 69-2-405(2), including the seller's identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

2901 (y)

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- (i) Notwithstanding Subsection (2), the commission shall provide to each qualifying jurisdiction the collection data necessary to verify the revenue collected by the commission for a distributed tax, fee, or charge collected within the qualifying jurisdiction.
- 2905 (ii) In addition to the information provided under Subsection (4)(y)(i), the commission shall provide a qualifying jurisdiction with copies of returns and other information relating to a distributed tax, fee, or charge collected within the qualifying jurisdiction.
- 2909 (iii)
  - (A) To obtain the information described in Subsection (4)(y)(ii), the chief executive officer or the chief executive officer's designee of the qualifying jurisdiction shall submit a written request to the commission that states the specific information sought and how the qualifying jurisdiction intends to use the information.
  - 2914 (B) The information described in Subsection (4)(y)(ii) is available only in official matters of the qualifying jurisdiction.
- 2916 (iv) Information that a qualifying jurisdiction receives in response to a request under this subsection is:
- 2918 (A) classified as a private record under Title 63G, Chapter 2, Government Records Access and Management Act; and
- 2920 (B) subject to the confidentiality requirements of this section.
- 2921 (z) Notwithstanding Subsection (2), the commission shall provide the Alcoholic Beverage Services Commission, upon request, with taxpayer status information related to state tax obligations necessary to comply with the requirements described in Section 32B-1-203.
- 2925 (aa) Notwithstanding Subsection (2), the commission shall inform the Department of Workforce Services, as soon as practicable, whether an individual claimed and is entitled to claim a federal earned income tax credit for the year requested by the Department of Workforce Services if:
  - 2929 (i) the Department of Workforce Services requests this information; and
  - 2930 (ii) the commission has received the information release described in Section 35A-9-604.
- 2932 (bb)
  - (i) As used in this Subsection (4)(bb), "unclaimed property administrator" means the administrator or the administrator's agent, as those terms are defined in Section 67-4a-102.
- 2935 (ii)
  - (A) Notwithstanding Subsection (2), upon request from the unclaimed property administrator and to the extent allowed under federal law, the commission shall provide the unclaimed property

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administrator the name, address, telephone number, county of residence, and social security number or federal employer identification number on any return filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

2941 (B) The unclaimed property administrator may use the information described in Subsection (4)(bb)(ii)  
(A) only for the purpose of returning unclaimed property to the property's owner in accordance with  
Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act.

2945 (iii) The unclaimed property administrator is subject to the confidentiality provisions of this section  
with respect to any information the unclaimed property administrator receives under this Subsection  
(4)(bb).

2948 (cc) Notwithstanding Subsection (2), the commission may, upon request, disclose a taxpayer's state  
individual income tax information to a program manager of the Utah Fits All Scholarship Program  
under Section 53F-6-402 if:

2951 (i) the taxpayer consents in writing to the disclosure;

2952 (ii) the taxpayer's written consent includes the taxpayer's name, social security number, and any other  
information the commission requests that is necessary to verify the identity of the taxpayer; and

2955 (iii) the program manager provides the taxpayer's written consent to the commission.

2956 (dd) Notwithstanding Subsection (2), the commission may provide to the Division of Finance within the  
Department of Government Operations any information necessary to facilitate a payment from the  
commission to a taxpayer, including:

2959 (i) the name of the taxpayer entitled to the payment or any other person legally authorized to receive the  
payment;

2961 (ii) the taxpayer identification number of the taxpayer entitled to the payment;

2962 (iii) the payment identification number and amount of the payment;

2963 (iv) the tax year to which the payment applies and date on which the payment is due;

2964 (v) a mailing address to which the payment may be directed; and

2965 (vi) information regarding an account at a depository institution to which the payment may be directed,  
including the name of the depository institution, the type of account, the account number, and the  
routing number for the account.

2968 (ee) Notwithstanding Subsection (2), the commission shall provide the total amount of revenue  
collected by the commission under Subsection 59-5-202(5):

2970

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- (i) at the request of a committee of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of Planning and Budget, to the committee or office for the time period specified by the committee or office; and
- 2973 (ii) to the Division of Finance for purposes of the Division of Finance administering Subsection 59-5-202(5).
- 2975 (ff) Notwithstanding Subsection (2), the commission may provide the Department of Agriculture and Food with information from a return filed in accordance with Chapter 31, Cannabinoid Licensing and Tax Act.
- 2978 (gg) Notwithstanding Subsection (2), the commission shall provide the Department of Workforce Services with the information described in Section 35A-3-105.
- 2980 (hh) Notwithstanding Subsection (2), the commission may provide aggregated information to the Utah Population Committee, created in Section 63C-20-103, if the Utah Population Committee requests the information in accordance with Section 63C-20-105.
- 2984 (5)
  - (a) Each report and return shall be preserved for at least three years.
  - 2985 (b) After the three-year period provided in Subsection (5)(a) the commission may destroy a report or return.
- 2987 (6)
  - (a) Any individual who violates this section is guilty of a class A misdemeanor.
  - 2988 (b) If the individual described in Subsection (6)(a) is an officer or employee of the state, the individual shall be dismissed from office and be disqualified from holding public office in this state for a period of five years thereafter.
  - 2991 (c) Notwithstanding Subsection (6)(a) or (b), ~~[GOEO]~~ GOED, when requesting information in accordance with Subsection (4)(n)(iii), or an individual who requests information in accordance with Subsection (4)(n)(v):
    - 2994 (i) is not guilty of a class A misdemeanor; and
    - 2995 (ii) is not subject to:
      - 2996 (A) dismissal from office in accordance with Subsection (6)(b); or
      - 2997 (B) disqualification from holding public office in accordance with Subsection (6)(b).
- 2999

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(d) Notwithstanding Subsection (6)(a) or (b), for a disclosure of information to the Office of the Legislative Auditor General in accordance with Title 36, Chapter 12, Legislative Organization, an individual described in Subsection (2):

3002 (i) is not guilty of a class A misdemeanor; and

3003 (ii) is not subject to:

3004 (A) dismissal from office in accordance with Subsection (6)(b); or

3005 (B) disqualification from holding public office in accordance with Subsection (6)(b).

3007 (7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

3009       Section 45. Section **59-7-159** is amended to read:

3010       **59-7-159. Review of credits allowed under this chapter.**

3011 (1) As used in this section, "committee" means the Revenue and Taxation Interim Committee.

3013 (2)

3015 (a) The committee shall review each tax credit described in this chapter once every five years to determine whether to continue, modify, or repeal the tax credit.

3016 (b) In conducting the review required under Subsection (2)(a), the committee shall:

3017 (i) schedule time on a committee agenda to conduct the review as needed;

3018 (ii) invite state agencies, individuals, and organizations concerned with a tax credit under review to provide oral or written testimony;

3019 (iii)

3020 (A) invite the Governor's Office of Economic ~~Opportunity~~ Development to present a summary and analysis of the information for each tax credit ~~regarding~~ for which the Governor's Office of Economic ~~Opportunity~~ Development is required to make a report under this chapter; and

3023 (B) invite the Office of the Legislative Fiscal Analyst to present a summary and analysis of the information for each tax credit regarding which the Office of the Legislative Fiscal Analyst is required to make a report under this chapter;

3026 (iv) evaluate:

3027 (A) the cost of the tax credit to the state;

3028 (B) the purpose and effectiveness of the tax credit; and

3029 (C) the extent to which the state benefits from the tax credit; and

3030 (v) undertake other review efforts as determined by the committee chairs or as otherwise required by law.

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3033       Section 46. Section **59-7-614.2** is amended to read:

3034       **59-7-614.2. Refundable economic development tax credit.**

3035       (1) As used in this section:

3036       (a) "Business entity" means a taxpayer that meets the definition of "business entity" as defined in  
3037           Section 63N-2-103.

3038       (b) "Incremental job" means the same as that term is defined in Section 63N-1a-102.

3039       (c) "New state revenue" means the same as that term is defined in Section 63N-1a-102.

3040       (d) "Office" means the Governor's Office of Economic Opportunity Development.

3041       (2) Subject to the other provisions of this section, a business entity may claim a refundable tax credit for  
3042           economic development.

3043       (3) The tax credit under this section is the amount listed as the tax credit amount on the tax credit  
3044           certificate that the office issues to the business entity for the taxable year.

3045       (4)

3046       (a) In accordance with any rules prescribed by the commission under Subsection (4)(b), the commission  
3047           shall make a refund to a business entity that claims a tax credit under this section if the amount of  
3048           the tax credit exceeds the business entity's tax liability for a taxable year.

3049       (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission  
3050           may make rules providing procedures for making a refund to a business entity as required by  
3051           Subsection (4)(a).

3052       (5)

3053       (a) To assist the Revenue and Taxation Interim Committee with the review required by Section  
3054           59-7-159, the office shall provide the following information, if available to the office, to the  
3055           Revenue and Taxation Interim Committee by electronic means:

3056       (i) the amount of tax credit that the office grants to each business entity for each calendar year;

3057       (ii) the criteria that the office uses in granting a tax credit;

3058       (iii) the new state revenue generated by the business entity for the calendar year;

3059       (iv) estimates for each of the next three calendar years of the following:

3060       (A) the amount of tax credits that the office will grant;

3061       (B) the amount of new state revenue that will be generated; and

3062       (C) the number of new incremental jobs within the state that will be generated;

3063       (v) the information contained in the office's latest report under Section 63N-2-106; and

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3064 (vi) any other information that the Revenue and Taxation Interim Committee requests.

3065 (b) In providing the information described in Subsection (5)(a), the office shall redact information that identifies a recipient of a tax credit under this section.

3067 (c) If, notwithstanding the redactions made under Subsection (5)(b), reporting the information described in Subsection (5)(a) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (5)(a) in the aggregate for all business entities that receive the tax credit under this section.

3073 Section 47. Section **59-7-614.5** is amended to read:

3074 **59-7-614.5. Refundable motion picture tax credit.**

3074 (1) As used in this section:

3075 (a) "Motion picture company" means a taxpayer that meets the definition of a motion picture company under Section 63N-8-102.

3077 (b) "Office" means the Governor's Office of Economic Opportunity Development created in Section 63N-1a-301.

3079 (c) "State-approved production" means the same as that term is defined in Section 63N-8-102.

3081 (2) A motion picture company may claim a refundable tax credit for a state-approved production.

3083 (3) The tax credit under this section is the amount listed as the tax credit amount on the tax credit certificate that the office issues to a motion picture company under Section 63N-8-103 for the taxable year.

3086 (4)

3086 (a) In accordance with any rules prescribed by the commission under Subsection (4)(b), the commission shall make a refund to a motion picture company that claims a tax credit under this section if the amount of the tax credit exceeds the motion picture company's tax liability for a taxable year.

3090 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules providing procedures for making a refund to a motion picture company as required by Subsection (4)(a).

3093 (5)

3093 (a)

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(i) To assist the Revenue and Taxation Interim Committee with the review required by Section 59-7-159, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:

(A) the amount of tax credit that the office grants to each motion picture company for each calendar year;

(B) estimates of the amount of tax credit that the office will grant for each of the next three calendar years;

(C) the criteria that the office uses in granting the tax credit;

(D) the dollars left in the state, as defined in Section 63N-8-102, by each motion picture company for each calendar year;

(E) the information contained in the office's latest report under Section 63N-1a-306; and

(F) any other information that the Office of the Legislative Fiscal Analyst requests.

(ii) In providing the information described in Subsection (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

(iii) If, notwithstanding the redactions made under Subsection (5)(a)(ii), reporting the information described in Subsection (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (5)(a)(i) in the aggregate for all motion picture companies that receive the tax credit under this section.

(b) The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection (5)(a).

Section 48. Section **59-7-614.10** is amended to read:

**59-7-614.10. Nonrefundable enterprise zone tax credit.**

(1) As used in this section:

(a) "Business entity" means a corporation that meets the definition of "business entity" as that term is defined in Section 63N-2-202.

(b) "Office" means the Governor's Office of Economic Opportunity Development created in Section 63N-1a-301.

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(2) Subject to the provisions of this section, for a taxable year beginning before January 1, 2025, a business entity may claim a nonrefundable enterprise zone tax credit as described in Section 63N-2-213.

3129 (3) The enterprise zone tax credit under this section is the amount listed as the tax credit amount on the tax credit certificate that the office issues to the business entity for the taxable year.

3132 (4) A business entity may carry forward a tax credit under this section for a period that does not exceed the next three taxable years, if the amount of the tax credit exceeds the business entity's tax liability under this chapter for that taxable year.

3135 (5)

(a)

(i) To assist the Revenue and Taxation Interim Committee with the review required by Section 59-7-159, the office shall provide by electronic means the following information for each calendar year to the Office of the Legislative Fiscal Analyst:

3139 (A) the amount of tax credits provided in each development zone;

3140 (B) the number of new full-time employee positions reported to obtain tax credits in each development zone;

3142 (C) the amount of tax credits awarded for rehabilitating a building in each development zone;

3144 (D) the amount of tax credits awarded for investing in a plant, equipment, or other depreciable property in each development zone;

3146 (E) the information related to the tax credit contained in the office's latest report under Section 63N-1a-301; and

3148 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

3149 (ii) In providing the information described in Subsection (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

3151 (iii) If, notwithstanding the redactions made under Subsection (5)(a)(ii), reporting the information described in Subsection (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (5)(a)(i) in the aggregate for all development zones that receive the tax credit under this section.

3157

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(b) The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection (5)(a).

3161       Section 49. Section **59-7-621** is amended to read:

3162       **59-7-621. Nonrefundable rural job creation tax credit.**

3162       (1) As used in this section, "office" means the Governor's Office of Economic [Opportunity] Development created in Section 63N-1a-301.

3164       (2) Subject to the other provisions of this section, a taxpayer may claim a nonrefundable tax credit for rural job creation as provided in this section.

3166       (3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under Title 63N, Chapter 4, Part 3, Utah Rural Jobs Act, to the taxpayer for the taxable year.

3169       (4) If the amount of a tax credit under this section exceeds the taxpayer's tax liability under this chapter for the taxable year in which the taxpayer claims the tax credit, the taxpayer may carry forward the tax credit for:

3172       (a) the next seven taxable years, if the credit-eligible contribution as defined in Section 63N-4-302 is made before November 1, 2022; or

3174       (b) the next four taxable years, if the credit-eligible contribution as defined in Section 63N-4-302 is made on or after November 1, 2022.

3177       Section 50. Section **59-10-137** is amended to read:

3178       **59-10-137. Review of credits allowed under this chapter.**

3179       (1) As used in this section, "committee" means the Revenue and Taxation Interim Committee.

3181       (2)

3183       (a) The committee shall review each tax credit described in this chapter once every five years to determine whether to continue, modify, or repeal the tax credit.

3184       (b) In conducting the review required under Subsection (2)(a), the committee shall:

3185       (i) schedule time on a committee agenda to conduct the review as needed;

3185       (ii) invite state agencies, individuals, and organizations concerned with a tax credit under review to provide oral or written testimony;

3187       (iii)

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- (A) invite the Governor's Office of Economic Opportunity Development to present a summary and analysis of the information for each tax credit regarding which the Governor's Office of Economic Opportunity Development is required to make a report under this chapter; and
- 3191 (B) invite the Office of the Legislative Fiscal Analyst to present a summary and analysis of the information for each tax credit regarding which the Office of the Legislative Fiscal Analyst is required to make a report under this chapter;
- 3194 (iv) evaluate:
  - 3195 (A) the cost of the tax credit to the state;
  - 3196 (B) the purpose and effectiveness of the tax credit; and
  - 3197 (C) the extent to which the state benefits from the tax credit; and
- 3198 (v) undertake other review efforts as determined by the committee chairs or as otherwise required by law.

3201       Section 51. Section **59-10-1025** is amended to read:

**59-10-1025. Nonrefundable tax credit for investment in certain life science establishments.**

- (1) As used in this section:
  - (a) "Commercial domicile" means the principal place from which the trade or business of a Utah small business corporation is directed or managed.
  - (b) "Eligible claimant, estate, or trust" means the same as that term is defined in Section 63N-2-802.
  - (c) "Life science establishment" means an establishment primarily engaged in the development or manufacture of products in one or more of the following categories:
    - (i) biotechnologies;
    - (ii) medical devices;
    - (iii) medical diagnostics; and
    - (iv) pharmaceuticals.
  - (d) "Office" means the Governor's Office of Economic Opportunity Development.
  - (e) "Pass-through entity" means the same as that term is defined in Section 59-10-1402.
  - (f) "Pass-through entity taxpayer" means the same as that term is defined in Section 59-10-1402.
  - (g) "Qualifying ownership interest" means an ownership interest that is:
    - (i)
      - (A) common stock;
      - (B) preferred stock; or

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3221 (C) an ownership interest in a pass-through entity;

3222 (ii) originally issued to:

3223 (A) an eligible claimant, estate, or trust; or

3224 (B) a pass-through entity if the eligible claimant, estate, or trust that claims a tax credit under this  
section was a pass-through entity taxpayer of the pass-through entity on the day on which the  
qualifying ownership interest was issued and remains a pass-through entity taxpayer of the pass-  
through entity until the last day of the taxable year for which the eligible claimant, estate, or trust  
claims a tax credit under this section; and

3230 (iii) issued:

3231 (A) by a Utah small business corporation;

3232 (B) on or after January 1, 2011; and

3233 (C) for money or other property, except for stock or securities.

3234 (h)

3236 (i) Except as provided in Subsection (1)(h)(ii), "Utah small business corporation" means the same as  
that term is defined in Section 59-10-1022.

3238 (ii) For purposes of this section, a corporation under Section 1244(c)(3)(A), Internal Revenue Code, is  
considered to include a pass-through entity.

3243 (2) Subject to the other provisions of this section, an eligible claimant, estate, or trust that holds a  
tax credit certificate issued to the eligible claimant, estate, or trust in accordance with Section  
63N-2-808 for that taxable year may claim a nonrefundable tax credit in an amount up to 35% of  
the purchase price of a qualifying ownership interest in a Utah small business corporation by the  
claimant, estate, or trust if:

3245 (a) the qualifying ownership interest is issued by a Utah small business corporation that is a life science  
establishment;

3247 (b) the qualifying ownership interest in the Utah small business corporation is purchased for at least  
\$25,000;

3248 (c) the eligible claimant, estate, or trust owned less than 30% of the qualifying ownership interest of the  
Utah small business corporation at the time of the purchase of the qualifying ownership interest; and

3250 (d) on each day of the taxable year in which the purchase of the qualifying ownership interest was  
made, the Utah small business corporation described in Subsection (2)(a) has at least 50% of  
[its] the Utah small business corporation's employees in the state.

## HB0475S01 compared with HB0475S02

3253 (3) Subject to Subsection (4), the tax credit under Subsection (2):

3254 (a) may only be claimed by an eligible claimant, estate, or trust:

3255 (i) for a taxable year for which the eligible claimant, estate, or trust holds a tax credit certificate issued  
in accordance with Section 63N-2-808; and

3257 (ii) subject to obtaining a tax credit certificate for each taxable year as required by Subsection (3)(a)(i),  
for a period of three taxable years as follows:

3259 (A) the tax credit in the taxable year in which the purchase of the qualifying ownership interest was  
made may not exceed 10% of the purchase price of the qualifying ownership interest;

3262 (B) the tax credit in the taxable year after the taxable year described in Subsection (3)(a)(ii)(A) may not  
exceed 10% of the purchase price of the qualifying ownership interest; and

3265 (C) the tax credit in the taxable year two years after the taxable year described in Subsection (3)(a)(ii)  
(A) may not exceed 15% of the purchase price of the qualifying ownership interest; and

3268 (b) may not exceed the lesser of:

3269 (i) the amount listed on the tax credit certificate issued in accordance with Section 63N-2-808; or

3271 (ii) \$350,000 in a taxable year.

3272 (4) An eligible claimant, estate, or trust may not claim a tax credit under this section for a taxable year  
if the eligible claimant, estate, or trust:

3274 (a) has sold any of the qualifying ownership interest during the taxable year; or

3275 (b) does not hold a tax credit certificate for that taxable year that is issued to the eligible claimant,  
estate, or trust by the office in accordance with Section 63N-2-808.

3277 (5) If a Utah small business corporation in which an eligible claimant, estate, or trust purchases  
a qualifying ownership interest fails, dissolves, or otherwise goes out of business, the eligible  
claimant, estate, or trust may not claim both the tax credit provided in this section and a capital loss  
on the qualifying ownership interest.

3281 (6) If an eligible claimant is a pass-through entity taxpayer that files a return under Chapter 7, Corporate  
Franchise and Income Taxes, the eligible claimant may claim the tax credit under this section on the  
return filed under Chapter 7, Corporate Franchise and Income Taxes.

3285 (7) A claimant, estate, or trust may not carry forward or carry back a tax credit under this section.

3287 (8)

(a)

## HB0475S01 compared with HB0475S02

(i) To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:

(A) the amount of tax credit that the office grants to each eligible business entity for each taxable year;

(B) the amount of eligible new state tax revenues generated by each eligible product or project;

(C) estimates for each of the next three calendar years of the following:

(I) the amount of tax credit that the office will grant;

(II) the amount of eligible new state tax revenues that will be generated; and

(III) the number of new incremental jobs within the state that will be generated; and

(D) any other information that the Office of the Legislative Fiscal Analyst requests.

(ii) In providing the information described in Subsection (8)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

(iii) If, notwithstanding the redactions made under Subsection (8)(a)(ii), reporting the information described in Subsection (8)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (8)(a)(i) in the aggregate for all entities that receive the tax credit under this section.

(b) The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection (8)(a).

Section 52. Section **59-10-1037** is amended to read:

**59-10-1037. Nonrefundable enterprise zone tax credit.**

(1) As used in this section:

(a) "Business entity" means a claimant, estate, or trust that meets the definition of "business entity" as that term is defined in Section 63N-2-202.

(b) "Office" means the Governor's Office of Economic Opportunity Development created in Section 63N-1a-301.

(2) Subject to the provisions of this section, for a taxable year beginning before January 1, 2025, a business entity may claim a nonrefundable enterprise zone tax credit as described in Section 63N-2-213.

## HB0475S01 compared with HB0475S02

3324 (3) The enterprise zone tax credit under this section is the amount listed as the tax credit amount on the  
tax credit certificate that the office issues to the business entity for the taxable year.

3327 (4) A business entity may carry forward a tax credit under this section for a period that does not exceed  
the next three taxable years, if the amount of the tax credit exceeds the business entity's tax liability  
under this chapter for that taxable year.

3330 (5)

3331 (a)

3332 (i) To assist the Revenue and Taxation Interim Committee with the review required by Section  
59-10-137, the office shall provide by electronic means the following information, if available  
to the office, for each calendar year to the Office of the Legislative Fiscal Analyst:

3334 (A) the amount of tax credits provided in each development zone;

3335 (B) the number of new full-time employee positions reported to obtain tax credits in each  
development zone;

3337 (C) the amount of tax credits awarded for rehabilitating a building in each development zone;

3339 (D) the amount of tax credits awarded for investing in a plant, equipment, or other depreciable  
property in each development zone;

3341 (E) the information related to the tax credit contained in the office's latest report under Section  
63N-1a-306; and

3343 (F) other information that the Office of the Legislative Fiscal Analyst requests.

3344 (ii) In providing the information described in Subsection (5)(a)(i), the office shall redact  
information that identifies a recipient of a tax credit under this section.

3346 (iii) If, notwithstanding the redactions made under Subsection (5)(a)(ii), reporting the information  
described in Subsection (5)(a)(i) might disclose the identity of a recipient of a tax credit, the  
office may file a request with the Revenue and Taxation Interim Committee to provide the  
information described in Subsection (5)(a)(i) in the aggregate for all development zones that  
receive the tax credit under this section.

3352 (b) The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim  
Committee a summary and analysis of the information provided to the Office of the Legislative  
Fiscal Analyst by the office under Subsection (5)(a).

3356 Section 53. Section **59-10-1038** is amended to read:

3357 **59-10-1038. Nonrefundable rural job creation tax credit.**

## HB0475S01 compared with HB0475S02

3357 (1) As used in this section, "office" means the Governor's Office of Economic  
[Opportunity] Development created in Section 63N-1a-301.

3359 (2) Subject to the other provisions of this section, a taxpayer may claim a nonrefundable tax credit for  
rural job creation as provided in this section.

3361 (3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit  
certificate that the office issues under Title 63N, Chapter 4, Part 3, Utah Rural Jobs Act, to the  
taxpayer for the taxable year.

3364 (4) If the amount of a tax credit under this section exceeds the taxpayer's tax liability under this chapter  
for the taxable year in which the taxpayer claims the tax credit, the taxpayer may carry forward the  
tax credit for:

3367 (a) the next seven taxable years, if the credit-eligible contribution as defined in Section 63N-4-302 is  
made before November 1, 2022; or

3369 (b) the next four taxable years, if the credit-eligible contribution as defined in Section 63N-4-302 is  
made on or after November 1, 2022.

3372 Section 54. Section **59-10-1107** is amended to read:

3373 **59-10-1107. Refundable economic development tax credit.**

3373 (1) As used in this section:

3374 (a) "Business entity" means a claimant, estate, or trust that meets the definition of "business entity" as  
defined in Section 63N-2-103.

3376 (b) "Incremental job" means the same as that term is defined in Section 63N-1a-102.

3377 (c) "New state revenue" means the same as that term is defined in Section 63N-1a-102.

3378 (d) "Office" means the Governor's Office of Economic [Opportunity] Development created in Section  
63N-1a-301.

3380 (2) Subject to the other provisions of this section, a business entity may claim a refundable tax credit for  
economic development.

3382 (3) The tax credit under this section is the amount listed as the tax credit amount on the tax credit  
certificate that the office issues to the business entity for the taxable year.

3384 (4) (a) In accordance with any rules prescribed by the commission under Subsection (4)(b), the commission  
shall make a refund to a business entity that claims a tax credit under this section if the amount of  
the tax credit exceeds the business entity's tax liability for a taxable year.

## HB0475S01 compared with HB0475S02

3388 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission  
may make rules providing procedures for making a refund to a business entity as required by  
Subsection (4)(a).

3391 (5)  
(a) To assist the Revenue and Taxation Interim Committee with the review required by Section  
59-10-137, the office shall provide the following information, if available to the office, to the  
Revenue and Taxation Interim Committee by electronic means:  
3394 (i) the amount of tax credit the office grants to each taxpayer for each calendar year;  
3395 (ii) the criteria the office uses in granting a tax credit;  
3396 (iii) the new state revenue generated by each taxpayer for each calendar year;  
3397 (iv) estimates for each of the next three calendar years of the following:  
3398 (A) the amount of tax credits that the office will grant;  
3399 (B) the amount of new state revenue that will be generated; and  
3400 (C) the number of new incremental jobs within the state that will be generated;  
3401 (v) the information contained in the office's latest report under Section 63N-2-106; and  
3403 (vi) any other information that the Revenue and Taxation Interim Committee requests.

3404 (b) In providing the information described in Subsection (5)(a), the office shall redact information that  
identifies a recipient of a tax credit under this section.

3406 (c) If, notwithstanding the redactions made under Subsection (5)(b), reporting the information described  
in Subsection (5)(a) might disclose the identity of a recipient of a tax credit, the office may file a  
request with the Revenue and Taxation Interim Committee to provide the information described in  
Subsection (5)(a) in the aggregate for all taxpayers that receive the tax credit under this section.

3412 Section 55. Section **59-10-1108** is amended to read:

3413 **59-10-1108. Refundable motion picture tax credit.**

3413 (1) As used in this section:

3414 (a) "Motion picture company" means a claimant, estate, or trust that meets the definition of a motion  
picture company under Section 63N-8-102.

3416 (b) "Office" means the Governor's Office of Economic Opportunity Development created in Section  
63N-1a-301.

3418 (c) "State-approved production" means the same as that term is defined in Section 63N-8-102.

3420 (2) A motion picture company may claim a refundable tax credit for a state-approved production.

## HB0475S01 compared with HB0475S02

3422 (3) The tax credit under this section is the amount listed as the tax credit amount on the tax credit certificate that the office issues to a motion picture company under Section 63N-8-103 for the taxable year.

3425 (4)  
(a) In accordance with any rules prescribed by the commission under Subsection (4)(b), the commission shall make a refund to a motion picture company that claims a tax credit under this section if the amount of the tax credit exceeds the motion picture company's tax liability for the taxable year.

3429 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules providing procedures for making a refund to a motion picture company as required by Subsection (4)(a).

3432 (5)  
(a)  
(i) To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:  
(A) the amount of tax credit the office grants to each taxpayer for each calendar year;  
(B) estimates of the amount of tax credit that the office will grant for each of the next three calendar years;  
(C) the criteria the office uses in granting a tax credit;  
(D) the dollars left in the state, as defined in Section 63N-8-102, by each motion picture company for each calendar year;  
(E) the information contained in the office's latest report under Section 63N-8-105; and  
(F) any other information that the Office of the Legislative Fiscal Analyst requests.

3440 (ii) In providing the information described in Subsection (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

3441 (iii) If, notwithstanding the redactions made under Subsection (5)(a)(ii), reporting the information described in Subsection (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (5)(a)(i) in the aggregate for all taxpayers that receive the tax credit under this section.

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## HB0475S01 compared with HB0475S02

(b) The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection (5)(a).

3458       Section 56. Section **63A-5b-403** is amended to read:

**63A-5b-403. Institutions of higher education -- Capital development projects -- Dedicated and nondedicated projects -- Recommendations and prioritization.**

3461       (1) As used in this section:

3462       (a) "Dedicated project" has the same meaning as that term is defined in:

3463       (i) Section 53H-9-601, for a capital development project under Title 53H, Chapter 9, Part 6, Technical College Leasing and Capital Development; or

3465       (ii) Section 53H-9-501, for a capital development project under Title 53H, Chapter 9, Part 5, General Capital Developments.

3467       (b) "Nondedicated project" has the same meaning as that term is defined in:

3468       (i) Section 53H-9-601, for a capital development project under Title 53H, Chapter 9, Part 6, Technical College Leasing and Capital Development; or

3470       (ii) Section 53H-9-501, for a capital development project under Title 53H, Chapter 9, Part 5, General Capital Developments.

3472       (2)

3473       (a) The division shall submit recommendations to the Legislature in accordance with:

3473       (i) Section 53H-9-604, for a dedicated project under Title 53H, Chapter 9, Part 6, Technical College Leasing and Capital Development; or

3475       (ii) Section 53H-9-504, for a dedicated project under Title 53H, Chapter 9, Part 5, General Capital Developments.

3477       (b) A dedicated project is not subject to prioritization by the division.

3478       (3)

3479       (a) The division shall prioritize nondedicated projects in accordance with:

3479       (i) Section 63A-5b-402; and

3480       (ii)

3482       (A) Section 53H-9-604, for a nondedicated project under Title 53H, Chapter 9, Part 6, Technical College Leasing and Capital Development; or

## HB0475S01 compared with HB0475S02

(B) Section 53H-9-504, for a nondedicated project under Title 53H, Chapter 9, Part 5, General Capital Developments.

3484 (b) In the division's scoring process for prioritizing nondedicated projects, the division shall give more weight to a request that is designated as a higher priority by the Utah Board of Higher Education than a request that is designated as a lower priority by the Utah Board of Higher Education only for determining the order of prioritization among requests submitted by the Utah Board of Higher Education.

3489 (4) The division shall require that an institution of higher education that submits a request for a capital development project address whether and how, as a result of the project, the institution of higher education will:

3492 (a) offer courses or other resources that will help meet demand for jobs, training, and employment in the current market and the projected market for the next five years;

3494 (b) respond to individual skilled and technical job demand over the next three, five, and 10 years;

3496 (c) respond to industry demands for trained workers;

3497 (d) help meet commitments made by the Governor's Office of Economic Opportunity Development, including relating to training and incentives;

3499 (e) respond to changing needs in the economy; and

3500 (f) respond to demands for online or in-class instruction, based on demographics.

3501 (5) The division shall:

3502 (a)

3504 (i) assist institutions of higher education in providing the information required by Subsection (4); and

(ii) verify the completion and accuracy of the information submitted by an institution of higher education under Subsection (4);

3506 (b) assist the Utah Board of Higher Education to fulfill the requirements of Section 53H-9-603 in connection with the finding that the division is required to make under Subsection 53H-9-603(4)(b); and

3509 (c) assist the Utah Board of Higher Education in submitting a list of dedicated projects to the division for approval and nondedicated projects to the division for recommendation and prioritization pursuant to Section 53H-9-504.

3513 Section 57. Section **63B-5-201** is amended to read:

3514 **63B-5-201. Legislative intent statements.**

## HB0475S01 compared with HB0475S02

3514 (1) If the United States Department of Defense has not provided matching funds to construct the  
National Guard Armory in Orem by December 31, 1997, the Division of Facilities Construction  
and Management shall transfer any funds received from issuance of a General Obligation Bond for  
benefit of the Orem Armory to the Provo Armory for capital improvements.

3519 (2) It is the intent of the Legislature that the University of Utah use institutional funds to plan, design,  
and construct:

3521 (a) the Health Science East parking structure under the supervision of the director of the Division of  
Facilities Construction and Management unless supervisory authority is delegated by the director;

3524 (b) the Health Science Office Building under the supervision of the director of the Division of Facilities  
Construction and Management unless supervisory authority is delegated by the director; and

3527 (c) the new Student Housing/Olympic Athletes Village under the supervision of the director of the  
Division of Facilities Construction and Management unless supervisory authority is delegated by the  
director.

3530 (3) It is the intent of the Legislature that Utah State University use institutional funds to plan, design,  
and construct a multipurpose facility under the supervision of the director of the Division of  
Facilities Construction and Management unless supervisory authority is delegated by the director.

3534 (4) It is the intent of the Legislature that the Utah Geologic Survey use agency internal funding to plan,  
design, and construct a sample library facility under the supervision of the director of the Division  
of Facilities Construction and Management unless supervisory authority is delegated by the director.

3538 (5)

3538 (a) If legislation introduced in the 1996 General Session to fund the Wasatch State Park Club House  
does not pass, the State Building Ownership Authority, under authority of Title 63B, Chapter 1,  
Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or  
arrange for a lease purchase agreement in which participation interests may be created, to provide up  
to \$1,500,000 for the remodel and expansion of the clubhouse at Wasatch Mountain State Park for  
the Division of State Parks, formerly known as the Division of Parks and Recreation, together with  
additional amounts necessary to:

3546 (i) pay costs of issuance;

3547 (ii) pay capitalized interest; and

3548 (iii) fund any debt service reserve requirements.

3549

## **HB0475S01 compared with HB0475S02**

(b) The State Building Ownership Authority shall work cooperatively with the Division of State Parks, formerly known as the Division of Parks and Recreation, to seek out the most cost effective and prudent lease purchase plan available.

3552

(6)

(a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$835,300 for the construction of a liquor store in the Snyderville area, together with additional amounts necessary to:

3557

(i) pay costs of issuance;

3558

(ii) pay capitalized interest; and

3559

(iii) fund any debt service reserve requirements.

3560

(b) The State Building Ownership Authority shall work cooperatively with the Department of Alcoholic Beverage Services to seek out the most cost effective and prudent lease purchase plan available.

3563

(7)

(a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$15,000,000 for the construction of the Huntsman Cancer Institute, together with additional amounts necessary to:

3568

(i) pay costs of issuance;

3569

(ii) pay capitalized interest; and

3570

(iii) fund any debt service reserve requirements.

3571

(b) The State Building Ownership Authority shall work cooperatively with the University of Utah to seek out the most cost effective and prudent lease purchase plan available.

3574

(c) It is the intent of the Legislature that the University of Utah lease land to the State Building Ownership Authority for the construction of the Huntsman Cancer Institute facility.

3577

(8)

(a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$857,600

## HB0475S01 compared with HB0475S02

for the construction of an addition to the Department of Health and Human Services facility in Vernal, Utah together with additional amounts necessary to:

3583 (i) pay costs of issuance;

3584 (ii) pay capitalized interest; and

3585 (iii) fund any debt service reserve requirements.

3586 (b) The State Building Ownership Authority shall work cooperatively with the Department of Health and Human Services to seek out the most cost effective and prudent lease purchase plan available.

3589 (9)

(a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$3,470,200 for the construction of the Student Services Center, at Utah State University Eastern, together with additional amounts necessary to:

3595 (i) pay costs of issuance;

3596 (ii) pay capitalized interest; and

3597 (iii) fund any debt service reserve requirements.

3598 (b) The State Building Ownership Authority shall work cooperatively with Utah State University Eastern to seek out the most cost effective and prudent lease purchase plan available.

3601 (10)

(a) Notwithstanding anything to the contrary in Title 53H, Chapter 9, Part 3, Revenue Bonds, which prohibits the issuance of revenue bonds payable from legislative appropriations, the State Board of Regents, on behalf of Utah Tech University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Utah Tech University to borrow money on the credit of the income and revenues, including legislative appropriations, of Utah Tech University, to finance the acquisition of the [Dixie] Avenna Center.

3608 (b)

(i) The bonds or other evidences of indebtedness authorized by this section shall be issued in accordance with Title 53H, Chapter 9, Part 3, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary and may not exceed \$6,000,000 together with additional amounts necessary to:

3613 (A) pay cost of issuance;

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3614 (B) pay capitalized interest; and  
3615 (C) fund any debt service reserve requirements.

3616 (ii) To the extent that future legislative appropriations will be required to provide for payment of debt service in full, the board shall ensure that the revenue bonds are issued containing a clause that provides for payment from future legislative appropriations that are legally available for that purpose.

3620 (11) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$10,479,000 for the construction of a facility for the Courts - Davis County Regional Expansion, together with additional amounts necessary to:  
3626 (i) pay costs of issuance;  
3627 (ii) pay capitalized interest; and  
3628 (iii) fund any debt service reserve requirements.

3629 (b) The State Building Ownership Authority shall work cooperatively with the Administrative Office of the Courts to seek out the most cost effective and prudent lease purchase plan available.

3632 (12) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$4,200,000 for the purchase and remodel of the Washington County Courthouse, together with additional amounts necessary to:  
3637 (i) pay costs of issuance;  
3638 (ii) pay capitalized interest; and  
3639 (iii) fund any debt service reserve requirements.

3640 (b) The State Building Ownership Authority shall work cooperatively with the Administrative Office of the Courts to seek out the most cost effective and prudent lease purchase plan available.

3643 (13) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange

## HB0475S01 compared with HB0475S02

for a lease purchase agreement in which participation interests may be created, to provide up to \$14,299,700 for the construction of a facility for the State Library and the Division of Services for the Blind and Visually Impaired, together with additional amounts necessary to:

3649 (i) pay costs of issuance;

3650 (ii) pay capitalized interest; and

3651 (iii) fund any debt service reserve requirements.

3652 (b) The State Building Ownership Authority shall work cooperatively with the State Board of Education and the Governor's Office of Economic [Opportunity] Development to seek out the most cost effective and prudent lease purchase plan available.

3657 Section 58. Section **63B-18-401** is amended to read:

**63B-18-401. Highway bonds -- Maximum amount -- Use of proceeds for highway projects.**

3659 (1)

3660 (a) The total amount of bonds issued under this section may not exceed \$2,077,000,000.

3661 (b) When the Department of Transportation certifies to the commission that the requirements of Subsection 72-2-124(7) have been met and certifies the amount of bond proceeds that it needs to provide funding for the projects described in Subsection (2) for the next fiscal year, the commission may issue and sell general obligation bonds in an amount equal to the certified amount plus costs of issuance.

3666 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds shall be provided to the Department of Transportation to pay all or part of the costs of the following state highway construction or reconstruction projects:

3669 (a) Interstate 15 reconstruction in Utah County;

3670 (b) the Mountain View Corridor;

3671 (c) the Southern Parkway; and

3672 (d) state and federal highways prioritized by the Transportation Commission through:

3673 (i) the prioritization process for new transportation capacity projects adopted under Section 72-1-304; or

3675 (ii) the state highway construction program.

3676 (3)

3678 (a) Except as provided in Subsection (5), the bond proceeds issued under this section shall be provided to the Department of Transportation.

## **HB0475S01 compared with HB0475S02**

(b) The Department of Transportation shall use bond proceeds and the funds provided to it under Section 72-2-124 to pay for the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements to the following highways:

3682 (i) \$35 million to add highway capacity on I-15 south of the Spanish Fork Main Street interchange to Payson;

3684 (ii) \$28 million for improvements to Riverdale Road in Ogden;

3685 (iii) \$1 million for intersection improvements on S.R. 36 at South Mountain Road;

3686 (iv) \$2 million for capacity enhancements on S.R. 248 between Sidewinder Drive and Richardson Flat Road;

3688 (v) \$12 million for Vineyard Connector from 800 North Geneva Road to Lake Shore Road;

3690 (vi) \$7 million for 2600 South interchange modifications in Woods Cross;

3691 (vii) \$9 million for reconfiguring the 1100 South interchange on I-15 in Box Elder County;

3693 (viii) \$18 million for the Provo west-side connector;

3694 (ix) \$8 million for interchange modifications on I-15 in the Layton area;

3695 (x) \$3,000,000 for an energy corridor study and environmental review for improvements in the Uintah Basin;

3697 (xi) \$2,000,000 for highway improvements to Harrison Boulevard in Ogden City;

3698 (xii) \$2,500,000 to be provided to Tooele City for roads around the Utah State University campus to create improved access to an institution of higher education;

3700 (xiii) \$3,000,000 to be provided to the Utah Office of Tourism within the Governor's Office of Economic Opportunity Development for transportation infrastructure improvements associated with annual tourism events that have:

3703 (A) a significant economic development impact within the state; and

3704 (B) significant needs for congestion mitigation;

3705 (xiv) \$4,500,000 to be provided to the Governor's Office of Economic Opportunity Development for transportation infrastructure acquisitions and improvements that have a significant economic development impact within the state;

3708 (xv) \$125,000,000 to pay all or part of the costs of state and federal highway construction or reconstruction projects prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

3712

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- (xvi) \$10,000,000 for the Transportation Fund to pay all or part of the costs of state and federal highway construction or reconstruction projects as prioritized by the Transportation Commission;
- 3715 (xvii) \$13,000,000 for corridor preservation and land acquisition for a transit hub at the mouth of Big Cottonwood Canyon;
- 3717 (xviii) \$10,000,000 to be provided to the Governor's Office of Economic Opportunity Development for transportation infrastructure and right-of-way acquisitions in a project area created by the military installation development authority created in Section 63H-1-201;
- 3721 (xix) \$28,000,000 for right-of-way or land acquisition, design, engineering, and construction of infrastructure related to the Inland Port Authority created in Section 11-58-201;
- 3724 (xx) \$6,000,000 for right-of-way acquisition, design, engineering, and construction related to Shepard Lane in Davis County; and
- 3726 (xxi) \$4,000,000 for right-of-way acquisition, design, engineering, and construction costs related to 1600 North in Orem City.

3728 (4)

- (a) The Department of Transportation shall use bond proceeds and the funds under Section 72-2-121 to pay for, or to provide funds to, a municipality, county, or political subdivision to pay for the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements to the following highway or transit projects in Salt Lake County:
  - 3733 (i) \$4,000,000 to Taylorsville City for bus rapid transit planning on 4700 South;
  - 3734 (ii) \$4,200,000 to Taylorsville City for highway improvements on or surrounding 6200 South and pedestrian crossings and system connections;
  - 3736 (iii) \$2,250,000 to Herriman City for highway improvements to the Salt Lake Community College Road;
  - 3738 (iv) \$5,300,000 to West Jordan City for highway improvements on 5600 West from 6200 South to 8600 South;
  - 3740 (v) \$4,000,000 to West Jordan City for highway improvements to 7800 South from 1300 West to S.R. 111;
  - 3742 (vi) \$7,300,000 to Sandy City for highway improvements on Monroe Street;
  - 3743 (vii) \$3,000,000 to Draper City for highway improvements to 13490 South from 200 West to 700 West;
  - 3745 (viii) \$5,000,000 to Draper City for highway improvements to Suncrest Road;

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3746 (ix) \$1,200,000 to Murray City for highway improvements to 5900 South from State Street to 900  
3746 East;

3748 (x) \$1,800,000 to Murray City for highway improvements to 1300 East;

3749 (xi) \$3,000,000 to South Salt Lake City for intersection improvements on West Temple, Main  
3749 Street, and State Street;

3751 (xii) \$2,000,000 to Salt Lake County for highway improvements to 5400 South from 5600 West to  
3751 Mountain View Corridor;

3753 (xiii) \$3,000,000 to West Valley City for highway improvements to 6400 West from Parkway  
3753 Boulevard to SR-201 Frontage Road;

3755 (xiv) \$4,300,000 to West Valley City for highway improvements to 2400 South from 4800 West to  
3755 7200 West and pedestrian crossings;

3757 (xv) \$4,000,000 to Salt Lake City for highway improvements to 700 South from 2800 West to 5600  
3757 West;

3759 (xvi) \$2,750,000 to Riverton City for highway improvements to 4570 West from 12600 South to  
3759 Riverton Boulevard;

3761 (xvii) \$1,950,000 to Cottonwood Heights for improvements to Union Park Avenue from I-215 exit  
3761 south to Creek Road and Wasatch Boulevard and Big Cottonwood Canyon;

3764 (xviii) \$1,300,000 to Cottonwood Heights for highway improvements to Bengal  
3764 Boulevard;

3766 (xix) \$1,500,000 to Midvale City for highway improvements to 7200 South from I-15 to 1000  
3766 West;

3768 (xx) \$1,000,000 to Bluffdale City for an environmental impact study on Porter Rockwell  
3768 Boulevard;

3770 (xxi) \$2,900,000 to the Utah Transit Authority for the following public transit studies:  
3771 (A) a circulator study; and  
3772 (B) a mountain transport study; and

3773 (xxii) \$1,000,000 to South Jordan City for highway improvements to 2700 West.

3774 (b)  
(i) Before providing funds to a municipality or county under this Subsection (4), the Department of  
3774 Transportation shall obtain from the municipality or county:

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(A) a written certification signed by the county or city mayor or the mayor's designee certifying that the municipality or county will use the funds provided under this Subsection (4) solely for the projects described in Subsection (4)(a); and

3780 (B) other documents necessary to protect the state and the bondholders and to ensure that all legal requirements are met.

3782 (ii) Except as provided in Subsection (4)(c), by January 1 of each year, the municipality or county receiving funds described in this Subsection (4) shall submit to the Department of Transportation a statement of cash flow for the next fiscal year detailing the funds necessary to pay project costs for the projects described in Subsection (4)(a).

3787 (iii) After receiving the statement required under Subsection (4)(b)(ii) and after July 1, the Department of Transportation shall provide funds to the municipality or county necessary to pay project costs for the next fiscal year based upon the statement of cash flow submitted by the municipality or county.

3791 (iv) Upon the financial close of each project described in Subsection (4)(a), the municipality or county receiving funds under this Subsection (4) shall submit a statement to the Department of Transportation detailing the expenditure of funds received for each project.

3795 (c) For calendar year 2012 only:

3796 (i) the municipality or county shall submit to the Department of Transportation a statement of cash flow as provided in Subsection (4)(b)(ii) as soon as possible; and

3798 (ii) the Department of Transportation shall provide funds to the municipality or county necessary to pay project costs based upon the statement of cash flow.

3800 (5) Twenty million dollars of the bond proceeds issued under this section and funds available under Section 72-2-124 shall be provided to the State Infrastructure Bank Fund created by Section 72-2-202 to make funds available for transportation infrastructure loans and transportation infrastructure assistance under Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund.

3805 (6) The costs under Subsections (2), (3), and (4) may include the costs of studies necessary to make transportation infrastructure improvements, the cost of acquiring land, interests in land, easements and rights-of-way, improving sites, and making all improvements necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds during the period to be covered by construction of the projects plus a period of six months after the end of the construction period, interest estimated to accrue on any bond anticipation notes issued under the authority of this title, and all related engineering, architectural, and legal fees.

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3813 (7) The commission or the state treasurer may make any statement of intent relating to a reimbursement  
3814 that is necessary or desirable to comply with federal tax law.

3815 (8) The Department of Transportation may enter into agreements related to the projects described in  
3816 Subsections (2), (3), and (4) before the receipt of proceeds of bonds issued under this section.

3818 (9) The Department of Transportation may enter into a new or amend an existing interlocal agreement  
3819 related to the projects described in Subsections (3) and (4) to establish any necessary covenants or  
3820 requirements not otherwise provided for by law.

3822 Section 59. Section **63B-24-201** is amended to read:

3823 **63B-24-201. Authorizations to design and construct capital facilities using institutional or  
3824 agency funds.**

3825 (1) The Legislature intends that:

3826 (a) the University of Utah may, subject to the requirements of Title 63A, Chapter 5b, Administration of  
3827 State Facilities, use up to \$8,200,000 in institutional funds to plan, design, and construct the William  
3828 C. Browning Building Addition with up to 24,000 square feet;

3829 (b) the university may not use state funds for any portion of this project; and

3830 (c) the university may use state funds for operation and maintenance costs or capital improvements.

3831 (2) The Legislature intends that:

3832 (a) Utah State University may, subject to the requirements of Title 63A, Chapter 5b, Administration of  
3833 State Facilities, use up to \$10,000,000 in institutional funds to plan, design, and construct the Fine  
3834 Arts Complex Addition/Renovation with up to 17,000 square feet;

3835 (b) the university may not use state funds for any portion of this project; and

3836 (c) the university may use state funds for operation and maintenance costs or capital improvements.

3837 (3) The Legislature intends that:

3838 (a) Salt Lake Community College may, subject to the requirements of Title 63A, Chapter 5b,  
3839 Administration of State Facilities, use up to \$3,900,000 in institutional funds to plan, design, and  
3840 construct a Strength and Conditioning Center with up to 11,575 square feet;

3841 (b) the college may not use state funds for any portion of this project; and

3842 (c) the college may not request state funds for operation and maintenance costs or capital  
3843 improvements.

3844 (4) The Legislature intends that:

3845

## HB0475S01 compared with HB0475S02

- (a) the Governor's Office of Economic [Opportunity] Development may, subject to the requirements of Title 63A, Chapter 5b, Administration of State Facilities, use up to \$1,800,000 in nonlapsing balances and donations to plan, design, and construct or lease a Southern Utah Welcome Center with up to 5,000 square feet;
- 3853 (b) the office may request additional state funds for the project, unless the office receives donations and begins design or construction of the project; and
- 3855 (c) the office may use state funds for operation and maintenance costs or capital improvements.

3858 Section 60. Section **63B-30-101** is amended to read:

**63B-30-101. General obligation bonds for transportation projects.**

- 3860 (1) As used in this section, "transportation projects" means Department of Transportation projects described in Subsection 63B-27-101(2).
- 3862 (2)
  - (a) When the Department of Transportation certifies to the commission that the requirements of Subsection 72-2-124(7) have been met and certifies the amount of bond proceeds that the commission needs to provide funding for the transportation projects for the current or next fiscal year, the commission may issue and sell general obligation bonds in an amount equal to the certified amount, plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to fund any existing debt services reserve requirements, not to exceed 1% of the certified amount.
  - 3869 (b) The commission may issue general obligation bonds authorized under this section if the issuance of general obligation bonds would result in the total current outstanding general obligation debt of the state exceeding 50% of the limitation described in the Utah Constitution, Article XIV, Section 1.
  - 3873 (3) The commission may issue general obligation bonds as provided in this section.
  - 3874 (4) The total amount of bonds to be issued under this section may not exceed \$89,510,000 for acquisition and construction proceeds, plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve requirements, with the total amount of the bonds not to exceed \$92,000,000.
  - 3878 (5) The commission shall ensure that proceeds from the issuance of bonds under this section are provided to the Department of Transportation for use by the Department of Transportation to pay all or part of the cost of the transportation projects, including:

3881

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- (a) interest estimated to accrue on the bonds authorized in this section until the completion of construction of the transportation project, plus a period of 12 months after the end of construction; and
- 3884 (b) all related engineering, architectural, and legal fees.
- 3885 (6) The Department of Transportation shall transfer \$20,000,000 of bond proceeds under this section to the Governor's Office of Economic [Opportunity] Development for a transportation-related project in a project area created by the military installation development authority, created in Section 63H-1-201.
- 3889 (7)
  - (a) The Department of Transportation may enter into agreements related to the transportation projects before the receipt of proceeds of bonds issued under this section.
  - 3892 (b) The state intends to use proceeds of tax-exempt bonds to reimburse itself for expenditures for costs of the transportation projects.
- 3894 (8) This section supersedes any conflicting provisions of Utah law.

3896       Section 61. Section **63C-4a-202** is amended to read:

**63C-4a-202. Creation of Constitutional Defense Council -- Membership -- Vacancies --**

**Meetings -- Staff -- Reports -- Per diem, travel expenses, and funding.**

- 3899 (1) There is created the Constitutional Defense Council.
- 3900 (2)
  - (a) The council shall consist of the following members:
    - 3901 (i) the governor or the lieutenant governor, who shall serve as chair of the council;
    - 3902 (ii) the president of the Senate or the president of the Senate's designee who shall serve as vice chair of the council;
    - 3904 (iii) the speaker of the House of Representative's or the [speaker of the House's] speaker's designee who shall serve as vice chair of the council;
    - 3906 (iv) another member of the House of Representatives, appointed by the speaker of the House of Representatives;
    - 3908 (v) the minority leader of the Senate or the minority leader of the Senate's designee;
    - 3909 (vi) the minority leader of the House of Representatives or the minority [leader of the House's] leader's designee;

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- (vii) the attorney general or the attorney general's designee, who shall be one of the attorney general's appointees, not a current career service employee;
- (viii) the director of the School and Institutional Trust Lands Administration;
- (ix) four elected county commissioners, county council members, or county executives from different counties who are selected by the Utah Association of Counties, at least one of whom shall be from a county of the first or second class;
- (x) the executive director of the Department of Natural Resources, who may not vote;
- (xi) the commissioner of the Department of Agriculture and Food, who may not vote;
- (xii) the executive director of the Governor's Office of Economic [Opportunity] Development, as described in Section 63N-1a-302, who may not vote; and
- (xiii) two elected county commissioners, county council members, or county executives from different counties appointed by the Utah Association of Counties, who may not vote.

(b) The council vice chairs shall conduct a council meeting in the absence of the chair.

(c) If both the governor and the lieutenant governor are absent from a meeting of the council, the governor may designate a person to attend the meeting solely for the purpose of casting a vote on any matter on the governor's behalf.

(3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the original appointment.

(4)

(a)

- (i) Except as provided in Subsection (4)(a)(ii), the council shall meet at least monthly or more frequently as needed.
- (ii) The council need not meet monthly if the chair, after polling the members, determines that a majority of the members do not wish to meet.

(b) The governor or any six members of the council may call a meeting of the council.

(c) Before calling a meeting, the governor or council members shall solicit items for the agenda from other members of the council.

(d)

- (i) The council shall require that any entity, other than the commission, that receives money from the Constitutional Defense Restricted Account provide financial reports and litigation reports to the council.

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3940 (ii) Nothing in this Subsection (4)(d) prohibits the council from closing a meeting under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the council from complying with Title 63G, Chapter 2, Government Records Access and Management Act.

3944 (e) A majority of the voting membership on the council is required for a quorum to conduct council business. A majority vote of the quorum is required for any action taken by the council.

3947 (5)  
(a) The Office of the Attorney General shall advise the council.

3948 (b) The Public Lands Policy Coordinating Office shall provide staff assistance for meetings of the council.

3950 (6)  
(a) A member of the council who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:  
(i) Section 63A-3-106;  
(ii) Section 63A-3-107; and  
(iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

3953 (b) Compensation and expenses of a member of the council who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

3960 (7) Money appropriated for or received by the council may be expended by the governor in consultation with the council.

3963 Section 62. Section **63C-27-201** is amended to read:

3964 **63C-27-201. Cybersecurity Commission created.**

3965 (1) There is created the Cybersecurity Commission.

3966 (2) The commission shall be composed of 24 members:  
(a) one member the governor designates to serve as the governor's designee;  
(b) the commissioner of the Department of Public Safety;  
(c) the lieutenant governor, or an election officer, as that term is defined in Section 20A-1-102, the lieutenant governor designates to serve as the lieutenant governor's designee;  
(d) the chief information officer of the Division of Technology Services;  
(e) the chief information security officer, as described in Section 63A-16-210;  
(f) the chairman of the Public Service Commission shall designate a representative with professional experience in information technology or cybersecurity;

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3976 (g) the executive director of the Utah Department of Transportation shall designate a representative  
3977 with professional experience in information technology or cybersecurity;

3979 (h) the director of the Division of Finance shall designate a representative with professional experience  
3980 in information technology or cybersecurity;

3981 (i) the executive director of the Department of Health and Human Services shall designate a  
3982 representative with professional experience in information technology or cybersecurity;

3984 (j) the director of the Division of Indian Affairs shall designate a representative with professional  
3985 experience in information technology or cybersecurity;

3986 (k) the Utah League of Cities and Towns shall designate a representative with professional experience  
3987 in information technology or cybersecurity;

3988 (l) the Utah Association of Counties shall designate a representative with professional experience in  
3989 information technology or cybersecurity;

3990 (m) the attorney general, or the attorney general's designee;

3991 (n) the commissioner of financial institutions, or the commissioner's designee;

3992 (o) the executive director of the Department of Environmental Quality shall designate a representative  
3993 with professional experience in information technology or cybersecurity;

3995 (p) the executive director of the Department of Natural Resources shall designate a representative with  
3996 professional experience in information technology or cybersecurity;

3998 (q) the highest ranking information technology official, or the official's designee, from each of:

4000 (i) the Judicial Council;

4001 (ii) the Utah Board of Higher Education;

4002 (iii) the State Board of Education; and

4003 (iv) the State Tax Commission;

4004 (r) the governor shall appoint:

4005 (i) one representative from the Utah National Guard; and

4006 (ii) one representative from the Governor's Office of Economic Opportunity Development;

4008 (s) the president of the Senate shall appoint one member of the Senate; and

4009 (t) the speaker of the House of Representatives shall appoint one member of the House of  
4010 Representatives.

4011 (3)

(a) The governor's designee shall serve as cochair of the commission.

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4012 (b) The commissioner of the Department of Public Safety shall serve as cochair of the commission.

4014 (4)

4016 (a) The members described in Subsection (2) shall represent urban, rural, and suburban population areas.

4018 (b) No fewer than half of the members described in Subsection (2) shall have professional experience in cybersecurity or in information technology.

4021 (5) In addition to the membership described in Subsection (2), the commission shall seek information and advice from state and private entities with expertise in critical infrastructure.

4023 (6) As necessary to improve information and protect potential vulnerabilities, the commission shall seek information and advice from federal entities including:

4024 (a) the Cybersecurity and Infrastructure Security Agency;

4025 (b) the Federal Energy Regulatory Commission;

4026 (c) the Federal Bureau of Investigation; and

4027 (d) the United States Department of Transportation.

4029 (7)

4030 (a) Except as provided in Subsections (7)(b) and (c), a member is appointed for a term of four years.

4035 (b) A member shall serve until the member's successor is appointed and qualified.

4037 (c) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission members appointed under Subsection (2)(r) are appointed every two years.

4038 (8)

4039 (a) If a vacancy occurs in the membership of the commission, the member shall be replaced in the same manner in which the original appointment was made.

4040 (b) An individual may be appointed to more than one term.

4041 (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

4042 (9)

4043 (a) A majority of the members of the commission is a quorum.

4044 (b) The action of a majority of a quorum constitutes an action of the commission.

4045 (10) The commission shall meet at least two times a year.

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4044       Section 63. Section **63G-2-305** is amended to read:

4045       **63G-2-305. Protected records.**

4046       The following records are protected if properly classified by a governmental entity:

- 4046       (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-309;
- 4048       (2) commercial information or nonindividual financial information obtained from a person if:
  - 4050           (a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;
  - 4053           (b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and
  - 4055           (c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;
- 4057       (3) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;
- 4061       (4) records, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4);
- 4064       (5) test questions and answers to be used in future license, certification, registration, employment, or academic examinations;
- 4066       (6) records, the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except, subject to Subsections (1) and (2), that this Subsection (6) does not restrict the right of a person to have access to, after the contract or grant has been awarded and signed by all parties:
  - 4071           (a) a bid, proposal, application, or other information submitted to or by a governmental entity in response to:
    - 4073              (i) an invitation for bids;
    - 4074              (ii) a request for proposals;
    - 4075              (iii) a request for quotes;

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4076 (iv) a grant; or

4077 (v) other similar document; or

4078 (b) an unsolicited proposal, as defined in Section 63G-6a-712;

4079 (7) information submitted to or by a governmental entity in response to a request for information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict the right of a person to have access to the information, after:

4082 (a) a contract directly relating to the subject of the request for information has been awarded and signed by all parties; or

4084 (b)

4086 (i) a final determination is made not to enter into a contract that relates to the subject of the request for information; and

4088 (ii) at least two years have passed after the day on which the request for information is issued;

4089 (8) records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

4091 (a) public interest in obtaining access to the information is greater than or equal to the governmental entity's need to acquire the property on the best terms possible;

4093 (b) the information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

4095 (c) in the case of records that would identify property, potential sellers of the described property have already learned of the governmental entity's plans to acquire the property;

4098 (d) in the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the governmental entity's estimated value of the property; or

4101 (e) the property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Section 78B-6-505;

4104 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed [prior to] before completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:

4108

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- (a) the public interest in access is greater than or equal to the interests in restricting access, including the governmental entity's interest in maximizing the financial benefit of the transaction; or
- (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;
- (10) records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:
  - (a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;
  - (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
  - (c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;
  - (d) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or
  - (e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;
- (11) records the disclosure of which would jeopardize the life or safety of an individual;
- (12) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;
- (13) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;
- (14) records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Health and Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;
- (15) records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections;

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4146 (16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit  
is released;

4148 (17) records that are subject to the attorney client privilege;

4149 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or  
agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or  
administrative proceeding;

4152 (19)

4154 (a)

4157 (i) personal files of a state legislator, including personal correspondence to or from a member of the  
Legislature; and

4159 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or  
policy may not be classified as protected under this section; and

4161 (b)

4162 (i) an internal communication that is part of the deliberative process in connection with the preparation  
of legislation between:

4164 (A) members of a legislative body;

4166 (B) a member of a legislative body and a member of the legislative body's staff; or

4168 (C) members of a legislative body's staff; and

4170 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or  
policy may not be classified as protected under this section;

4172 (20)

4174 (a) records in the custody or control of the Office of Legislative Research and General Counsel, that,  
if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course  
of action before the legislator has elected to support the legislation or course of action, or made the  
legislation or course of action public; and

4176 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of  
Legislative Research and General Counsel is a public document unless a legislator asks that the  
records requesting the legislation be maintained as protected records until such time as the legislator  
elects to make the legislation or course of action public;

4178 (21) a research request from a legislator to a legislative staff member and research findings prepared in  
response to the request;

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4176 (22) drafts, unless otherwise classified as public;

4177 (23) records concerning a governmental entity's strategy about:

4178 (a) collective bargaining; or

4179 (b) imminent or pending litigation;

4180 (24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;

4183 (25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

4186 (26) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

4189 (27) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;

4191 (28) records of an institution of higher education defined in Section 53H-1-101 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;

4197 (29) records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;

4201 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

4204 (31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;

## HB0475S01 compared with HB0475S02

4208 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206;

4210 (33) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;

4213 (34) memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;

4216 (35) records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;

4221 (36) materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;

4224 (37) the name of a donor or a prospective donor to a governmental entity, including an institution of higher education defined in Section 53H-1-101, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

4228 (a) the donor requests anonymity in writing;

4229 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the governmental entity under this Subsection (37); and

4231 (c) except for an institution of higher education defined in Section 53H-1-101, the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the donor's immediate family, or any entity owned or controlled by the donor or the donor's immediate family;

4236 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;

4237 (39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;

4239 (40) subject to Subsections (40)(g) and (h), the following records of an institution of higher education defined in Section 53H-1-101, which have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution:

4243 (a) unpublished lecture notes;

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4244 (b) unpublished notes, data, and information:

4245 (i) relating to research; and

4246 (ii) of:

4247 (A) the institution of higher education defined in Section 53H-1-101; or

4248 (B) a sponsor of sponsored research;

4249 (c) unpublished manuscripts;

4250 (d) creative works in process;

4251 (e) scholarly correspondence;[~~and~~]

4252 (f) confidential information contained in research proposals;

4253 (g) this Subsection (40) may not be construed to prohibit disclosure of public information required  
  {pursuant to{} under} Subsection 53H-14-202(2)(a) or (b); and

4255 (h) this Subsection (40) may not be construed to affect the ownership of a record;

4256 (41)

4259 (a) records in the custody or control of the Office of the Legislative Auditor General that would reveal  
  the name of a particular legislator who requests a legislative audit prior to the date that audit is  
  completed and made public; and

4265 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the  
  Legislative Auditor General is a public document unless the legislator asks that the records in the  
  custody or control of the Office of the Legislative Auditor General that would reveal the name of  
  a particular legislator who requests a legislative audit be maintained as protected records until the  
  audit is completed and made public;

4267 (42) records that provide detail as to the location of an explosive, including a map or other document  
  that indicates the location of:

4268 (a) a production facility; or

4269 (b) a magazine;

4271 (43) information contained in the statewide database of the Division of Aging and Adult Services  
  created by Section 26B-6-210;

4273 (44) information contained in the Licensing Information System described in Title 80, Chapter 2, Child  
  Welfare Services;

4275 (45) information regarding National Guard operations or activities in support of the National Guard's  
  federal mission;

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4275 (46) records provided by any pawn or secondhand business to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

4278 (47) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;

4280 (48) except to the extent that the record is exempt from this chapter [pursuant to] in accordance with Section 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:

4284 (a) the safety of the general public; or

4285 (b) the security of:

4286 (i) governmental property;

4287 (ii) governmental programs; or

4288 (iii) the property of a private person who provides the Division of Emergency Management information;

4290 (49) records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control of Animal Disease;

4294 (50) as provided in Section 26B-2-709:

4295 (a) information or records held by the Department of Health and Human Services related to a complaint regarding a provider, program, or facility which the department is unable to substantiate; and

4298 (b) information or records related to a complaint received by the Department of Health and Human Services from an anonymous complainant regarding a provider, program, or facility;

4301 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if:

4304 (a) the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and

4306 (b) the subject of the record has a reasonable expectation that this information will be kept confidential due to:

4308 (i) the nature of the law, ordinance, rule, or order; and

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4309 (ii) the individual complying with the law, ordinance, rule, or order;

4310 (52) the portion of the following documents that contains a candidate's residential or mailing address,  
if the candidate provides to the filing officer another address or phone number where the candidate  
may be contacted:

4313 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination, described in Section  
20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408, 20A-9-408.5, 20A-9-502,  
or 20A-9-601;

4316 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

4317 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;

4318 (53) the name, home address, work addresses, and telephone numbers of an individual that is engaged  
in, or that provides goods or services for, medical or scientific research that is:

4320 (a) conducted within the state system of higher education, as described in Section 53H-1-102; and

4322 (b) conducted using animals;

4323 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance Evaluation  
Commission concerning an individual commissioner's vote, in relation to whether a judge meets  
or exceeds minimum performance standards under Subsection 78A-12-203(4), and information  
disclosed under Subsection 78A-12-203(5)(e);

4327 (55) information collected and a report prepared by the Judicial Performance Evaluation Commission  
concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12, Judicial Performance  
Evaluation Commission Act, requires disclosure of, or makes public, the information or report;

4331 (56) records provided or received by the Public Lands Policy Coordinating Office in furtherance of any  
contract or other agreement made in accordance with Section 63L-11-202;

4334 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;

4335 (58) in accordance with Section 73-10-33:

4336 (a) a management plan for a water conveyance facility in the possession of the Division of Water  
Resources or the Board of Water Resources; or

4338 (b) an outline of an emergency response plan in possession of the state or a county or municipality;

4340 (59) the following records in the custody or control of the Office of Inspector General of Medicaid  
Services, created in Section 63A-13-201:

4342 (a) records that would disclose information relating to allegations of personal misconduct, gross  
mismanagement, or illegal activity of a person if the information or allegation cannot be

## **HB0475S01 compared with HB0475S02**

corroborated by the Office of Inspector General of Medicaid Services through other documents or evidence, and the records relating to the allegation are not relied upon by the Office of Inspector General of Medicaid Services in preparing a final investigation report or final audit report;

4348 (b) records and audit workpapers to the extent they would disclose the identity of a person who, during the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected;

4355 (c) before the time that an investigation or audit is completed and the final investigation or final audit report is released, records or drafts circulated to a person who is not an employee or head of a governmental entity for the person's response or information;

4358 (d) records that would disclose an outline or part of any investigation, audit survey plan, or audit program; or

4360 (e) requests for an investigation or audit, if disclosure would risk circumvention of an investigation or audit;

4362 (60) records that reveal methods used by the Office of Inspector General of Medicaid Services, the fraud unit, or the Department of Health and Human Services, to discover Medicaid fraud, waste, or abuse;

4365 (61) information provided to the Department of Health and Human Services or the Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections 58-68-304(3) and (4);

4368 (62) a record described in Section 63G-12-210;

4369 (63) captured plate data that is obtained through an automatic license plate reader system used by a governmental entity as authorized in Section 41-6a-2003;

4371 (64) an audio or video recording created by a body-worn camera, as that term is defined in Section 77-7a-103, that records sound or images inside a hospital or health care facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider, as that term is defined in Section 78B-3-403, or inside a human service program as that term is defined in Section 26B-2-101, except for recordings that:

4376 (a) depict the commission of an alleged crime;

4377

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- (b) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;
- (c) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;
- (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or
- (e) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording;

(65) a record pertaining to the search process for a president of an institution of higher education described in Section 53H-3-302;

(66) an audio recording that is:

- (a) produced by an audio recording device that is used in conjunction with a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition;
- (b) produced during an emergency event when an individual employed to provide law enforcement, fire protection, paramedic, emergency medical, or other first responder service:
- (i) is responding to an individual needing resuscitation or with a life-threatening condition; and
- (ii) uses a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition; and
- (c) intended and used for purposes of training emergency responders how to improve their response to an emergency situation;

(67) records submitted by or prepared in relation to an applicant seeking a recommendation by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the Legislative Audit Subcommittee, established under Section 36-12-8, for an employment position with the Legislature;

(68) work papers as defined in Section 31A-2-204;

(69) a record made available to Adult Protective Services or a law enforcement agency under Section 61-1-206;

(70) a record submitted to the Insurance Department in accordance with Section 31A-37-201;

(71) a record described in Section 31A-37-503;

(72) any record created by the Division of Professional Licensing as a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

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(73) a record described in Section 72-16-306 that relates to the reporting of an injury involving an amusement ride;

4414 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a political petition, or on a request to withdraw a signature from a political petition, including a petition or request described in the following titles:

4417 (a) Title 10, Utah Municipal Code;

4418 (b) Title 17, Counties;

4419 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;

4420 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

4421 (e) Title 20A, Election Code;

4422 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter registration record;

4424 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described in Subsection (74) or (75), in the custody of the lieutenant governor or a local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

4427 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims Guidelines for Prosecutors Act;

4429 (78) a record submitted to the Insurance Department under Section 31A-48-103;

4430 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited under Section 63G-26-103;

4432 (80) an image taken of an individual during the process of booking the individual into jail, unless:

4434 (a) the individual is convicted of a criminal offense based upon the conduct for which the individual was incarcerated at the time the image was taken;

4436 (b) a law enforcement agency releases or disseminates the image;

4437 (i) after determining that the individual is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the image will assist in apprehending the individual or reducing or eliminating the threat; or

4440 (ii) to a potential witness or other individual with direct knowledge of events relevant to a criminal investigation or criminal proceeding for the purpose of identifying or locating an individual in connection with the criminal investigation or criminal proceeding;

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- (c) a judge orders the release or dissemination of the image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest; or
- (d) the image is displayed to a person who is permitted to view the image under Section 17-72-802;

4446 (81) a record:

4447 (a) concerning an interstate claim to the use of waters in the Colorado River system;

4448 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative

4449 from another state or the federal government as provided in Section 63M-14-205; and

4450 (c) the disclosure of which would:

4451 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River

4452 system;

4453 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best

4454 terms and conditions regarding the use of water in the Colorado River system; or

4455 (iii) give an advantage to another state or to the federal government in negotiations regarding the use of

4456 water in the Colorado River system;

4457 (82) any part of an application described in Section 63N-16-201 that the Governor's Office of Economic

4458 [Opportunity] Development determines is nonpublic, confidential information that if disclosed

4459 would result in actual economic harm to the applicant, but this Subsection (82) may not be used to

4460 restrict access to a record evidencing a final contract or approval decision;

4461 (83) the following records of a drinking water or wastewater facility:

4462 (a) an engineering or architectural drawing of the drinking water or wastewater facility; and

4463 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the drinking water or

4464 wastewater facility uses to secure, or prohibit access to, the records described in Subsection (83)(a);

4465 (84) a statement that an employee of a governmental entity provides to the governmental entity as part

4466 of the governmental entity's personnel or administrative investigation into potential misconduct

4467 involving the employee if the governmental entity:

4468 (a) requires the statement under threat of employment disciplinary action, including possible

4469 termination of employment, for the employee's refusal to provide the statement; and

4470 (b) provides the employee assurance that the statement cannot be used against the employee in any

4471 criminal proceeding;

4472 (85) any part of an application for a Utah Fits All Scholarship account described in Section 53F-6-402

4473 or other information identifying a scholarship student as defined in Section 53F-6-401;

## HB0475S01 compared with HB0475S02

4483 (86) a record:

4484 (a) concerning a claim to the use of waters in the Great Salt Lake;

4485 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a person concerning  
the claim, including a representative from another state or the federal government; and

4488 (c) the disclosure of which would:

4489 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great Salt Lake;

4491 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms and conditions  
regarding the use of water in the Great Salt Lake; or

4493 (iii) give an advantage to another person including another state or to the federal government in  
negotiations regarding the use of water in the Great Salt Lake;

4495 (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is reclassified  
as public as described in Subsection 13-2-11(4);

4497 (88) a record of the Utah water agent, appointed under Section 73-10g-702:

4498 (a) concerning a claim to the use of waters;

4499 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative  
from another state, a tribe, the federal government, or other government entity as provided in Title  
73, Chapter 10g, Part 7, Utah Water Agent; and

4503 (c) the disclosure of which would:

4504 (i) reveal a legal strategy relating to the state's claim to the use of the water;

4505 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions regarding the use  
of water; or

4507 (iii) give an advantage to another state, a tribe, the federal government, or other government entity in  
negotiations regarding the use of water; and

4509 (89) a record created or maintained for an investigation of the Prosecutor Conduct Commission, created  
in Section 63M-7-1102, that contains any personal identifying information of a prosecuting attorney,  
including:

4512 (a) a complaint, or a document that is submitted or created for a complaint, received by the Prosecutor  
Conduct Commission; or

4514 (b) a finding by the Prosecutor Conduct Commission.

4516 Section 64. Section **63G-4-102** is amended to read:

4517 **63G-4-102. Scope and applicability of chapter.**

## HB0475S01 compared with HB0475S02

4517 (1) Except as set forth in Subsection (2), and except as otherwise provided by a statute superseding provisions of this chapter by explicit reference to this chapter, the provisions of this chapter apply to every agency of the state and govern:

4520 (a) state agency action that determines the legal rights, duties, privileges, immunities, or other legal interests of an identifiable person, including agency action to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and

4524 (b) judicial review of the action.

4525 (2) This chapter does not govern:

4526 (a) the procedure for making agency rules, or judicial review of the procedure or rules;

4527 (b) the issuance of a notice of a deficiency in the payment of a tax, the decision to waive a penalty or interest on taxes, the imposition of and penalty or interest on taxes, or the issuance of a tax assessment, except that this chapter governs an agency action commenced by a taxpayer or by another person authorized by law to contest the validity or correctness of the action;

4532 (c) state agency action relating to extradition, to the granting of a pardon or parole, a commutation or termination of a sentence, or to the rescission, termination, or revocation of parole or probation, to the discipline of, resolution of a grievance of, supervision of, confinement of, or the treatment of an inmate or resident of a correctional facility, the Utah State Hospital, the Utah State Developmental Center, or a person in the custody or jurisdiction of the Office of Substance Use and Mental Health, or a person on probation or parole, or judicial review of the action;

4539 (d) state agency action to evaluate, discipline, employ, transfer, reassign, or promote a student or teacher in a school or educational institution, or judicial review of the action;

4542 (e) an application for employment and internal personnel action within an agency concerning its own employees, or judicial review of the action;

4544 (f) the issuance of a citation or assessment under Title 34A, Chapter 6, Utah Occupational Safety and Health Act, and Title 58, Occupations and Professions, except that this chapter governs an agency action commenced by the employer, licensee, or other person authorized by law to contest the validity or correctness of the citation or assessment;

4549 (g) state agency action relating to management of state funds, the management and disposal of school and institutional trust land assets, and contracts for the purchase or sale of products, real property, supplies, goods, or services by or for the state, or by or for an agency of the state, except as provided in those contracts, or judicial review of the action;

## HB0475S01 compared with HB0475S02

4554 (h) state agency action under Title 7, Chapter 1, Part 3, Powers and Duties of Commissioner of  
Financial Institutions, Title 7, Chapter 2, Possession of Depository Institution by Commissioner,  
Title 7, Chapter 19, Acquisition of Failing Depository Institutions or Holding Companies, and  
Chapter 7, Governmental Immunity Act of Utah, or judicial review of the action;

4559 (i) the initial determination of a person's eligibility for unemployment benefits, the initial determination  
of a person's eligibility for benefits under Title 34A, Chapter 2, Workers' Compensation Act, and  
Title 34A, Chapter 3, Utah Occupational Disease Act, or the initial determination of a person's  
unemployment tax liability;

4563 (j) state agency action relating to the distribution or award of a monetary grant to or between  
governmental units, or for research, development, or the arts, or judicial review of the action;

4566 (k) the issuance of a notice of violation or order under Title 19, Chapter 2, Air Conservation Act,  
Title 19, Chapter 3, Radiation Control Act, Title 19, Chapter 4, Safe Drinking Water Act, Title 19,  
Chapter 5, Water Quality Act, Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, Title 19,  
Chapter 6, Part 4, Petroleum Storage Tank Act, Title 19, Chapter 6, Part 7, Used Oil Management  
Act, or Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, except that this chapter governs  
an agency action commenced by a person authorized by law to contest the validity or correctness of  
the notice or order;

4574 (l) state agency action, to the extent required by federal statute or regulation, to be conducted according  
to federal procedures;

4576 (m) the initial determination of a person's eligibility for government or public assistance benefits;

4578 (n) state agency action relating to wildlife licenses, permits, tags, and certificates of registration;

4580 (o) a license for use of state recreational facilities;

4581 (p) state agency action under Chapter 2, Government Records Access and Management Act, except as  
provided in Section 63G-2-603;

4583 (q) state agency action relating to the collection of water commissioner fees and delinquency penalties,  
or judicial review of the action;

4585 (r) state agency action relating to the installation, maintenance, and repair of headgates, caps, valves,  
or other water controlling works and weirs, flumes, meters, or other water measuring devices, or  
judicial review of the action;

4588 (s) the issuance and enforcement of an initial order under Section 73-2-25;

4589 (t)

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- (i) a hearing conducted by the Division of Securities under Section 61-1-11.1; and
- 4590 (ii) an action taken by the Division of Securities under a hearing conducted under Section 61-1-11.1, including a determination regarding the fairness of an issuance or exchange of securities described in Subsection 61-1-11.1(1);
- 4593 (u) state agency action relating to water well driller licenses, water well drilling permits, water well driller registration, or water well drilling construction standards, or judicial review of the action;
- 4596 (v) the issuance of a determination and order under Title 34A, Chapter 5, Utah Antidiscrimination Act;
- 4598 (w) state environmental studies and related decisions by the Department of Transportation approving state or locally funded projects, or judicial review of the action;
- 4601 (x) the suspension of operations under Subsection 32B-1-304(3);
- 4602 (y) the issuance of a determination of violation by the Governor's Office of Economic Opportunity Development under Section 11-41-104; or
- 4604 (z) a challenge to an aspect of a distribution management plan under Section 73-33-202.

4605 (3) This chapter does not affect a legal remedy otherwise available to:

- 4606 (a) compel an agency to take action; or
- 4607 (b) challenge an agency's rule.

4608 (4) This chapter does not preclude an agency, prior to the beginning of an adjudicative proceeding, or the presiding officer during an adjudicative proceeding from:

- 4610 (a) requesting or ordering a conference with parties and interested persons to:
- 4611 (i) encourage settlement;
- 4612 (ii) clarify the issues;
- 4613 (iii) simplify the evidence;
- 4614 (iv) facilitate discovery; or
- 4615 (v) expedite the proceeding; or
- 4616 (b) granting a timely motion to dismiss or for summary judgment if the requirements of Rule 12(b) or Rule 56 of the Utah Rules of Civil Procedure are met by the moving party, except to the extent that the requirements of those rules are modified by this chapter.

4620 (5)

- 4622 (a) A declaratory proceeding authorized by Section 63G-4-503 is not governed by this chapter, except as explicitly provided in that section.

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(b) Judicial review of a declaratory proceeding authorized by Section 63G-4-503 is governed by this chapter.

4624 (6) This chapter does not preclude an agency from enacting a rule affecting or governing an adjudicative proceeding or from following the rule, if the rule is enacted according to the procedures outlined in Chapter 3, Utah Administrative Rulemaking Act, and if the rule conforms to the requirements of this chapter.

4628 (7)

(a) If the attorney general issues a written determination that a provision of this chapter would result in the denial of funds or services to an agency of the state from the federal government, the applicability of the provision to that agency shall be suspended to the extent necessary to prevent the denial.

4632 (b) The attorney general shall report the suspension to the Legislature at its next session.

4633 (8) Nothing in this chapter may be interpreted to provide an independent basis for jurisdiction to review final agency action.

4635 (9) Nothing in this chapter may be interpreted to restrict a presiding officer, for good cause shown, from lengthening or shortening a time period prescribed in this chapter, except the time period established for judicial review.

4638 (10) Notwithstanding any other provision of this section, this chapter does not apply to a special adjudicative proceeding, as defined in Section 19-1-301.5, except to the extent expressly provided in Section 19-1-301.5.

4641 (11) Subsection (2)(w), regarding action taken based on state environmental studies and policies of the Department of Transportation, applies to any claim for which a court of competent jurisdiction has not issued a final unappealable judgment or order before May 14, 2019.

4646 Section 65. Section **63G-21-102** is amended to read:

4647 **63G-21-102. Definitions.**

As used in this chapter:

4648 (1) "Designated agency" means:

4649 (a) the Governor's Office of Economic Opportunity Development;

4650 (b) the Division of Wildlife Resources;

4651 (c) the Department of Public Safety;

4652 (d) the Division of Technology Services; or

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4653 (e) the Department of Workforce Services.

4654 (2)

4655 (a) "State service" means a service or benefit regularly provided to the public by a designated agency.

4656 (b) "State service" includes:

4657 (i) for the Governor's Office of Economic Opportunity Development or the Division of Technology Services, public high-speed Internet internet access;

4659 (ii) for the Division of Wildlife Resources, fishing, hunting, and trapping licenses;

4660 (iii) for the Department of Public Safety, fingerprinting, an online driver license renewal, online appointment scheduling, an online motor vehicle record request, and an online change of address with the Driver License Division; and

4663 (iv) for the Department of Workforce Services, online job searches, verification of submission for benefits administered by the Department of Workforce Services, online unemployment applications, online food stamp applications, and online appointment scheduling.

4667 (3) "USPS" means the United States Postal Service.

4669 Section 66. Section **63G-21-201** is amended to read:

4670 **63G-21-201. Limited authorization to provide state services at post office locations.**

4671 (1) If allowed by federal law, a designated agency may negotiate and enter into an agreement with USPS that allows USPS to provide one or more state services at one or more post office locations within the state.

4674 (2) The designated agency shall ensure that the agreement described in Subsection (1) includes:

4676 (a) the term of the agreement, which may not extend beyond July 1, 2028;

4677 (b) provisions to ensure the security of state data and resources;

4678 (c) provisions to provide training to USPS employees on how to provide each state service in the agreement;

4680 (d) except as provided in Subsection (2)(e), provisions authorizing compensation to USPS for at least 100% of attributable costs of all property and services that USPS provides under the agreement; and

4683 (e) if the agreement is between USPS and the Division of Wildlife Resources to sell fishing, hunting, or trapping licenses, provisions requiring compliance with Sections 23A-4-501 and 23A-4-502 regarding wildlife license agents, including remuneration for services rendered.

4687 (3) After one or more designated agencies enter into an agreement described in Subsection (1), the Governor's Office of Economic Opportunity Development created in Section 63N-1a-301 shall

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create a marketing campaign to advertise and promote the availability of state services at each selected USPS location.

4692       Section 67. Section **63H-1-801** is amended to read:

4693       **63H-1-801. Dissolution of authority -- Restrictions -- Filing copy of ordinance -- Authority records -- Dissolution expenses.**

4694       (1) The authority may not be dissolved unless the authority 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.

4697       (2) Upon the dissolution of the authority:

4698           (a) the Governor's Office of Economic Opportunity Development shall publish a notice of dissolution:  
4700           (i) in a newspaper of general circulation in the county in which the dissolved authority is located; and  
4702           (ii) as required in Section 45-1-101; and

4703           (b) all title to property owned by the authority vests in the state.

4704       (3) The books, documents, records, papers, and seal of each dissolved authority shall be deposited for safekeeping and reference with the state auditor.

4706       (4) The authority shall pay all expenses of the deactivation and dissolution.

4708       Section 68. Section **63J-1-602.2** is amended to read:

4709       **63J-1-602.2. List of nonlapsing appropriations to programs.**

Appropriations made to the following programs are nonlapsing:

4711       (1) The Legislature and the Legislature's committees.

4712       (2) The State Board of Education, including all appropriations to agencies, line items, and programs under the jurisdiction of the State Board of Education, in accordance with Section 53F-9-103.

4715       (3) The Rangeland Improvement Act created in Section 4-20-101.

4716       (4) The Percent-for-Art Program created in Section 9-6-404.

4717       (5) The LeRay McAllister Working Farm and Ranch Fund Program created in Title 4, Chapter 46, Part 3, LeRay McAllister Working Farm and Ranch Fund.

4719       (6) The Utah Lake Authority created in Section 11-65-201.

4720       (7) Dedicated credits accrued to the Utah Marriage Commission as provided under Subsection 17-66-303(2)(d)(ii).

4722       (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.

4723       (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection 26B-3-108(7).

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4725 (10) The primary care grant program created in Section 26B-4-310.

4726 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.

4727 (12) The Utah Health Care Workforce Financial Assistance Program created in Section 26B-4-702.

4729 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.

4730 (14) The Utah Medical Education Council for the:

4731 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;

4732 (b) provision of medical residency grants described in Section 26B-4-711; and

4733 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.

4734 (15) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.

4735 (16) The Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program created in Section 26B-7-122.

4737 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance with Subsection 32B-2-301(8)(a) or (b).

4739 (18) The General Assistance program administered by the Department of Workforce Services, as provided in Section 35A-3-401.

4741 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.

4742 (20) The Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.

4744 (21) The Emergency Medical Services Grant Program, as provided in Section 53-2d-207.

4745 (22) The Motorcycle Rider Education Program, as provided in Section 53-3-905.

4746 (23) The Utah Board of Higher Education for teacher preparation programs, as provided in Section 53H-5-402.

4748 (24) Innovation grants under Section 53G-10-608, except as provided in Subsection 53G-10-608(3).

4750 (25) The Division of Fleet Operations for the purpose of upgrading underground storage tanks under Section 63A-9-401.

4752 (26) The Division of Technology Services for technology innovation as provided under Section 63A-16-903.

4754 (27) The State Capitol Preservation Board created by Section 63O-2-201.

4755 (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

4756 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado River Authority of Utah Act.

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(30) The Governor's Office of Economic [Opportunity] Development to fund the Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

4760 (31) The Governor's Office of Economic [Opportunity's] Development's Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.

4763 (32) County correctional facility contracting program for state inmates as described in Section 64-13e-103.

4765 (33) County correctional facility reimbursement program for state probationary inmates and state parole inmates as described in Section 64-13e-104.

4767 (34) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.

4768 (35) The Division of Human Resource Management user training program, as provided in Section 63A-17-106.

4770 (36) A public safety answering point's emergency telecommunications service fund, as provided in Section 69-2-301.

4772 (37) The Traffic Noise Abatement Program created in Section 72-6-112.

4773 (38) The money appropriated from the Navajo Water Rights Negotiation Account to the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a settlement of federal reserved water right claims.

4776 (39) The Judicial Council for compensation for special prosecutors, as provided in Section 77-10a-19.

4778 (40) A state rehabilitative employment program, as provided in Section 78A-6-210.

4779 (41) The Utah Geological Survey, as provided in Section 79-3-401.

4780 (42) The Bonneville Shoreline Trail Program created under Section 79-5-503.

4781 (43) Adoption document access as provided in Sections 81-13-103, 81-13-504, and 81-13-505.

4783 (44) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

4785 (45) The program established by the Division of Facilities Construction and Management under Section 63A-5b-703 under which state agencies receive an appropriation and pay lease payments for the use and occupancy of buildings owned by the Division of Facilities Construction and Management.

4789 (46) The State Tax Commission for reimbursing counties for deferrals in accordance with Section 59-2-1802.5.

4791 (47) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.

4793       Section 69. Section **63L-2-301** is amended to read:

4794       **63L-2-301. Promoting or lobbying for a federal designation within the state.**

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4795 (1) As used in this section:

4796 (a) "Federal designation" means the designation of a:

4797 (i) national monument;

4798 (ii) national conservation area;

4799 (iii) wilderness area or wilderness study area;

4800 (iv) area of critical environmental concern;

4801 (v) research natural area; or

4802 (vi) national recreation area.

4803 (b)

4804 (i) "Governmental entity" means:

4805 (A) a state-funded institution of higher education or public education;

4806 (B) a political subdivision of the state;

4807 (C) an office, agency, board, bureau, committee, department, advisory board, or commission that  
the government funds or establishes to carry out the public's business, regardless of whether  
the office, agency board, bureau, committee, department, advisory board, or commission is  
composed entirely of public officials or employees;

4808 (D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative undertaking as  
defined in Section 11-13-103;

4809 (E) a governmental nonprofit corporation as defined in Section 11-13a-102; or

4810 (F) an association as defined in Section 53G-7-1101.

4811 (ii) "Governmental entity" does not mean:

4812 (A) the School and Institutional Trust Lands Administration created in Section 53C-1-201;

4813 (B) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202;

4814 (C) the Office of the Governor;

4815 (D) the Governor's Office of Planning and Budget created in Section 63J-4-201;

4816 (E) the Public Lands Policy Coordinating Office created in Section 63L-11-201;

4817 (F) the Office of Energy Development created in Section 79-6-401; or

4818 (G) the Governor's Office of Economic Opportunity Development created in Section 63N-1a-301.

4819 (2)

4820 (a) A governmental entity, or a person a governmental entity employs and designates as a  
representative, may investigate the possibility of a federal designation within the state.

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4829 (b) A governmental entity that intends to advocate for a federal designation within the state shall:

4831 (i) notify the chairs of the following committees before the introduction of federal legislation:

4833 (A) the Natural Resources, Agriculture, and Environment Interim Committee, if constituted, and the  
Federalism Commission; or

4835 (B) if the notice is given during a General Session, the House and Senate Natural Resources,  
Agriculture, and Environment Standing Committees; and

4837 (ii) upon request of the chairs, meet with the relevant committee to review the proposal.

4839 (3) This section does not apply to a political subdivision supporting a federal designation if the federal  
designation:

4841 (a) applies to 5,000 acres or less; and

4842 (b) has an economical or historical benefit to the political subdivision.

4844 Section 70. Section **63L-11-402** is amended to read:

4845 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

4846 (1) The Resource Development Coordinating Committee consists of the following 26 members:

4848 (a) the state science advisor;

4849 (b) a representative from the Department of Agriculture and Food appointed by the commissioner of the  
Department of Agriculture and Food;

4851 (c) a representative from the Department of Cultural and Community Engagement appointed by the  
executive director of the Department of Cultural and Community Engagement;

4854 (d) a representative from the Department of Environmental Quality appointed by the executive director  
of the Department of Environmental Quality;

4856 (e) a representative from the Department of Natural Resources appointed by the executive director of  
the Department of Natural Resources;

4858 (f) a representative from the Department of Transportation appointed by the executive director of the  
Department of Transportation;

4860 (g) a representative from the Governor's Office of Economic Opportunity Development appointed by  
the executive director of the Governor's Office of Economic Opportunity Development;

4863 (h) a representative from the Housing and Community Development Division appointed by the director  
of the Housing and Community Development Division;

4865 (i) a representative from the Utah Historical Society appointed by the director of the Utah Historical  
Society;

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- 4867 (j) a representative from the Division of Air Quality appointed by the director of the Division of Air Quality;
- 4869 (k) a representative from the Division of Drinking Water appointed by the director of the Division of Drinking Water;
- 4871 (l) a representative from the Division of Environmental Response and Remediation appointed by the director of the Division of Environmental Response and Remediation;
- 4874 (m) a representative from the Division of Waste Management and Radiation Control appointed by the director of the Division of Waste Management and Radiation Control;
- 4877 (n) a representative from the Division of Water Quality appointed by the director of the Division of Water Quality;
- 4879 (o) a representative from the Division of Oil, Gas, and Mining appointed by the director of the Division of Oil, Gas, and Mining;
- 4881 (p) a representative from the Division of State Parks appointed by the director of the Division of State Parks;
- 4883 (q) a representative from the Division of Outdoor Recreation appointed by the director of the Division of Outdoor Recreation;
- 4885 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by the director of the Division of Forestry, Fire, and State Lands;
- 4887 (s) a representative from the Utah Geological Survey appointed by the director of the Utah Geological Survey;
- 4889 (t) a representative from the Division of Water Resources appointed by the director of the Division of Water Resources;
- 4891 (u) a representative from the Division of Water Rights appointed by the director of the Division of Water Rights;
- 4893 (v) a representative from the Division of Wildlife Resources appointed by the director of the Division of Wildlife Resources;
- 4895 (w) a representative from the School and Institutional Trust Lands Administration appointed by the director of the School and Institutional Trust Lands Administration;
- 4897 (x) a representative from the Division of Facilities Construction and Management appointed by the director of the Division of Facilities Construction and Management;

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(y) a representative from the Division of Emergency Management appointed by the director of the Division of Emergency Management; and

4901 (z) a representative from the Division of Conservation, created under Section 4-46-401, appointed by the director of the Division of Conservation.

4903 (2)

4908 (a) As particular issues require, the coordinating committee may, by majority vote of the members present, appoint additional temporary members to serve as ex officio voting members.

4910 (b) Those ex officio members may discuss and vote on the issue or issues for which they were appointed.

4912 (3) A chair shall be selected by a vote of 14 committee members with the concurrence of the advisor.

4913 (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

4915 (a) Sections 63A-3-106 and 63A-3-107; and

4916 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

4917 **Section 71. Section 63M-5-306 is amended to read:**

**63M-5-306. Financial impact statement -- Alleviation plan -- Filing required -- Contents -- Payments credited against tax -- Provisions neither exclusive nor mandatory.**

4919 (1)

4924 (a) A developer desiring to prepay ad valorem property taxes under Section 63M-5-201 shall first prepare and file with the Governor's Office of Economic [Opportunity] Development and all units of local government likely to be affected with a significant financial impact due to a natural resource or industrial facility a financial impact statement together with a plan for alleviating these impacts.

(b) The impact statement and the alleviation plan shall be prepared in cooperation with and after consultation with the Governor's Office of Economic [Opportunity] Development and the affected units of local government.

4927 (c) The financial impact statement shall assess the projected financial impact on state agencies and units of local government, including the impact on transportation systems, culinary water systems, waste treatment facilities, public safety, schools, public health, housing, planning and zoning, and general government administration.

4931 (d) The alleviation plan shall set out proposals for alleviating the impact and may include payments to local units of government or direct expenditures by the developer to alleviate the impact.

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4934 (e) The impact statement and the alleviation plan may be amended by the developer in cooperation with and after consultation with the Governor's Office of Economic Opportunity and those units of local government affected by the amendment.

4937 (2) At least 90 days prior to commencement of construction of an industrial facility or natural resources facility by a major developer, an impact statement and alleviation plan as described in Subsection (1) shall be filed by the major developer regardless of whether [or not] the major developer desires to prepay ad valorem property taxes.

4941 (3) (a) Upon the filing of the financial impact statement and alleviation plan, a developer may apply to the governing body of the affected unit of local government for authorization to prepay a portion of the anticipated ad valorem property taxes to be expended consistent with the alleviation plan.

4945 (b) This authorization may provide that only a portion of the amounts so prepaid can be applied against the ad valorem property taxes due in any given year.

4947 (c) In addition to payments directly to the affected unit of local government, an affected unit of local government may authorize a tax credit on anticipated ad valorem property taxes for expenditures made by the developer to other persons so long as the expenditure is consistent with the alleviation plan.

4951 (4) (a) This chapter is designed to provide an additional mechanism for the alleviation of impacts on units of local government and is not intended to discourage the use of other mechanisms as may be available.

4954 (b) Nothing in this chapter requires a developer to prepay ad valorem property taxes or to make any other expenditure not otherwise required by law.

4957 Section 72. Section **63M-11-201** is amended to read:

4958     **63M-11-201. Composition -- Appointments -- Terms -- Removal.**

4959 (1) The commission shall be composed of the following voting members:

4960 (a) the executive director of the Department of Health and Human Services or the executive director's designee;

4962 [({b}) the executive director of the Department of Human Services or the executive director's designee;]

4964 [({e}) (b) the executive director of the Governor's Office of Economic [Opportunity] Development or the executive director's designee;

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4966 [d] (c) the executive director of the Department of Workforce Services or the executive director's  
4967 designee; and

4968 [e] (d) 20 members, appointed by the governor in accordance with Subsection (3), including:

4970 (i) three members that represent the Utah Association of Areas on Aging, the Alzheimer's Association,  
4971 or another organization or association that advocates for the aging population;

4973 (ii) two members that represent an organization or association that advocates for local government; and

4975 (iii) two members that represent the general public.

4976 (2)

4977 (a) A member appointed under Subsection (1)(e) shall serve a two-year term.

4978 (b) Notwithstanding the term requirements described in Subsection (2)(a), the governor may adjust  
4979 the length of the initial commission members' terms to ensure that the terms are staggered so that  
4980 approximately one-half of the members appointed under Subsection (1)(e) are appointed each year.

4981 (c) When, for any reason, a vacancy occurs in a position appointed by the governor under Subsection  
4982 (1)(e), the governor shall appoint a person to fill the vacancy for the unexpired term of the  
4983 commission member being replaced.

4984 (d) A member appointed under Subsection (1)(e) may be removed by the governor for cause.

4985 (e) A member appointed under Subsection (1)(e) shall be removed from the commission and replaced  
4986 by the governor if the member is absent for three consecutive meetings of the commission without  
4987 being excused by the chair of the commission.

4988 (3) In appointing the members under Subsection (1)(e), the governor shall:

4989 (a) ensure each of the following areas are represented:

4990 (i) higher education in Utah;

4991 (ii) the business community;

4992 (iii) charitable organizations;

4993 (iv) the health care provider industry;

4994 (v) the industry that provides telehealth services;

4995 (vi) the industry that provides data analysis services;

4996 (vii) the industry that provides information technology support services;

4997 (viii) financial institutions;

4998 (ix) the legal profession;

4999 (x) the public safety sector;

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5001 (xi) public transportation;  
5002 (xii) ethnic minorities; and  
5003 (xiii) the industry that provides long-term care for the elderly;  
5004 (b) take into account the geographical makeup of the commission; and  
5005 (c) strive to appoint members who:  
5006 (i) are knowledgeable or have an interest in issues relating to the aging population;  
5007 (ii) provide a balanced representation of urban and rural communities in the state; and  
5008 (iii) represent the diversity of the population in the state.

5010 Section 73. Section **63N-1a-102** is amended to read:

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

As used in this title:

5012 (1) "Baseline jobs" means the number of full-time employee positions that existed within a business entity in the state before the date on which a project related to the business entity is approved by the office or by the [GOED] GOED board.  
5015 (2) "Baseline state revenue" means the amount of state tax revenue collected from a business entity or the employees of a business entity during the year before the date on which a project related to the business entity is approved by the office or by the [GOED] GOED board.  
5019 (3) "Council" means the Economic Opportunity Coordinating Council created in Section 63N-1a-501.  
5021 [③] (4) "Economic opportunity agency" includes:  
5022 (a) the Department of Workforce Services;  
5023 (b) the Department of Cultural and Community Engagement;  
5024 (c) the Department of Commerce;  
5025 (d) the Department of Natural Resources;  
5026 (e) the Office of Energy Development;  
5027 (f) the State Board of Education;  
5028 (g) institutions of higher education;  
5029 (h) the Utah Multicultural Commission;  
5030 (i) the World Trade Center Utah;  
5031 (j) local government entities;  
5032 (k) associations of governments;  
5033 (l) the Utah League of Cities and Towns;

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5034 (m) the Utah Association of Counties;

5035 (n) the Economic Development Corporation of Utah;

5036 (o) the Small Business Administration;

5037 (p) chambers of commerce;

5038 (q) industry associations;

5039 (r) small business development centers; and

5040 (s) other entities identified by the commission or the executive director.

5041 [~~4~~] 5 "Executive director" means the executive director of the office.

5042 [~~5~~] 6 "Full-time employee" means an employment position that is filled by an employee who works at least 30 hours per week and:

5044 (a) may include an employment position filled by more than one employee, if each employee who works less than 30 hours per week is provided benefits comparable to a full-time employee; and

5047 (b) may not include an employment position that is shifted from one jurisdiction in the state to another jurisdiction in the state.

5049 [~~6~~] 7 ["~~G~~OE~~O~~ GOED board" means the Board of Economic ~~Opportunity~~ Development created in Section 63N-1a-401.

5051 [~~7~~] 8 "High paying job" means a newly created full-time employee position where the aggregate average annual gross wage of the employment position, not including health care or other paid or unpaid benefits, is:

5054 (a) at least 110% of the average wage of the county in which the employment position exists; or

5056 (b) for an employment position related to a project described in Chapter 2, Part 1, Economic Development Tax Increment Financing, and that is located within the boundary of a county of the third, fourth, fifth, or sixth class, or located within a municipality in a county of the second class and where the municipality has a population of 10,000 or less:

5061 (i) at least 100% of the average wage of the county in which the employment position exists; or

5063 (ii) an amount determined by rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if the office determines the project is in a county experiencing economic distress.

5066 [~~8~~] 9

5067 (a) "Incremental job" means a full-time employment position in the state that:

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

5069 (ii) is created in addition to the number of baseline jobs that existed within a business entity.

5071 (b) "Incremental job" includes a full-time employment position where the employee is hired:

5073 (i) directly by a business entity; or

5074 (ii) by a professional employer organization, as defined in Section 31A-40-102, on behalf of a business entity.

5076 [(9)] (10) "New state revenue" means the state revenue collected from a business entity or a business entity's employees during a calendar year minus the baseline state revenue calculation.

5079 [(10)] (11) "Office" or ["GOEO"] GOED means the Governor's Office of Economic [Opportunity] Development.

5081 [(11)] (12) "State revenue" means state tax liability paid by a business entity or a business entity's employees under any combination of the following provisions:

5083 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

5084 (b) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information;

5086 (c) Title 59, Chapter 10, Part 2, Trusts and Estates;

5087 (d) Title 59, Chapter 10, Part 4, Withholding of Tax; and

5088 (e) Title 59, Chapter 12, Sales and Use Tax Act.

5089 [(12)] (13) "State strategic goals" means the strategic goals listed in Section 63N-1a-103.

5090 [(13)] (14) "Statewide economic development strategy" means the economic development strategy developed by the office in accordance with Section 63N-1a-301.

5092 [(14)] (15) "Targeted industry" means an industry or group of industries targeted by the office under Section 63N-1a-301, for economic development in the state.

5095 Section 74. Section **63N-1a-103** is amended to read:

### **63N-1a-103. Purpose.**

5096 (1) The purpose of the Economic Opportunity Act and the entities established in the act is to catalyze strategic economic development opportunities for all residents of the state with a vision of creating economically thriving communities, businesses, and families throughout the state.

5100 (2) The purpose is realized through targeted efforts that demonstrably improve quality of life, measured by the extent to which the efforts accomplish the following strategic goals:

5102 (a) catalyzing targeted industry growth;

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5103 (b) supporting economically thriving communities;  
5104 (c) empowering students and workers with market-relevant skills;  
5105 (d) stimulating economic growth in rural and multicultural communities through household level  
efforts; and  
5107 (e) securing healthy and resilient ecosystems for current and future generations.

5109 Section 75. Section **63N-1a-301** is amended to read:

5110 **63N-1a-301. Creation of office -- Responsibilities.**

5110 (1) There is created the Governor's Office of Economic [Opportunity] Development.  
5111 (2) The office is:  
5112 (a) responsible for creating and implementing the statewide economic development strategy that:  
5114 (i) unifies and coordinates economic development efforts in the state;  
5115 (ii) includes key performance indicators for long-term progress toward the state strategic goals;  
5117 (iii) establishes reporting and accountability processes for the key performance indicators; and  
5119 (iv) ensures the success of statewide economic development; and  
5120 (b) the industrial and business promotion authority of the state.  
5121 (3) The office shall:  
5122 (a) consistent with the statewide economic development strategy, coordinate and align into a single  
effort the activities of the economic opportunity agencies in the field of economic development;  
5125 (b) provide support and direction to economic opportunity agencies in establishing goals, metrics, and  
activities that align with the statewide economic development strategy;  
5128 (c) administer and coordinate state and federal economic development grant programs;  
5129 (d) promote and encourage the economic, commercial, financial, industrial, agricultural, and civic  
welfare of the state;  
5131 (e) develop the statewide economic development strategy consistent with the state water policy  
described in Section 73-1-21, including the state's commitment to appropriate:  
5133 (i) conservation;  
5134 (ii) efficient and optimal use of water resources;  
5135 (iii) infrastructure development and improvement;  
5136 (iv) optimal agricultural use;  
5137 (v) water quality;  
5138 (vi) reasonable access to recreational activities;

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5139 (vii) effective wastewater treatment; and

5140 (viii) protecting and restoring health ecosystems;

5141 (f) at least once every five years, identify which industry or groups of industries shall be targeted for  
economic development in the state;

5143 (g) promote and encourage the employment of workers in the state and the purchase of goods and  
services produced in the state by local businesses;

5145 (h) act to create, develop, attract, and retain business, industry, and commerce in the state:

5147 (i) in accordance with the statewide economic development strategy; and

5148 (ii) subject to the restrictions in Section 11-41-103;

5149 (i) act to enhance the state's economy;

5150 (j) analyze the state's projected long-term population and economic growth and plan for the anticipated  
impacts of the projected growth in a manner that improves quality of life and is consistent with the  
statewide economic development strategy and state strategic goals;

5154 (k) act to assist strategic industries that are likely to drive future economic growth;

5155 (l) assist communities in the state in developing economic development capacity and coordination with  
other communities;

5157 (m) develop strategies and plans to ensure comprehensive economic development efforts are targeted to  
the unique needs of rural areas of the state;

5159 (n) identify areas of education and workforce development in the state that can be improved to support  
economic and business development;

5161 (o) develop core strategic priorities for the office, which may include:

5162 (i) enhancing statewide access to entrepreneurship opportunities and small business support;

5164 (ii) focusing industry recruitment and expansion of targeted industries;

5165 (iii) ensuring that in awarding competitive economic development incentives the office accurately  
measures the benefits and costs of the incentives; and

5167 (iv) assisting communities with technical support to aid those communities in improving economic  
development opportunities;

5169 (p) submit an annual written report as described in Section 63N-1a-306; and

5170 (q) perform other duties as provided by the Legislature.

5171 (4) To perform the office's duties under this title, the office may:

5172

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- (a) enter into a contract or agreement with, or make a grant to, a public or private entity, including a municipality, if the contract or agreement is not in violation of state statute or other applicable law;
- 5175 (b) except as provided in Subsection (4)(c), receive and expend funds from a public or private source for any lawful purpose that is in the state's best interest; and
- 5177 (c) solicit and accept a contribution of money, services, or facilities from a public or private donor, but may not use the contribution for publicizing the exclusive interest of the donor.
- 5180 (5) Money received under Subsection (4)(c) shall be deposited into the General Fund as dedicated credits of the office.

5183 Section 76. Section **63N-1a-303** is amended to read:

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

- (1) Unless otherwise expressly provided by statute, the executive director may organize the office in any appropriate manner, including the appointment of deputy directors of the office.
- 5187 (2) The executive director may consolidate personnel and service functions for efficiency and economy in the office.
- 5189 (3) The executive director, with the approval of the governor:
  - 5190 (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;
  - 5192 (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
  - 5194 (c) shall annually prepare and submit to the governor a budget of the office's financial requirements.
- 5196 (4) With the governor's approval, if a federal program requires the expenditure of state funds as a condition for the state to participate in a fund, property, or service, the executive director may expend necessary funds from money provided by the Legislature for the use of the office.
- 5200 (5) The executive director shall coordinate with the executive directors of the Department of Workforce Services and the Governor's Office of Planning and Budget to review data and metrics to be reported to the Legislature as described in Section 63N-1a-306.
- 5203 (6) The executive director shall:
  - 5204 (a) receive guidance from the Economic Opportunity Coordinating Council created in Section 63N-1a-502;
  - 5206 (b) establish and implement strategies to recruit industries identified by the Economic Opportunity Coordinating Council to locate in the state;

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5208 (c) encourage businesses to permanently relocate to, or significantly expand operations in, the state;  
5210 (d) establish strategies for and actively support entrepreneurship and small business development in the  
5211 state;  
5212 (e) coordinate state and local efforts on economic development activities, including efforts led by:  
5214 (i) the Utah Inland Port Authority created in Section 11-58-201;  
5215 (ii) the Point of the Mountain State Land Authority created in Section 11-59-201;  
5216 (iii) the Utah Lake Authority created in Section 11-65-201;  
5217 (iv) the Utah Fairpark Area Investment and Restoration District created in Section 11-68-201;  
5219 (v) the Military Installation Development Authority created in Section 63H-1-201; and  
5221 (vi) regional associations of governments created under Title 11, Chapter 13, Interlocal Cooperation  
5222 Act;  
5223 (f) identify areas of the state for targeted economic development, including housing development;  
5225 (g) match areas of the state for targeted economic development, including housing development, with  
5226 targeted industries or businesses encouraged to permanently relocate to, or significantly expand  
5227 operations in, the state;  
5228 (h) ensure the office's efforts are, to the extent practicable, data-driven, evidence-based, and focused on  
5229 developing human capital, physical capital, and innovation; and  
5230 (i) support an integrated international trade strategy for the state.  
5231 (7) Nothing in Subsection (6) shall be construed to:  
5232 (a) give the executive director authority over an entity described in Subsection (6)(e); or  
5233 (b) modify the legal status of a political subdivision.  
5234 [¶(6)] (8) Unless otherwise provided in this title, the executive director may make rules in accordance  
5235 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary for the administration  
5236 of programs established under state law.  
5238 Section 77. Section **63N-1a-401** is amended to read:  
5239 **63N-1a-401. Creation of Board of Economic Development.**  
5240 (1)  
5241 (a) There is created within the office the Board of Economic [Opportunity] Development, consisting of  
5242 nine members appointed by the executive director of the office, in consultation with the governor,  
5243 to four-year terms of office with the advice and consent of the Senate in accordance with Title 63G,  
5244 Chapter 24, Part 2, Vacancies.

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5244 (b) The nine members described in Subsection (1)(a) shall include:

5245 (i) one member associated with the state's rural communities;

5246 (ii) one member associated with direct entrepreneurship in the state;

5247 (iii) one member associated with higher education in the state;

5248 (iv) five members, other than the members described in Subsections (1)(b)(i) through (iii), that are  
5249 associated with a targeted industry; and

5250 (v) one at-large member.

5251 (c) Notwithstanding the requirements of Subsection (1)(a), the executive director shall, at the time of  
5252 appointment or reappointment, adjust the length of terms to ensure that the terms of board members  
5253 are staggered so that approximately half of the board is appointed every two years.

5255 (d) The members may not serve more than two full consecutive terms except when the executive  
5256 director determines that an additional term is in the best interest of the state.

5257 (2) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for  
5258 the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

5260 (3) A majority of board members, not including a vacancy, constitutes a quorum for conducting board  
5261 business and exercising board power.

5262 (4) The executive director shall select one board member as the board's chair and one member as the  
5263 board's vice chair.

5264 (5) A member may not receive compensation or benefits for the member's service, but may receive per  
5265 diem and travel expenses in accordance with:

5266 (a) Section 63A-3-106;

5267 (b) Section 63A-3-107; and

5268 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

5269 (6) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24,  
5270 Part 3, Conflicts of Interest.

5272 Section 78. Section **63N-1a-402** is amended to read:

5273 **63N-1a-402. Board of Economic Development duties and powers.**

5274 (1) The [GOEO] GOED board shall advise and assist the office to:

5275 (a) promote and encourage the economic, commercial, financial, industrial, agricultural, and civic  
5276 welfare of the state;

5277

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- (b) promote and encourage the development, attraction, expansion, and retention of businesses, industries, and commerce in the state;
- 5279 (c) support the efforts of local government and regional nonprofit economic development organizations to encourage expansion or retention of businesses, industries, and commerce in the state;
- 5282 (d) act to enhance the state's economy;
- 5283 (e) develop policies, priorities, and objectives regarding the assistance, retention, or recruitment of business, industries, and commerce in the state;
- 5285 (f) administer programs for the assistance, retention, or recruitment of businesses, industries, and commerce in the state;
- 5287 (g) ensure that economic development programs are available to all areas of the state in accordance with federal and state law;
- 5289 (h) identify local, regional, and statewide rural economic development and planning priorities;
- 5291 (i) understand, through study and input, issues relating to local, regional, and statewide rural economic development, including challenges, opportunities, best practices, policy, planning, and collaboration; and
- 5294 (j) maintain ethical and conflict of interest standards consistent with those imposed on a public officer under Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

5297 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [GOEO] GOED board may, in consultation with the executive director, make rules for the conduct of the [GOEO] GOED board's business.

5301 Section 79. Section 79 is enacted to read:

**63N-1a-501. Creation of Economic Opportunity Coordinating Council.**

- 5303 (1) There is created the Economic Opportunity Coordinating Council.
- 5304 (2) The council consists of the following voting members:
  - 5305 (a) the governor, or the governor's designee, who shall be the chair of the council;
  - 5306 (b) the president of the Senate or the president's designee;
  - 5307 (c) the speaker of the House of Representatives or the speaker's designee;
  - 5308 (d) 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;
  - 5310 (e) 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;

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5313 (f) 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;

5316 (g) 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;~~and~~

5319 (h) the director of the School and Institutional Trust Lands Administration created in Section 53C-1-201  
or the director's designee{<sup>(1)</sup>};

5321 {<sup>(1)</sup> {a member to represent the interests of municipalities, appointed by the Utah League of Cities and  
Towns; and}} }

5323 {<sup>(1)</sup> {a member to represent the interests of counties, appointed by the Utah Association of Counties.} }

5325 (3)  
(a) A majority of council members, not including a vacancy, constitutes a quorum for the purpose of  
conducting council business.

5327 (b) The action of a majority of a quorum constitutes the action of the council.

5328 (4) The office shall provide office space and staff support for the council.

5329 (5)  
(a) A council member may not receive compensation or benefits for the member's service on the  
council, but may receive per diem and travel expenses in accordance with:  
(i) Sections 63A-3-106 and 63A-3-107; and  
(ii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

5335 (b) Compensation and expenses of a council member who is a legislator are governed by Section 36-2-2  
and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

5335 Section 80. Section **80** is enacted to read:

5336 **63N-1a-502. Economic Opportunity Coordinating Council duties.**

5341 (1) The council shall:

5342 (a) establish strategic economic development objectives for the state, including establishing broad  
objectives;

5344 (b) provide recommendations to the executive director regarding efforts to achieve strategic economic  
development objectives;

5346 (c) make recommendations to the Legislature;

5347 (d) unify and coordinate economic development projects that have regional or statewide impact;

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5349 (e) at least once every five years, recommend to the executive director industries or groups of industries  
5349 to target for economic development in the state;

5351 (f) gather input from organizations contributing to economic development in the state, including  
5351 economic opportunity agencies; and

5353 (g) receive an annual report from the board.

5354 (2) The council may establish working groups as appropriate to assist and advise the council.

5356 (3) The council shall create a working group to provide oversight for the opportunity zone application  
5356 process in 2026.

5355 Section 81. Section **81** is enacted to read:

### **63N-1a-503. Reporting.**

5360 (1) The chair and executive director shall, no later than May 31, 2026, provide a report to the Economic  
5360 Development and Workforce Services Interim Committee that describes the council and office's  
5360 progress in coordinating efforts around opportunity zone application development.

5364 (2) Beginning January 1, 2027, the chair or the chair's designee shall, no later than July 1, provide an  
5364 annual written report to the Economic Development and Workforce Services Interim Committee  
5364 that describes:

5367 (a) the strategic economic development objectives established under Section 63N-1a-501;

5368 (b) the council's efforts to unify and coordinate economic development projects with regional or  
5368 statewide impact, if any; and

5370 (c) any recommendations for action from the Legislature.

5371 (3) Beginning January 1, 2028, the executive director shall, no later than July 1, provide an annual  
5371 written report to the Economic Development and Workforce Services Interim Committee, on:

5374 (a) the executive director's progress toward achieving strategic economic development objectives  
5374 identified by the council; and

5376 (b) the executive director's efforts to fulfill the duties described in Subsection 63N-1a-303(6).

5375 Section 82. Section **63N-2-103** is amended to read:

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

As used in this part:

5381 (1)

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- (a) "Business entity" means a person that enters into a written agreement with the office to initiate a new commercial project in Utah that will qualify the person to receive a tax credit under Section 59-7-614.2 or 59-10-1107.
- 5384 (b) With respect to a tax credit authorized by the office in accordance with Subsection 63N-2-104.3(2),  
"business entity" includes a nonprofit entity.
- 5386 (2) "Commercial or industrial zone" means an area zoned agricultural, commercial, industrial, manufacturing, business park, research park, or other appropriate business related use in a general plan that contemplates future growth.
- 5389 (3) "Development zone" means an economic development zone created under Section 63N-2-104.
- 5391 (4) "Local government entity" means:
  - 5392 (a) a county, city, or town[.] ;
  - 5393 (b) a regional economic development authority;
  - 5394 (c) an independent entity, as that term is defined in Section 63E-1-102; or
  - 5395 (d) an Indian tribe, as that term is defined in Section 9-9-402.
- 5396 (5) "New commercial project" means an economic development opportunity that:
  - 5397 (a) involves a targeted industry; or
  - 5398 (b) is located within:
    - 5399 (i) a county of the third, fourth, fifth, or sixth class; or
    - 5400 (ii) a municipality that has a population of 10,000 or less and the municipality is located within a county of the second class.
- 5402 (6) "Regional economic development authority" means:
  - 5403 (a) the Utah Inland Port Authority created in Section 11-58-201;
  - 5404 (b) the Point of the Mountain State Land Authority created in Section 11-59-201;
  - 5405 (c) the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201; or
  - 5407 (d) the Military Installation Development Authority created in Section 63H-1-201.
- 5408 (7) "Remote work opportunity" means a new commercial project that:
  - 5409 (a) does not require a physical office in the state where employees associated with the new commercial project are required to work; and
  - 5411 (b) requires employees associated with the new commercial project to:
    - 5412 (i) work remotely from a location within the state; and
    - 5413 (ii) maintain residency in the state.

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5414 [7] (8) "Significant capital investment" means an investment in capital or fixed assets, which may include real property, personal property, and other fixtures related to a new commercial project that represents an expansion of existing operations in the state or that increases the business entity's existing workforce in the state.

5418 [8] (9) "Tax credit" means an economic development tax credit created by Section 59-7-614.2 or 59-10-1107.

5420 [9] (10) "Tax credit amount" means the amount the office lists as a tax credit on a tax credit certificate for a taxable year.

5422 [10] (11) "Tax credit certificate" means a certificate issued by the office that:

5423 (a) lists the name of the business entity to which the office authorizes a tax credit;

5424 (b) lists the business entity's taxpayer identification number;

5425 (c) lists the amount of tax credit that the office authorizes the business entity for the taxable year; and

5427 (d) may include other information as determined by the office.

5428 [11] (12) "Written agreement" means a written agreement entered into between the office and a business entity under Section 63N-2-104.2.

5427 Section 83. Section **63N-2-104** is amended to read:

5428 **63N-2-104. Creation of economic development zones -- Tax credits -- Assignment of tax credit.**

5433 (1) The office may create an economic development zone in the state if the following requirements are satisfied:

5435 (a) the area is located within a commercial or industrial zone;

5436 (b) the local government entity having jurisdiction over the area supports the creation of the development zone; and

5438 (c) the local government entity described in Subsection (1)(b) provides or commits to provide local incentives within the area in accordance with the local government entity's approved incentive policy.

5441 (2) A local government entity may, for the purpose of incentivizing new commercial projects within the local government entity's boundaries or on the local government entity's land, create an economic development zone if the following requirements are satisfied:

5445 (a) the area is located:

5446 (i) within a commercial or industrial zone; and

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5447 (ii) within the geographic boundaries of, or land owned by, the local government entity;

5449 (b) the local government entity adopts a long-term plan that addresses the following planning elements within the area:

5451 (i) transportation and infrastructure;

5452 (ii) workforce development; and

5453 (iii) housing needs; and

5454 (c) the office approves the local government entity's request to create the development zone.

5453 Section 84. Section **63N-2-104.2** is amended to read:

5454 **63N-2-104.2. Written agreement -- Contents -- Grounds for amendment or termination.**

5459 (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:

5461 (a) establishes performance benchmarks for the business entity to claim a tax credit, including any minimum wage requirements;

5463 (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;

5466 (c) establishes the length of time the business entity may claim a tax credit;

5467 (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;

5469 (e) requires the business entity to submit to audits for verification of any tax credit claimed; and

5471 (f) requires the business entity, in order to claim a tax credit, to meet the requirements of Section 63N-2-105.

5473 (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:

5475 (a) authorize the tax credit in a manner that provides the most effective incentive for the new commercial project;

5477 (b) consider the following factors:

5478 (i) whether the new commercial project provides vital or specialized support to supply chains;

5480 (ii) whether the new commercial project provides an innovative product, technology, or service;

5482 (iii) the number and wages of new incremental jobs associated with the new commercial project;

5484

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- (iv) the amount of financial support provided by local government entities for the new commercial project;
- 5486 (v) the amount of capital expenditures associated with the new commercial project;
- 5487 (vi) whether the new commercial project returns jobs transferred overseas;
- 5488 (vii) the rate of unemployment in the county in which the new commercial project is located;
- 5490 (viii) whether the new commercial project creates a remote work opportunity;
- 5491 (ix) whether the new commercial project is located in a development zone created by a local government entity as described in Subsection 63N-2-104(2);
- 5493 (x) whether the business entity commits to hiring Utah workers for the new commercial project;
- 5495 (xi) whether the business entity adopts a corporate citizenry plan or supports initiatives in the state that advance education, gender equality, diversity and inclusion, work-life balance, environmental or social good, or other similar causes;
- 5498 (xii) whether the business entity's headquarters are located within the state;
- 5499 (xiii) the likelihood of other business entities relocating to another state as a result of the new commercial project;
- 5501 (xiv) the necessity of the tax credit for the business entity's expansion in the state or relocation from another state;
- 5503 (xv) whether the proposed new commercial project might reasonably be expected to occur in the foreseeable future without the tax credit; and
- 5505 (xvi) the location and impact of the new commercial project on existing and planned transportation facilities, existing and planned housing, including affordable housing, and public infrastructure; and
- 5508 (c) consult with the [GOEO] GOED board.

5509 (3) In determining the amount of tax credit that a business entity may be authorized to receive under a written agreement, the office may:

5511 (a) authorize a higher or optimized amount of tax credit for a new commercial project located within a development zone created by a local government entity as described in Subsection 63N-2-104(2); and

5514 (b) establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process by which the office closely approximates the amount of taxes the business entity paid under Title 59, Chapter 12, Sales and Use Tax Act, for a capital project.

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

5521 (a) a change in the business entity's organization resulting from a merger with or acquisition of another entity located in the state;

5523 (b) a material increase in the business entity's retail operations that results in new state revenue not subject to the incentive; or

5525 (c) an increase in the business entity's operations that:

5526 (i) is outside the scope of the written agreement or outside the boundaries of a development zone; and

5528 (ii) results in new state revenue not subject to the incentive.

5526 Section 85. Section **63N-2-504** is amended to read:

5527 **63N-2-504. Independent review committee.**

5531 (1) In accordance with rules adopted by the office under Section 63N-2-509, the [GOEO] GOED board 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.

5535 (2) The review committee shall consist of:

5536 (a) one member appointed by the executive director to represent the office;

5537 (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;

5539 (c) two members appointed by:

5540 (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

5543 (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;

5547 (d) an individual representing the hotel industry, appointed by the Utah Hotel and Lodging Association;

5549 (e) an individual representing the commercial development and construction industry, appointed by the president or chief executive officer of the local chamber of commerce;

5552 (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

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5555 (g) one member appointed by the [GOEO] GOED board.

5556 (3)

5558 (a) A member serves an indeterminate term and may be removed from the review committee by the appointing authority at any time.

5559 (b) A vacancy may be filled in the same manner as an appointment under Subsection (2).

5560 (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.

5561 (5) The office shall provide any necessary staff support to the review committee.

5562 Section 86. Section **63N-2-512** is amended to read:

5563 **63N-2-512. Hotel Impact Mitigation Fund.**

5564 (1) As used in this section:

5565 (a) "Affected hotel" means a hotel built in the state before July 1, 2014.

5566 (b) "City-wide event" means an event hosted at a convention facility pursuant to a contract by a nonprofit corporation responsible for the promotion of convention business.

5567 (c) "Mitigation fund" means the Hotel Impact Mitigation Fund, created in Subsection (2).

5568 (d) "Qualified losses" means revenue lost by an affected hotel for city-wide events attributable to the qualified hotel room supply being added to the market in the state, calculated by taking the difference between:

5569 (i) an affected hotel's average total annual room-night revenue for city-wide events for the three-year period between January 1, 2017, and December 31, 2019; and

5570 (ii) the affected hotel's total annual room-night revenue for city-wide events for the applicable year.

5571 (2) There is created an expendable special revenue fund known as the Hotel Impact Mitigation Fund.

5572 (3) The mitigation fund shall:

5573 (a) be administered by [GOEO] GOED;

5574 (b) earn interest; and

5575 (c) be funded by:

5576 (i) payments required to be deposited into the mitigation fund by the Division of Finance under Subsection 59-12-103(10);

5577 (ii) money required to be deposited into the mitigation fund under Subsection 17-78-707(2) by the county in which a qualified hotel is located; and

5578 (iii) any money deposited into the mitigation fund under Subsection (7).

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5589 (4) Interest earned by the mitigation fund shall be deposited into the mitigation fund.

5590 (5) In accordance with office rules and Subsection (6), [GOEO] GOED shall annually pay \$2,100,000  
from the mitigation fund to affected hotels to mitigate qualified losses as follows:

5593 (a) for calendar years 2023 and 2024, on or before June 1, 2025;

5594 (b) for calendar year 2025, on or before February 28, 2026; and

5595 (c) for calendar year 2026, on or before February 28, 2026.

5596 (6) Each calendar year, [GOEO] GOED shall award the available \$2,100,000 to affected hotels  
proportionally, according to each affected hotel's qualified losses in relation to the total qualified  
losses suffered collectively by all affected hotels.

5599 (7) A host local government or qualified hotel owner may make payments to the Division of Finance for  
deposit into the mitigation fund.

5601 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall, in  
consultation with the Utah Hotel and Lodging Association and the county in which the qualified  
hotel is located, make rules establishing procedures and criteria governing payments under  
Subsection (5) to affected hotels.

5602 Section 87. Section **63N-2-512** is amended to read:

5603 **63N-2-512. Hotel Impact Mitigation Fund.**

5608 (1) As used in this section:

5609 (a) "Affected hotel" means a hotel built in the state before July 1, 2014.

5610 (b) "City-wide event" means an event hosted at a convention facility pursuant to a contract by a  
nonprofit corporation responsible for the promotion of convention business.

5613 (c) "Mitigation fund" means the Hotel Impact Mitigation Fund, created in Subsection (2).

5614 (d) "Qualified losses" means revenue lost by an affected hotel for city-wide events attributable to  
the qualified hotel room supply being added to the market in the state, calculated by taking the  
difference between:

5617 (i) an affected hotel's average total annual room-night revenue for city-wide events for the three-year  
period between January 1, 2017, and December 31, 2019; and

5619 (ii) the affected hotel's total annual room-night revenue for city-wide events for the applicable year.

5621 (2) There is created an expendable special revenue fund known as the Hotel Impact Mitigation Fund.

5623 (3) The mitigation fund shall:

5624 (a) be administered by [GOEO] GOED;

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5625 (b) earn interest; and

5626 (c) be funded by:

5627 (i) money required to be deposited into the mitigation fund under Subsection 17-78-707(2) by the county in which a qualified hotel is located; and

5629 (ii) any money deposited into the mitigation fund under Subsection (7).

5630 (4) Interest earned by the mitigation fund shall be deposited into the mitigation fund.

5631 (5) In accordance with office rules and Subsection (6), [GOEO] GOED shall annually pay \$2,100,000 from the mitigation fund to affected hotels to mitigate qualified losses as follows:

5634 (a) for calendar years 2023 and 2024, on or before June 1, 2025;

5635 (b) for calendar year 2025, on or before February 28, 2026; and

5636 (c) for calendar year 2026, on or before February 28, 2026.

5637 (6) Each calendar year, [GOEO] GOED shall award the available \$2,100,000 to affected hotels proportionally, according to each affected hotel's qualified losses in relation to the total qualified losses suffered collectively by all affected hotels.

5640 (7) A host local government or qualified hotel owner may make payments to the Division of Finance for deposit into the mitigation fund.

5642 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall, in consultation with the Utah Hotel and Lodging Association and the county in which the qualified hotel is located, make rules establishing procedures and criteria governing payments under Subsection (5) to affected hotels.

5643 Section 88. Section **63N-2-808** is amended to read:

5644 **63N-2-808. Agreements between office and tax credit applicant and life science establishment -- Tax credit certificate.**

5649 (1)

5650 (a) The office, with advice from the [GOEO] GOED 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.

5653 (b) The agreement described in Subsection (1)(a) shall:

5654 (i) detail the requirements that the tax credit applicant shall meet prior to receiving a tax credit certificate;

5656

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(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

5659 (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.

5662 (2)

(a) The office, with advice from the [GOEO] GOED 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.

5665 (b) The agreement described in Subsection (2)(a):

5666 (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;

5670 (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;

5673 (iii) shall require the life science establishment to provide the office with the life science establishment's current capitalization tables; and

5675 (iv) may require the life science establishment to provide the office with other data that:

5677 (A) ensure compliance with the requirements of this chapter; and

5678 (B) demonstrate the economic impact of the tax credit applicant's investment in the life science establishment.

5677 Section 89. Section **63N-3-112** is amended to read:

### **63N-3-112. Talent development grants.**

5682 (1) A for-profit business that is creating new incremental high paying jobs in the state, may apply to receive a talent development grant from the restricted account.

5684 (2) In accordance with the provisions of this section and in consultation with the [GOEO] GOED board, the administrator may award up to \$10,000 per new job created.

5686 (3) The administrator shall designate an application process for a business to apply for the grant.

5688 (4) A business may apply to receive a grant only after each employee has been employed at qualifying wage levels for at least 12 consecutive months.

5690

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- (5) The office shall deduct money granted for a talent development grant under this section from any other money or incentive awarded by the office to the business.
- 5692 (6) Grants awarded under this section are only to reimburse a business for the costs incurred to recruit, hire, train, and otherwise employ an employee in a newly created job.
- 5694 (7) As part of the application process, a business shall submit a hiring and training plan detailing how the grant money will be used.
- 5696 (8) The administrator may grant an award only up to an amount that is no more than 25% of the estimated costs to be incurred by the business for the costs in the hiring and training plan.

5696 Section 90. Section **63N-3-603** is amended to read:

### **63N-3-603. Applicability, requirements, and limitations on a housing and transit reinvestment zone.**

- 5702 (1) A housing and transit reinvestment zone proposal created under this part shall demonstrate how the proposal addresses the following objectives:
  - 5704 (a) higher utilization of public transit;
  - 5705 (b) increasing availability of housing, including affordable housing, and fulfillment of moderate income housing plans;
  - 5707 (c) promoting and encouraging development of owner-occupied housing;
  - 5708 (d) improving efficiencies in parking and transportation, including walkability of communities near public transit facilities;
  - 5710 (e) overcoming development impediments and market conditions that render a development cost prohibitive absent the proposal and incentives;
  - 5712 (f) conserving water resources through efficient land use;
  - 5713 (g) improving air quality by reducing fuel consumption and motor vehicle trips;
  - 5714 (h) encouraging transformative mixed-use development and investment in transportation and public transit infrastructure in strategic areas;
  - 5716 (i) strategic land use and municipal planning in major transit investment corridors as described in Subsection 10-20-404(2);
  - 5718 (j) increasing access to employment and educational opportunities; and
  - 5719 (k) increasing access to child care.
- 5720 (2)

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(a) In order to accomplish the objectives described in Subsection (1), a municipality or public transit county that initiates the process to create a housing and transit reinvestment zone as described in this part shall ensure that the proposal for a housing and transit reinvestment zone includes:

(i) except as provided in Subsection (3), at least 12% of the proposed dwelling units within the housing and transit reinvestment zone are affordable housing units, with:

(A) up to 9% of the proposed dwelling units occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the county median gross income for households of the same size; and

(B) at least 3% of the proposed dwelling units occupied or reserved for occupancy by households with a gross household income equal to or less than 60% of the county median gross income for households of the same size;

(ii) except as provided in Subsection (2)(c), a housing and transit reinvestment zone shall include:

(A) at least 51% of the developable area within a housing and transit reinvestment zone as residential uses; and

(B) an average of at least 50 dwelling units per acre within the acreage of the housing and transit reinvestment zone dedicated to residential uses;

(iii) mixed-use development; and

(iv) a mix of dwelling units to ensure that at least 25% of the dwelling units have more than one bedroom.

(b)

(i) If a housing and transit reinvestment zone is phased, a municipality or public transit county shall ensure that a housing and transit reinvestment zone is phased and developed to provide the required 12% of affordable housing units in each phase of development.

(ii) A municipality or public transit county may allow a housing and transit reinvestment zone to be phased and developed in a manner to provide more of the required affordable housing units in early phases of development.

(iii) A municipality or public transit county shall include in a housing and transit reinvestment zone proposal an affordable housing plan, which may include deed restrictions, to ensure the affordable housing required in the proposal will continue to meet the definition of affordable housing at least throughout the entire term of the housing and transit reinvestment zone.

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(c) For a housing and transit reinvestment zone proposed by a public transit county at a public transit hub, or for a housing and transit reinvestment zone proposed by a municipality at a bus rapid transit station, the housing and transit reinvestment zone shall include:

5758 (i) at least 51% of the developable area within a housing and transit reinvestment zone as residential uses; and

5760 (ii) an average of at least 39 dwelling units per acre within the acreage of the housing and transit reinvestment zone dedicated to residential uses.

5762 (3) A municipality or public transit county that, at the time the housing and transit reinvestment zone proposal is approved by the housing and transit reinvestment zone committee, meets the affordable housing guidelines of the United States Department of Housing and Urban Development at 60% area median income is exempt from the requirement described in Subsection (2)(a).

5767 (4)

(a) A municipality may only propose a housing and transit reinvestment zone at a commuter rail station, and a public transit county may only propose a housing and transit reinvestment zone at a public transit hub, that:

5770 (i) subject to Subsection (5)(a):

5771 (A)

(I) except as provided in Subsection (4)(a)(i)(A)(II), for a municipality, does not exceed a 1/3 mile radius of a commuter rail station;

5773 (II) for a municipality that is a city of the first or second class that is within a county of the first or second class, with an opportunity zone created in accordance with Section 1400Z-1, Internal Revenue Code, does not exceed a 1/2 mile radius of a commuter rail station located within the opportunity zone; or

5778 (III) for a public transit county, does not exceed a 1/3 mile radius of a public transit hub; and

5780 (B) has a total area of no more than 125 noncontiguous acres;

5781 (ii) subject to Section 63N-3-607, proposes the capture of a maximum of 80% of each taxing entity's property tax increment above the base year for a term of no more than 25 consecutive years on each parcel within a 45-year period not to exceed the property tax increment amount approved in the housing and transit reinvestment zone proposal; and

5786 (iii) the commencement of collection of property tax increment, for all or a portion of the housing and transit reinvestment zone project area, shall be triggered by providing notice as described in

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Subsection (6), but a housing and transit reinvestment zone proposal may not propose or include triggering more than three property tax increment collection periods for the same project during the applicable 45-year period.

5792 (b) A municipality or public transit county may only propose a housing and transit reinvestment zone at a light rail station or bus rapid transit station that:

5794 (i) subject to Subsection (5):

5795 (A) does not exceed:

5796 (I) except as provided in Subsection (4)(b)(i)(A)(II), (III), or (4)(e), a 1/4 mile radius of a bus rapid transit station or light rail station;

5798 (II) for a municipality that is a city of the first class with a population greater than 150,000 that is within a county of the first class, a 1/2 mile radius of a light rail station located in an opportunity zone created in accordance with Section 1400Z-1, Internal Revenue Code; or

5802 (III) a 1/2 mile radius of a light rail station located within a master-planned development of 500 acres or more; and

5804 (B) has a total area of no more than 100 noncontiguous acres;

5805 (ii) subject to Subsection (4)(c) and Section 63N-3-607, proposes the capture of a maximum of 80% of each taxing entity's property tax increment above the base year for a term of no more than 15 consecutive years on each parcel within a 30-year period not to exceed the property tax increment amount approved in the housing and transit reinvestment zone proposal; and

5810 (iii) the commencement of collection of property tax increment, for all or a portion of the housing and transit reinvestment zone project area, shall be triggered by providing notice as described in Subsection (6), but a housing and transit reinvestment zone proposal may not propose or include triggering more than three property tax increment collection periods for the same project during the applicable 30-year period.

5816 (c) For a housing and transit reinvestment zone proposed by a public transit county at a public transit hub, or for a housing and transit reinvestment zone proposed by a municipality at a bus rapid transit station, if the proposed housing density within the housing and transit reinvestment zone is between 39 and 49 dwelling units per acre, the maximum capture of each taxing entity's property tax increment above the base year is 60%.

5822

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(d) A municipality that is a city of the first class with a population greater than 150,000 in a county of the first class as described in Subsections (4)(a)(i)(A)(II) and (4)(b)(i)(A)(II) may only propose one housing and transit reinvestment zone within an opportunity zone.

5826 (e)

(i) Subject to Subsection (4)(e)(ii), the radius restrictions described in Subsection (4)(b)(i) do not apply, and a housing and transit reinvestment zone may extend to an area between two light rail stations located within a city of the third class if the two light rail stations are within a .95 mile distance on the same light rail line.

5830 (ii) If a housing and transit reinvestment zone is extended to accommodate two light rail stations as described in Subsection (4)(e)(i):

5832 (A) the housing and transit reinvestment zone is limited to a total area not to exceed 100 noncontiguous acres; and

5834 (B) the housing and transit reinvestment zone may not exceed a 1/4 mile radius from the light rail stations or any point on the light rail line between the two stations.

5837 (f) If a parcel within the housing and transit reinvestment zone is included as an area that is part of a project area, as that term is defined in Section 17C-1-102, and created under Title 17C, Chapter 1, Agency Operations, that parcel may not be triggered for collection unless the project area funds collection period, as that term is defined in Section 17C-1-102, has expired.

5842 (5)

(a) For a housing and transit reinvestment zone for a commuter rail station, if a parcel is intersected by the relevant radius limitation, the full parcel may be included as part of the housing and transit reinvestment zone area and will not count against the limitations described in Subsection (4)(a)(i).

5846 (b) For a housing and transit reinvestment zone for a light rail or bus rapid transit station, if a parcel is intersected by the relevant radius limitation, the full parcel may be included as part of the housing and transit reinvestment zone area and will not count against the limitations described in Subsection (4)(b)(i).

5850 (c) A housing and transit reinvestment zone may not be smaller than 10 acres.

5851 (6)

(a) The notice of commencement of collection of property tax increment required in Subsection (4)(a)(iii) or (4)(b)(iii) shall be sent by mail or electronically to the following entities no later than

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December 31 of the year before the year for which the property tax increment collection is proposed to commence:

- (i) the State Tax Commission;
- (ii) the State Board of Education;
- (iii) the state auditor;
- (iv) the auditor of the county in which the housing and transit reinvestment zone is located;
- (v) each taxing entity affected by the collection of property tax increment from the housing and transit reinvestment zone; and
- (vi) the Governor's Office of Economic Opportunity Development.

(b) The notice described in Subsection (4)(a)(iii) or (4)(b)(iii) may not be triggered until the date on which the housing and transit reinvestment zone proposal is approved by the housing and transit reinvestment zone committee.

(7)

- (a) The maximum number of housing and transit reinvestment zones at light rail stations, not including a convention center reinvestment zone, is eight in any given county.
- (b) Within a county of the first class, the maximum number of housing and transit reinvestment zones at bus rapid transit stations is three.
- (c) Within a county of the first class, the maximum total combined number of housing and transit reinvestment zones described in Subsections (7)(a) and (b) and first home investment zones created under Part 16, First Home Investment Zone Act, is 11.

(8)

- (a) For purposes of this Subsection (8), "entitlement agreement" means:
  - (i) a land use application;
  - (ii) a rezone petition; or
  - (iii) a request, petition, or application to:
    - (A) enact or approve a development agreement; or
    - (B) to amend or modify a development agreement.
- (b) This Subsection (8) applies to a specified county, as defined in Section 17-80-101, that has created a small public transit district on or before January 1, 2022.
- (c) To accomplish the objectives described in Subsection (1), an owner of undeveloped property within an unincorporated county shall have the right to develop and build a mixed-use development if:

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5885 (i) the owner has submitted an entitlement agreement to the county on or before December 31, 2022, and is within a 1/3 mile radius of a public transit hub in a county described in Subsection (8)(b), including parcels that are intersected by the 1/3 mile radius; and

5889 (ii) the county described in Subsection (8)(b) has failed to approve the entitlement agreement described in Subsection (8)(c)(i) by ordinance before December 31, 2022.

5892 (d) The mixed use development described in Subsection (8)(c) shall include the following:

5894 (i)

5895 (A)

5896 (I) a maximum number of dwelling units equal to 30 multiplied by the total acres of developable area within the mixed-use development dedicated exclusively to residential use; or

5897 (II) a maximum number of dwelling units equal to 15 multiplied by the total acres of the mixed-use development; and

5899 (B) at least 33% of the dwelling units as affordable housing;

5900 (ii) commercial uses, including office, retail, educational, and healthcare in support of the mixed-use development constituting no more than 1/3 of the total planned gross building square footage of the subject parcels; and

5903 (iii) any other infrastructure element necessary or reasonable to support the mixed-use development, including:

5905 (A) parking infrastructure;

5906 (B) streets;

5907 (C) sidewalks;

5908 (D) parks; and

5909 (E) trails.

5910 (e)

5911 (i) The mixed-use development described in this Subsection (8) may qualify for a housing and transit reinvestment zone described in Subsection (4)(a).

5912 (ii) The county described in Subsection (8)(b) may propose a housing and transit reinvestment zone in accordance with this part, if the housing and transit reinvestment zone includes:

5915 (A)

5916 (I) an average of at least 30 dwelling units per acre within the acreage of the housing and transit reinvestment zone dedicated to residential use; or

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5917 (II) a minimum number of 14 dwelling units per acre on average within the acreage of the housing and transit reinvestment zone; and

5919 (B) at least 33% of the dwelling units as affordable housing units.

5920 (f) A county may not take an action or enforce an agreement, ordinance, regulation, or requirement that prevents or creates development impediments to the development of a mixed-use development as described in this Subsection (8).

5923 (g) A county action to approve or implement the development of a mixed-use development as described in this Subsection (8) shall constitute an administrative action taken by the county and does not require county legislative action.

5923 Section 91. Section **63N-3-603.1** is amended to read:

5924 **63N-3-603.1. Applicability, requirements, and limitations on a convention center reinvestment zone.**

5929 (1) A convention center reinvestment zone proposal created under this part shall demonstrate how the proposal addresses the following objectives:

5931 (a) redevelopment of a convention center and the surrounding area's infrastructure and assets;

5933 (b) activation of unrealized economic opportunities related to the convention center and surrounding infrastructure and assets;

5935 (c) modernization of infrastructure and design of the convention center and surrounding area and related public spaces;

5937 (d) encouragement of transformative development and investment, including parking improvements;

5939 (e) promotion of economic development and employment opportunities;

5940 (f) improvement of the aesthetic, functionality, and walkability of the [-]convention center and surrounding area;

5942 (g) enhancement of tourism opportunities; and

5943 (h) creation of outdoor event space to accommodate events or festivals open to the public.

5945 (2) A convention center reinvestment zone in a capital city proposal created under this part shall also demonstrate how the proposal addresses the following objectives:

5947 (a) redevelopment of a convention center and surrounding infrastructure and assets that directly serve the convention center, including parking facilities;

5949 (b) modernization of infrastructure and design of the convention center; and

5950 (c) improvement of the aesthetic, functionality, and walkability of the convention center.

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5951 (3) The Governor's Office of Economic Opportunity Development shall propose a convention center reinvestment zone to accomplish the objectives described in Subsections (1) and (2).

5954 (4)

5955 (a)

5956 (i) A convention center reinvestment zone proposal may propose the capture of 100% of the property tax increment and 100% of the sales and use tax increment described in Subsection 63N-3-602(38)(b)(ii) for a period of 30 years.

5957 (ii) For a convention center reinvestment zone in a capital city, in addition to the proposed capture of property tax increment and sales and use tax increment described in Subsection (4)(a)(i), the convention center reinvestment zone may propose the capture of 50% of the sales and use tax increment described in Subsection 63N-3-602(38)(b)(i).

5962 (b) The convention center reinvestment zone proposal shall include the respective start date and base year date from which to calculate:

5964 (i) the 30-year period of property tax increment; and

5965 (ii) the 30-year period of the sales and use tax increment.

5966 (c) The convention center reinvestment zone proposal may not stagger the collection periods for the parcels within the convention center reinvestment zone boundary and the parcels within the convention center reinvestment zone boundary shall have the same 30-year collection period.

5970 (d) The convention center reinvestment zone proposal start date for the 30-year period described in this Subsection (4), shall be no sooner than January 1 of the year of the identified tax collection year.

5973 (e)

5974 (i) For a convention center reinvestment zone in a capital city, revenue from the property tax increment and sales and use tax increment shall be distributed directly to a convention center public infrastructure district in a capital city created as required in Subsection 63N-3-607(8)(b); and

5977 (ii) For a convention center reinvestment zone in a city other than a capital city, revenue from the property tax increment and sales and use tax increment may be distributed directly to the municipality or public infrastructure district as described in the convention center reinvestment zone proposal.

5981 (5) The Governor's Office of Economic Opportunity Development may only propose a convention center reinvestment zone:

5983 (a) within the boundary of the eligible municipality;

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5984 (b) consisting of a total area:

5985 (i) not to exceed 50 acres; or

5986 (ii) if greater than 50 acres, approved by the relevant eligible municipality;

5987 (c) consisting only of contiguous parcels; and

5988 (d) for a convention center reinvestment zone in a capital city, in an area that includes any portion of an existing convention center and any city block that is bordered by an existing convention center.

5991 (6)

5992 (a) For a convention center reinvestment zone in a capital city, the Governor's Office of Economic [Opportunity] Development shall propose a convention center reinvestment zone on or before April 15, 2025.

5994 (b) For a convention center reinvestment zone that is not in a capital city, the Governor's Office of Economic [Opportunity] Development shall propose a convention center reinvestment zone within 60 days after receiving a petition from the relevant city.

5997 (7) A convention center reinvestment zone does not count toward the maximum of eight housing and transit reinvestment zones in a given county as provided in Subsection 63N-3-603(7)(a).

5997 Section 92. Section **63N-3-604** is amended to read:

5998 **63N-3-604. Process for a proposal of a housing and transit reinvestment zone -- Analysis.**

6003 (1) Subject to approval of the housing and transit reinvestment zone committee as described in Section 63N-3-605, in order to create a housing and transit reinvestment zone, a municipality or public transit county that has general land use authority over the housing and transit reinvestment zone area, shall:

6007 (a) prepare a proposal for the housing and transit reinvestment zone that:

6008 (i) demonstrates that the proposed housing and transit reinvestment zone will meet the objectives described in Subsection 63N-3-603(1);

6010 (ii) explains how the municipality or public transit county will achieve the requirements of Subsection 63N-3-603(2)(a)(i);

6012 (iii) defines the specific transportation infrastructure needs, if any, and proposed improvements and estimated budgets;

6014 (iv) defines the boundaries of:

6015 (A) the housing and transit reinvestment zone; and

6016

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(B) the sales and use tax boundary corresponding to the housing and transit reinvestment zone boundary, as described in Section 63N-3-610;

6018 (v) includes maps of the proposed housing and transit reinvestment zone to illustrate:

6019 (A) the proposed boundary and radius from a public transit hub;

6020 (B) proposed housing density within the housing and transit reinvestment zone; and

6022 (C) existing zoning and proposed zoning changes related to the housing and transit reinvestment zone;

6024 (vi) identifies any development impediments that prevent the development from being a market-rate investment, including proposed strategies and estimated budgets for addressing each one;

6027 (vii) describes the proposed development plan and estimated budgets, including the requirements described in Subsections 63N-3-603(2) and (4);

6029 (viii) establishes a base year and collection period to calculate the property tax increment within the housing and transit reinvestment zone;

6031 (ix) establishes a sales and use tax base year to calculate the sales and use tax increment within the housing and transit reinvestment zone in accordance with Section 63N-3-610;

6034 (x) describes projected maximum revenues generated and the amount of property tax increment capture from each taxing entity and proposed expenditures of revenue derived from the housing and transit reinvestment zone;

6037 (xi) includes an analysis of other applicable or eligible incentives, grants, or sources of revenue that can be used to reduce the finance gap;

6039 (xii) estimates budgets and evaluates possible benefits to active and public transportation availability and impacts on air quality;

6041 (xiii) proposes a finance schedule to align expected revenue with required financing costs and payments;

6043 (xiv) provides a pro-forma for the planned development that:

6044 (A) satisfies the requirements described in Subsections 63N-3-603(2), (3), and (4);

6045 (B) includes data showing the cost difference between what type of development could feasibly be developed absent the housing and transit reinvestment zone property tax increment and the type of development that is proposed to be developed with the housing and transit reinvestment zone property tax increment; and

6050 (C) provides estimated budgets and construction costs, anticipated revenue, financing, expenses, and other sources and uses of funds for the project area; and

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6053 (xv) for a housing and transit reinvestment zone at a commuter rail station, light rail station, or bus  
6054 rapid transit station that is proposed and not in public transit service operation as of the date of  
6055 submission of the proposal, demonstrates that the proposed station is:

6057 (A) included as needed in phase one of a metropolitan planning organization's adopted long-range  
6058 transportation plan and in phase one of the relevant public transit district's adopted long-range plan;  
6059 and

6060 (B) reasonably anticipated to be constructed in the near future; and

6061 (b) submit the housing and transit reinvestment zone proposal to the Governor's Office of Economic  
6062 [Opportunity] Development.

6063 (2) As part of the proposal described in Subsection (1), a municipality or public transit county shall  
6064 study and evaluate possible impacts of a proposed housing and transit reinvestment zone on parking  
6065 within the city and housing and transit reinvestment zone.

6066 (3)

6067 (a) After receiving the proposal as described in Subsection (1)(b), the Governor's Office of Economic  
6068 [Opportunity] Development shall:

6069 (i) within 14 days after the date on which the Governor's Office of Economic  
6070 [Opportunity] Development receives the proposal described in Subsection (1)(b), provide  
6071 notice of the proposal to all affected taxing entities, including the State Tax Commission, cities,  
6072 counties, school districts, metropolitan planning organizations, and the county assessor and  
6073 county auditor of the county in which the housing and transit reinvestment zone is located; and

6074 (ii) at the expense of the proposing municipality or public transit county as described in Subsection  
6075 (5), contract with an independent entity to perform the financial gap analysis described in  
6076 Subsection (3)(b).

6077 (b) The gap analysis required in Subsection (3)(a)(ii) shall include:

6078 (i) a description of the planned development;

6079 (ii) a market analysis relative to other comparable project developments included in or adjacent to the  
6080 municipality or public transit county absent the proposed housing and transit reinvestment zone;

6081 (iii) an evaluation of the proposal to and a determination of the adequacy and efficiency of the proposal;

6082 (iv) an evaluation of the proposed increment capture needed to cover the enhanced development  
6083 costs associated with the housing and transit reinvestment zone proposal and enable the proposed  
6084 development to occur; and

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6087 (v) based on the market analysis and other findings, an opinion relative to the appropriate amount of potential public financing reasonably determined to be necessary to achieve the objectives described in Subsection 63N-3-603(1).

6090 (c) After receiving notice from the Governor's Office of Economic Opportunity Development of a proposed housing and transit reinvestment zone as described in Subsection (3)(a)(i), the State Tax Commission shall:

6093 (i) evaluate the feasibility of administering the tax implications of the proposal; and

6094 (ii) provide a letter to the Governor's Office of Economic Opportunity Development describing any challenges in the administration of the proposal, or indicating that the State Tax Commission can feasibly administer the proposal.

6097 (4) After receiving the results from the analysis described in Subsection (3)(b), the municipality or public transit county proposing the housing and transit reinvestment zone may:

6100 (a) amend the housing and transit reinvestment zone proposal based on the findings of the analysis described in Subsection (3)(b) and request that the Governor's Office of Economic Opportunity Development submit the amended housing and transit reinvestment zone proposal to the housing and transit reinvestment zone committee; or

6105 (b) request that the Governor's Office of Economic Opportunity Development submit the original housing and transit reinvestment zone proposal to the housing and transit reinvestment zone committee.

6108 (5)

(a) The Governor's Office of Economic Opportunity Development may accept, as a dedicated credit, up to \$20,000 from a municipality or public transit county for the costs of the gap analysis described in Subsection (3)(b).

6111 (b) The Governor's Office of Economic Opportunity Development may expend funds received from a municipality or public transit county as dedicated credits to pay for the costs associated with the gap analysis described in Subsection (3)(b).

6111 Section 93. Section **63N-3-604.1** is amended to read:

6112 **63N-3-604.1. Process for proposing a convention center reinvestment zone.**

6117 (1) To create a convention center reinvestment zone under this part, the Governor's Office of Economic Opportunity Development shall, after consulting with and giving notice to the related eligible

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municipality and county, provide a proposal for a convention center reinvestment zone to the housing and transit reinvestment zone committee.

6121 (2)

6124 (a) The Governor's Office of Economic Opportunity Development shall ensure that a proposal for the creation of a convention center reinvestment zone includes the following information and data that:

6125 (i) defines the boundary of the proposed convention center reinvestment zone;

6126 (ii) describes generally the proposed development plan;

6128 (iii) identifies a base year and collection period to calculate the property tax increment within the convention center reinvestment zone;

6131 (iv) specifies a sales and use tax base year to calculate the sales and use tax increment within the convention center reinvestment zone in accordance with Section 63N-3-610.1;

6133 (v) provides estimated project and investment objectives for the convention center reinvestment zone; and

6135 (vi) outlines generally the impacts on transportation in and around the proposed convention center reinvestment zone.

6139 (b) For a convention center reinvestment zone in a capital city, the proposal described in Subsection (2)(a) shall also provide estimated budgets and construction costs, anticipated revenue, financing, expenses, and other sources and uses of funds for the project area.

6140 (c) The proposal described in Subsection (2)(b) shall limit the use of funds to:

6141 (i) a convention center;

6142 (ii) a publicly owned entertainment venue;

6143 (iii) parking; and

6144 (iv) infrastructure related to the project.

6148 (3) A proposal by the Governor's Office of Economic Opportunity Development for a convention center reinvestment zone shall demonstrate how the information and data provided in the proposal pursuant to Subsection (2) furthers the objectives described in Section 63N-3-603.1 and is in the public interest.

6148 (4) After submitting the proposal as described in Subsection (2), the Governor's Office of Economic Opportunity Development shall provide notice of the proposal to all affected taxing entities, including the State Tax Commission, cities, counties, school districts, metropolitan planning

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organizations, and the county assessor and county auditor of the county in which the convention center reinvestment zone is located.

6153 (5) After receiving notice from the Governor's Office of Economic [Opportunity] Development of  
a proposed convention center reinvestment zone as described in Subsection (4), the State Tax  
Commission shall, within 14 days:  
6156 (a) evaluate the feasibility of administering the tax implications of the proposal; and  
6157 (b) provide a letter to the Governor's Office of Economic [Opportunity] Development describing any  
challenges in the administration of the proposal, or indicating that the State Tax Commission can  
feasibly administer the proposal.

6157 Section 94. Section **63N-3-605** is amended to read:

**63N-3-605. Housing and transit reinvestment zone committee -- Creation.**

6163 (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).  
6167 (2) Each housing and transit reinvestment zone committee shall consist of the following members:  
6169 (a) one representative from the Governor's Office of Economic [Opportunity] Development, designated  
by the executive director of the Governor's Office of Economic [Opportunity] Development;  
6172 (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;  
6175 (c) a member of the Transportation Commission created in Section 72-1-301;  
6176 (d) a member of the board of trustees of a large public transit district;  
6177 (e) one individual from the Office of the State Treasurer, designated by the state treasurer;  
6179 (f) two members designated by the president of the Senate;  
6180 (g) two members designated by the speaker of the House of Representatives;  
6181 (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;  
6183 (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

6186

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- (j) one representative, representing the largest participating local taxing entity, after the municipality, county, and school district.
- 6188 (3) The individual designated by the Governor's Office of Economic [Opportunity] Development as described in Subsection (2)(a) shall serve as chair of the housing and transit reinvestment zone committee.
- 6191 (4)
  - (a) A majority of the members of the housing and transit reinvestment zone committee constitutes a quorum of the housing and transit reinvestment zone committee.
- 6194 (b) An action by a majority of a quorum of the housing and transit reinvestment zone committee is an action of the housing and transit reinvestment zone committee.
- 6196 (5)
  - (a) After the Governor's Office of Economic [Opportunity] Development receives the results of the analysis described in Section 63N-3-604, and after the Governor's Office of Economic [Opportunity] Development has received a request from the submitting municipality or public transit county to submit the housing and transit reinvestment zone proposal to the housing and transit reinvestment zone committee, the Governor's Office of Economic [Opportunity] Development shall notify each of the entities described in Subsection (2) of the formation of the housing and transit reinvestment zone committee.
- 6204 (b) For a first home investment zone, the housing and transit reinvestment zone committee shall follow the procedures described in Section 63N-3-1604.
- 6206 (6)
  - (a) The chair of the housing and transit reinvestment zone committee shall convene a public meeting to consider the proposed housing and transit reinvestment zone.
- 6208 (b) A meeting of the housing and transit reinvestment zone committee is subject to Title 52, Chapter 4, Open and Public Meetings Act.
- 6210 (7)
  - (a) The proposing municipality or public transit county shall present the housing and transit reinvestment zone proposal to the housing and transit reinvestment zone committee in a public meeting.
- 6213 (b) The housing and transit reinvestment zone committee shall, for a housing and transit reinvestment zone proposal:

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6215 (i) evaluate and verify whether the elements of a housing and transit reinvestment zone described in  
Subsections 63N-3-603(2) and (4) have been met; and

6217 (ii) evaluate the proposed housing and transit reinvestment zone relative to the analysis described in  
Subsection 63N-3-604(2).

6219 (c) The housing and transit reinvestment zone committee shall, for a convention center reinvestment  
zone proposal, evaluate and verify whether the objectives of a convention center reinvestment zone  
described in Section 63N-3-603.1 have been met.

6223 (8)  
(a) Subject to Subsection (8)(b), the housing and transit reinvestment zone committee may:  
6225 (i)  
(A) for a housing and transit reinvestment zone, request changes to the housing and transit reinvestment  
zone proposal based on the analysis, characteristics, and criteria described in Section 63N-3-604; or  
6228 (B) for a convention center reinvestment zone, request changes to the convention center reinvestment  
zone proposal based on the characteristics and criteria described in Sections 63N-3-603.1 and  
63N-3-604.1; or  
6231 (ii) vote to approve or deny the proposal.

6232 (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.

6238 (9) If a housing and transit reinvestment zone is approved by the committee:  
6239 (a) the proposed housing and transit reinvestment zone is established according to the terms of the  
housing and transit reinvestment zone proposal;  
6241 (b) affected local taxing entities are required to participate according to the terms of the housing and  
transit reinvestment zone proposal; and  
6243 (c) each affected taxing entity is required to participate at the same rate.

6244 (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.

6246 (11)

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- (a) The approval for a convention center reinvestment zone in a capital city may be completed with a condition that the relevant municipality also create a public infrastructure district as provided in Subsection 63N-3-607(8)(b).
- 6249 (b) The approval described in Subsection (11)(a) shall verify that the requirements and limitations on use of funds is limited to the conditions described under Subsections 63N-3-604.1(2)(b) and (c).
- 6249       Section 95. Section **63N-3-606** is amended to read:
- 6250       **63N-3-606. Notice requirements.**
- 6254 (1) In approving a housing and transit reinvestment zone or convention center reinvestment zone proposal, the housing and transit reinvestment zone committee shall follow the hearing and notice requirements for creating a housing and transit reinvestment zone or convention center reinvestment zone area proposal.
- 6258 (2) Within 30 days after the housing and transit reinvestment zone committee approves a proposed housing and transit reinvestment zone, the municipality or public transit county, or for a convention center reinvestment zone, the Governor's Office of Economic Opportunity Development, shall:
- 6262 (a) record with the recorder of the county in which the housing and transit reinvestment zone or convention center reinvestment zone is located a document containing:
- 6264 (i) a description of the land within the housing and transit reinvestment zone or convention center reinvestment zone;
- 6266 (ii) a statement that the proposed housing and transit reinvestment zone or convention center reinvestment zone has been approved; and
- 6268 (iii) the date of adoption;
- 6269 (b) transmit a copy of the description of the land within the housing and transit reinvestment zone or convention center reinvestment zone and an accurate map or plat indicating the boundaries of the housing and transit reinvestment zone or convention center reinvestment zone to the Utah Geospatial Resource Center created under Section 63A-16-505; and
- 6274 (c) transmit a copy of the approved housing and transit reinvestment zone or convention center reinvestment zone proposal, map, and description of the land within the housing and transit reinvestment zone or convention center reinvestment zone, to:
- 6277 (i) the auditor, recorder, attorney, surveyor, and assessor of the county in which any part of the housing and transit reinvestment zone or convention center reinvestment zone is located;

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- (ii) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
- (iii) the legislative body or governing board of each taxing entity;
- (iv) the State Tax Commission; and
- (v) the State Board of Education.

Section 96. Section **63N-3-610.1** is amended to read:

**63N-3-610.1. Sales and use tax increment in a convention center reinvestment zone.**

- (1) A convention center revitalization zone proposal shall, in consultation with the State Tax Commission:
  - (a) create a sales and use tax boundary as described in Subsection (2); and
  - (b) establish a sales and use tax base year to calculate and transfer the sales and use tax increment within the convention center revitalization zone 90 days after the date of the notice described in Subsection [4] (5).
- (2) The Governor's Office of Economic Opportunity Development, in consultation with the State Tax Commission, shall establish a sales and use tax boundary that:
  - (i) is based on state sales and use tax collection boundaries, which are determined using the ZIP Code as defined in Section 59-12-102, including the four digit delivery route extension;
  - (ii) follows as closely as reasonably practicable the boundary of the convention center revitalization zone; and
  - (iii) is one contiguous area that includes at least the entire boundary of the convention center revitalization zone.
- (b) If a state sales and use tax boundary is intersected by the boundary of the convention center revitalization zone, the convention center revitalization zone may include the entire state sales and use tax boundary.
- (c) The Governor's Office of Economic Opportunity Development shall include the sales and use tax boundary in the convention center revitalization zone proposal as described in Section 63N-3-603.1.

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State Tax Commission shall, at least annually, transfer an amount equal to 100% of the local sales and use tax increment within an established sales and use tax boundary to the relevant municipality or public infrastructure district.

6317 (b) For a convention center reinvestment zone that is located in a capital city, beginning no sooner than January 1, 2026, and on the first day of a calendar quarter after the year set in the proposal and after the sales and use tax boundary for a convention center reinvestment zone in a capital city is established, the State Tax Commission shall, at least annually, transfer an amount equal to 50% of the state sales and use tax increment and 100% of any local sales and use tax increment within an established sales and use tax boundary to the public infrastructure district created pursuant to Subsection 63N-3-607(8)(b).

6325 (4) The Governor's Office of Economic Opportunity Development may only propose one sales and use tax increment period and one sales and use tax base year for a convention center revitalization zone established under this part.

6328 (5)

6329 (a) The distribution of the sales and use tax increment shall begin:

6330 (i) on the first day of a calendar quarter;

6333 (ii) after a 90-day waiting period, beginning on the date the State Tax Commission receives notice from the Governor's Office of Economic Opportunity Development meeting the requirements of Subsection (5)(b); and

6335 (iii) no earlier than January 1, 2026 after the year set in the proposal of the approved convention center reinvestment zone.

6336 (b) The notice described in Subsection (5)(a) shall include:

6338 (i) a statement that the convention center revitalization zone will be established under this part;

6340 (ii) the approval date and effective date of the convention center revitalization zone; and

6341 (iii) the definitions of the sales and use tax boundary and sales and use tax base year.

6341 (6) The State Tax Commission may retain and deposit an administrative charge in accordance with Section 59-1-306 from sales and use tax revenues the State Tax Commission collects and administers under this section.

6341 Section 97. Section **63N-3-611** is amended to read:

6342 **63N-3-611. Boundary adjustments.**

If the relevant county assessor or county auditor adjusts parcel boundaries relevant to a

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housing and transit reinvestment zone or a convention center reinvestment zone, the municipality administering the property tax increment collected in the housing and transit reinvestment zone, or for a convention center reinvestment zone, the Governor's Office of Economic [Opportunity] Development may make corresponding adjustments to the boundary of the housing and transit reinvestment zone.

6349       Section 98. Section **63N-3-1101** is amended to read:

**63N-3-1101. Definitions.**

As used in this part:

6355       (1) "Grant" means a grant awarded under Section 63N-3-1102.

6356       (2) "Program" means the Manufacturing Modernization Grant Program created in Section 63N-3-1102.

6358       (3) "Targeted industry" means an industry or group of industries targeted by the [GOEO] GOED board under Section 63N-3-111 for economic development in the state.

6357       Section 99. Section **63N-3-1102** is amended to read:

**63N-3-1102. Manufacturing Modernization Grant Program -- Creation -- Purpose --**

**Requirements -- Rulemaking -- Report.**

6364       (1)

6365       (a) There is created the Manufacturing Modernization Grant Program to be administered by the office.

6366       (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.

6369       (2)

6370       (a) An entity that submits a proposal for a grant to the office shall include details in the proposal regarding:

6371           (i) the entity's plan to use the grant to fulfill the purpose described in Subsection (1)(b);

6373           (ii) any plan to use funding sources in addition to a grant for the proposal; and

6374           (iii) any existing or planned partnerships between the entity and another individual or entity to implement the proposal.

6376       (b) In evaluating a proposal for a grant, the office shall consider:

6377           (i) the likelihood the proposal will accomplish the purpose described in Subsection (1)(b);

6379           (ii) the extent to which any additional funding sources or existing or planned partnerships will benefit the proposal; and

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6381 (iii) the viability and sustainability of the proposal.

6382 (c) In determining a grant award, the office:

6383 (i) may consult with the [GOEØ] GOED board; and

6384 (ii) may prioritize a targeted industry or an entity with fewer than 250 employees.

6385 (3) Before receiving the grant, a grant recipient shall enter into a written agreement with the office that specifies:

6387 (a) the grant amount;

6388 (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

6390 (c) the expenses for which the recipient may use the grant, including:

6391 (i) acquisition of manufacturing equipment;

6392 (ii) production, design, or engineering costs;

6393 (iii) specialized employee training;

6394 (iv) technology upgrades; or

6395 (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.

6397 (4) Subject to Subsection (2), the office may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to establish:

6399 (a) the form and process for submitting a proposal to the office for a grant;

6400 (b) the entities that are eligible to apply for a grant;

6401 (c) the method and formula for determining a grant amount; and

6402 (d) the reporting requirements for a grant recipient.

6403 (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:

6405 (a) each grant awarded; and

6406 (b) the economic impact of each grant.

6404 Section 100. Section **63N-3-1602** is amended to read:

6405 **63N-3-1602. Applicability, requirements, and limitations on a first home investment zone.**

6410 (1) A first home investment zone created in accordance with this part shall promote the following objectives:

6412

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- (a) encouraging efficient development and opportunities for home ownership by providing a variety of housing options, including affordable housing and for sale, owner-occupied housing;
- (b) improving availability of housing options;
- (c) overcoming development impediments and market conditions that render a development cost prohibitive absent the proposal and incentives;
- (d) conserving water resources through efficient land use;
- (e) improving air quality by reducing fuel consumption and motor vehicle trips;
- (f) encouraging transformative mixed-use development;
- (g) strategic land use and municipal planning in major transit investment corridors as described in Subsection 10-20-404(2);
- (h) increasing access to employment and educational opportunities;
- (i) increasing access to child care; and
- (j) improving efficiencies in parking and transportation, including walkability of communities, street and path interconnectivity within the proposed development and connections to surrounding communities, and access to roadways, public transportation, and active transportation.

(2) In order to accomplish the objectives described in Subsection (1), a municipality or county that initiates the process to create a first home investment zone as described in this part shall ensure that the proposal for a first home investment zone includes:

- (a) subject to Subsection (3), a minimum of 30 housing units per acre:
  - (i) in at least 51% of the developable area within the first home investment zone; and
  - (ii) of which 50% must be owner occupied;
- (b) a mixed use development;
- (c) a requirement that at least 25% of homes within the first home investment zone remain owner occupied for at least 25 years from the date of original purchase;
- (d) for homes inside the first home investment zone, a requirement that at least 12% of the owner occupied homes and 12% of the homes that are not owner occupied are affordable housing;
- (e) a requirement that at least 20% of the extraterritorial homes are affordable housing; and
- (f) except for extraterritorial homes, the number of homes that result from multiplying the number of housing units described in Subsection (2)(a) by the developable area described in Subsection (2)(a)
  - (i) may be intermingled with other mixed uses within the first home investment zone.

(3)

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(a) Subject to Subsection (3)(b), to satisfy the requirements described in Subsection (2)(a), a first home investment zone may include an extraterritorial home to count toward the required density and owner-occupancy of the first home investment zone by:

(i) adding the total number of extraterritorial homes related to the first home investment zone to the total number of homes within the first home investment zone; and

(ii) dividing the sum described in Subsection (3)(a)(i) by a number equal to 51% of the total number of developable acres within the first home investment zone.

(b) Extraterritorial homes may account for no more than half of the total homes to calculate density within a first home investment zone.

(4)

(a) If a municipality proposes a first home investment zone, the proposal shall comply with the limitations described in this Subsection (4).

(b) A first home investment zone may not be less than 10 acres and no more than 100 acres of developable area in size.

(c)

(i) Except as provided in Subsection (4)(c)(ii), a first home investment zone is required to be one contiguous area.

(ii) While considering a first home investment zone proposal as described in Section 63N-3-1605, the housing and transit reinvestment zone committee may consider and approve a first home investment zone that is not one contiguous area if:

(A) the municipality provides evidence in the proposal showing that the deviation from the contiguity requirement will enhance the ability of the first home investment zone to achieve the objectives described in Subsection (1); and

(B) the housing and transit reinvestment zone committee determines that the deviation is reasonable and circumstances justify deviation from the contiguity requirement.

(iii) The first home investment zone area contiguity is not affected by roads or other rights-of-way.

(d)

(i) A first home investment zone proposal may propose the capture of a maximum of 60% of each taxing entity's tax increment above the base year for a term of no more than 25 consecutive years within a 45-year period not to exceed the tax increment amount approved in the first home investment zone proposal.

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- 6479 (ii) A first home investment zone proposal may not propose or include triggering more than three tax increment collection periods during the applicable 25-year period.
- 6482 (iii) Subject to Subsection (4)(d)(iv), a municipality shall ensure that the required affordable housing units are included proportionally in each phase of the first home investment zone development.
- 6485 (iv) A municipality may allow a first home investment zone to be phased and developed in a manner to provide more of the required affordable housing units in early phases of development.
- 6488 (e) If a municipality proposes a first home investment zone, commencement of the collection of tax increment, for all or a portion of the first home investment zone, is triggered by providing notice as described in Subsection (5).
- 6491 (f) A municipality may restrict homes within a first home investment zone and related extraterritorial homes from being used as a short-term rental.
- 6493 (g) A municipality shall ensure that affordable housing within a first home investment zone and related extraterritorial homes that are reserved as affordable housing are spread throughout the overall development.
- 6496 (h) A municipality shall ensure that at least 80% of extraterritorial homes included in a first home investment zone proposal are single-family detached homes.
- 6498 (i) A municipality shall include in a first home investment zone proposal:
  - 6499 (i) an affordable housing plan, which may include deed restrictions, to ensure the affordable housing required in the proposal will continue to meet the definition of affordable housing at least throughout the entire term of the first home investment zone; and
  - 6503 (ii) an owner occupancy plan, which may include deed restrictions, to ensure the owner occupancy requirements in the proposal will continue to meet the definition of owner occupancy at least throughout the entire term of the first home investment zone.
- 6507 (j) A municipality shall include in the first home investment zone proposal evidence to demonstrate how the first home investment zone proposal complies with the municipality's moderate income housing plan and general plan.
- 6510 (5) Notice of commencement of collection of tax increment shall be sent by mail or electronically to the following entities no later than January 1 of the year for which the tax increment collection is proposed to commence:
  - 6513 (a) the State Tax Commission;
  - 6514 (b) the State Board of Education;

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- 6515 (c) the state auditor;
- 6516 (d) the auditor of the county in which the first home investment zone is located;
- 6517 (e) each taxing entity affected by the collection of tax increment from the first home investment zone;
- 6519 (f) the assessor of the county in which the first home investment zone is located; and
- 6520 (g) the Governor's Office of Economic Opportunity Development.
- 6521 (6) A first home investment zone proposal may not include a proposal to capture sales and use tax increment.
- 6523 (7) A municipality may not propose a first home investment zone in a county of the first class if the limitation described in Subsection 63N-3-603(7)(c) has been reached.
- 6525 (8) A municipality may not propose a first home investment zone in a location that is eligible for a housing and transit reinvestment zone.
- 6527 (9) A municipality may not propose a first home investment zone if the municipality's community reinvestment agency, based on the most recent annual comprehensive financial report, retains cash and cash equivalent assets of more than 20% of ongoing and unencumbered annual community reinvestment agency revenue.

6528       Section 101. Section **63N-3-1603** is amended to read:

6529       **63N-3-1603. Process for a proposal of a first home investment zone.**

- 6534 (1) Subject to approval of the housing and transit reinvestment zone committee as described in Section 63N-3-1604, in order to create a first home investment zone, a municipality that has general land use authority over the first home investment zone area, shall:
  - 6537 (a) prepare a proposal for the first home investment zone that:
    - 6538 (i) demonstrates that the proposed first home investment zone will meet the objectives described in Subsection 63N-3-1602(1);
    - 6540 (ii) explains how the municipality will achieve the requirements of Subsection 63N-3-1602(2);
    - 6542 (iii) defines the specific infrastructure needs, if any, and proposed improvements;
    - 6543 (iv) demonstrates how the first home investment zone will ensure:
      - 6544 (A) sufficient pedestrian access to schools and other areas of community; and
      - 6545 (B) inclusion of child care facilities and access;
    - 6546 (v) defines the boundaries of the first home investment zone;
    - 6547 (vi) includes maps of the proposed first home investment zone to illustrate:
    - 6548 (A) proposed housing density within the first home investment zone;

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6549 (B) extraterritorial homes relevant to the first home investment zone, including density of the  
development of extraterritorial homes; and

6551 (C) existing zoning and proposed zoning changes related to the first home investment zone;

6553 (vii) identifies any development impediments that prevent the development from being a market-rate  
investment and proposed strategies for addressing each one;

6555 (viii) describes the proposed development plan, including the requirements described in Subsections  
63N-3-1602(2) and (4);

6557 (ix) establishes the collection period or periods to calculate the tax increment;

6558 (x) describes projected maximum revenues generated and the amount of tax increment capture from  
each taxing entity and proposed expenditures of revenue derived from the first home investment  
zone;

6561 (xi) includes an analysis of other applicable or eligible incentives, grants, or sources of revenue that can  
be used to reduce the finance gap;

6563 (xii) proposes a finance schedule to align expected revenue with required financing costs and payments;

6565 (xiii) evaluates possible benefits to active transportation, public transportation availability and  
utilization, street connectivity, and air quality; and

6567 (xiv) provides a pro forma for the planned development that:

6568 (A) satisfies the requirements described in Subsections 63N-3-1602(2) and (4); and

6569 (B) includes data showing the cost difference between what type of development could feasibly be  
developed absent the first home investment zone tax increment and the type of development that is  
proposed to be developed with the first home investment zone tax increment;

6573 (b) submit the proposal to the relevant school district to discuss the requirements of the proposal and  
whether the proposal provides the benefits and achieves the objectives described in this part; and

6576 (c) submit the first home investment zone proposal to the Governor's Office of Economic  
[Opportunity] Development.

6578 (2) As part of the proposal described in Subsection (1), a municipality shall:

6579 (a) study and evaluate possible impacts of a proposed first home investment zone on parking and  
efficient use of land within the municipality and first home investment zone; and

6582 (b) include in the first home investment zone proposal the findings of the study described in Subsection  
(2)(a) and proposed strategies to efficiently address parking impacts.

6585 (3)

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(a) After receiving the proposal as described in Subsection (1)(c), the Governor's Office of Economic [Opportunity] Development shall:

6587 (i) within 14 days after the date on which the Governor's Office of Economic [Opportunity] Development receives the proposal described in Subsection (1)(c), provide notice of the proposal to all affected taxing entities, including the State Tax Commission, cities, counties, school districts, metropolitan planning organizations, and the county assessor and county auditor of the county in which the first home investment zone is located; and

6593 (ii) at the expense of the proposing municipality as described in Subsection (5), contract with an independent entity to:

6595 (A) perform the gap analysis described in Subsection (3)(b); and

6596 (B) perform an analysis of the pro-forma described in Subsection (1)(a)(xiv)(B) and the feasibility of the proposed development absent the tax increment.

6598 (b) The gap and pro-forma analysis required in Subsection (3)(a)(ii) shall include:

6599 (i) a description of the planned development;

6600 (ii) a market analysis relative to other comparable project developments included in or adjacent to the municipality absent the proposed first home investment zone;

6602 (iii) an evaluation of the proposal and a determination of the adequacy and efficiency of the proposal;

6604 (iv) an evaluation of the proposed tax increment capture needed to cover the system improvements and project improvements associated with the first home investment zone proposal and enable the proposed development to occur, and for the benefit of affordable housing projects; and

6608 (v) based on the market analysis and other findings, an opinion relative to the appropriate amount of potential public financing reasonably determined to be necessary to achieve the objectives described in Subsection 63N-3-1602(1).

6611 (c) After receiving notice from the Governor's Office of Economic [Opportunity] Development of a proposed first home investment zone as described in Subsection (3)(a)(i), the municipality, in consultation with the county assessor and the State Tax Commission, shall:

6615 (i) evaluate the feasibility of administering the tax implications of the proposal; and

6616 (ii) provide a letter to the Governor's Office of Economic [Opportunity] Development describing any challenges in the administration of the proposal, or indicating that the county assessor can feasibly administer the proposal.

6619

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(4) After receiving the results from the analysis described in Subsection (3)(b), the municipality proposing the first home investment zone may:

6621 (a) amend the first home investment zone proposal based on the findings of the analysis described in Subsection (3)(b) and request that the Governor's Office of Economic Opportunity Development submit the amended first home investment zone proposal to the housing and transit reinvestment zone committee; or

6625 (b) request that the Governor's Office of Economic Opportunity Development submit the original first home investment zone proposal to the housing and transit reinvestment zone committee.

6628 (5)

(a) The Governor's Office of Economic Opportunity Development may accept, as a dedicated credit, up to \$20,000 from a municipality for the costs of the gap analysis described in Subsection (3)(b).

6631 (b) The Governor's Office of Economic Opportunity Development may expend funds received from a municipality as dedicated credits to pay for the costs associated with the gap analysis described in Subsection (3)(b).

6631 Section 102. Section **63N-3-1604** is amended to read:

6632 **63N-3-1604. Consideration of proposals by housing and transit reinvestment zone committee.**

6637 (1) A first home investment zone proposed under this part is subject to approval by the housing and transit reinvestment zone committee.

6639 (2) After the Governor's Office of Economic Opportunity Development receives the results of the analysis described in Section 63N-3-1603, and after the Governor's Office of Economic Opportunity Development has received a request from the submitting municipality to submit the first home investment zone proposal to the housing and transit reinvestment zone committee, the Governor's Office of Economic Opportunity Development shall notify each of the relevant entities of the formation of the housing and transit reinvestment zone committee as described in Section 63N-3-605.

6646 (3)

(a) The chair of the housing and transit reinvestment zone committee shall convene a public meeting to consider the proposed first home investment zone in the same manner as described in Section 63N-3-605.

6649

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(b) A meeting of the housing and transit reinvestment zone committee is subject to Title 52, Chapter 4, Open and Public Meetings Act.

6651

(4)

(a) The proposing municipality shall present the first home investment zone proposal to the housing and transit reinvestment zone committee in a public meeting.

6653

(b) The housing and transit reinvestment zone committee shall:

6654

(i) evaluate and verify whether the objectives and elements of a first home investment zone described in Subsections 63N-3-1502(1), (2), and (4) have been met; and

6656

(ii) evaluate the proposed first home investment zone relative to the analysis described in Subsection 63N-3-1603(2).

6658

(5)

(a) Subject to Subsection (5)(b), the housing and transit reinvestment zone committee may:

6660

(i) request changes to the first home investment zone proposal based on the analysis, characteristics, and criteria described in Section 63N-3-1603; or

6662

(ii) vote to approve or deny the proposal.

6663

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

6668

(6) If a first home investment zone is approved by the committee:

6669

(a) the proposed first home investment zone is established according to the terms of the first home investment zone proposal;

6671

(b) affected local taxing entities are required to participate according to the terms of the first home investment zone proposal; and

6673

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

6674

(7) A first home investment zone proposal may be amended by following the same procedure as approving a first home investment zone proposal.

6673

Section 103. Section **63N-3-1702** is amended to read:

6674

**63N-3-1702. Applicability, requirements, and limitations on a major sporting event venue zone.**

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6679 (1) A major sporting event venue zone created pursuant to this part shall promote the following objectives:

6681 (a) redevelopment of existing but aging major sporting event venues;

6682 (b) development of new major sporting event venues;

6683 (c) development of infrastructure supporting a major sporting event venue;

6684 (d) increased utilization of public transportation when accessing a major sporting event venue;

6686 (e) improved efficiencies in parking and transportation with the goal of increasing walkability between a major sporting event venue and a public transit station;

6688 (f) improved commercial development, or mixed commercial-residential development, in areas near a major sporting event venue;

6690 (g) improving air quality by reducing fuel consumption and motor vehicle trips; and

6691 (h) increasing tourism activity.

6692 (2) In order to accomplish the objectives described in this section, a creating entity that initiates the process to create a major sporting event venue zone shall ensure that a proposal for a major sporting event venue zone includes information demonstrating how the proposed major sporting event venue zone shall achieve the objectives described in Subsection (1).

6697 (3) Notice of commencement of collection of property tax increment shall be sent by mail or electronically to the following entities no later than January 1 of the year for which the property tax increment collection is proposed to commence:

6700 (a) the State Tax Commission;

6701 (b) the State Board of Education;

6702 (c) the state auditor;

6703 (d) the auditor of the county in which the major sporting event venue zone is proposed to be created;

6705 (e) each taxing entity to be affected by collection of property tax increment in the proposed major sporting event venue zone;

6707 (f) the assessor of the county in which the major sporting event venue zone is proposed to be created; and

6709 (g) the Governor's Office of Economic Opportunity Development.

6710 (4) A major sporting event venue zone proposal may include:

6711 (a) a proposal to capture property tax increment;

6712 (b) a proposal to capture local sales and use tax increment; and

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6713 (c) a proposal to implement a tax described in Section 11-71-201, either immediately upon creation of  
the major sporting event venue zone or on a specified timeline following the creation of the major  
sporting event venue zone.

6713 Section 104. Section **63N-4-103** is amended to read:

6714 **63N-4-103. Purpose of the Center for Rural Development.**

6719 The Center for Rural Development is established to:

6721 (1) foster and support economic development programs and activities for the benefit of rural counties  
and communities;

6723 (2) foster and support community, county, and resource management planning programs and activities  
for the benefit of rural counties and communities;

6725 (3) foster and support leadership training programs and activities for the benefit of:

6726 (a) rural leaders in both the public and private sectors;

6727 (b) economic development and planning personnel; and

6728 (c) rural government officials;

6730 (4) foster and support efforts to coordinate and focus the technical and other resources of appropriate  
institutions of higher education, local governments, private sector interests, associations, nonprofit  
organizations, federal agencies, and others, in ways that address the economic development,  
planning, and leadership challenges;

6731 (5) work to enhance the capacity of [GOEØ] GOED 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; and

6733 (6) foster government-to-government collaboration and good working relations between state and rural  
government regarding economic development and planning issues.

6734 Section 105. Section **63N-4-104** is amended to read:

6735 **63N-4-104. Duties.**

6737 (1) The Center for Rural Development shall:

6739 (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;

6741

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(b) work with the [GOEO] GOED board to coordinate and focus available resources in ways that address the economic development, planning, and leadership training challenges and priorities in rural Utah;

6747 (c) assist in administering the Rural Opportunity Program created in Section 63N-4-802; and

6749 (d) in accordance with economic development and planning policies set by state government, coordinate relations between:

6751 (i) the state;

6752 (ii) rural governments;

6753 (iii) other public and private groups engaged in rural economic planning and development; and

6755 (iv) federal agencies.

6756 (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.

6755 Section 106. Section **63N-7-102** is amended to read:

### **63N-7-102. Utah Office of Tourism created -- Appointment of managing director --**

#### **Responsibilities of tourism office.**

6762 (1) There is created within [GOEO] GOED the Utah Office of Tourism.

6763 (2)

6764 (a) The executive director shall appoint a managing director of the tourism office.

6765 (b) The managing director may, with the approval of the executive director, appoint staff.

6766 (3) The tourism office shall:

6767 (a) be the tourism development authority of the state;

6769 (b) develop a tourism advertising, marketing, branding, destination development, and destination management program for the state;

6771 (c) receive approval from the board under Subsection 63N-7-202(1)(a) before implementing the program described in Subsection (3)(b);

6772 (d) develop a plan to increase the economic contribution by tourists visiting the state;

6775 (e) plan and conduct a program of information, advertising, and publicity relating to the recreational, scenic, historic, cultural, and culinary tourist attractions, amenities, and advantages of the state at large;

## HB0475S01 compared with HB0475S02

- (f) encourage and assist in the coordination of the activities of persons, firms, associations, corporations, travel regions, counties, and governmental agencies engaged in publicizing, developing, and promoting the tourist attractions, amenities, and advantages of the state;
- 6779 (g) conduct a regular and ongoing research program to identify statewide economic trends and conditions in the tourism sector of the economy; and
- 6781 (h) ensure that any plan or program developed under this Subsection (3) addresses, but not be limited to, the following policies:
  - 6783 (i) enhancing the state's image;
  - 6784 (ii) promoting the state as a year-round destination;
  - 6785 (iii) encouraging expenditures by visitors to the state; and
  - 6786 (iv) expanding the markets where the state is promoted.

6784 Section 107. Section **63N-16-102** is amended to read:

### **63N-16-102. Definitions.**

As used in this chapter:

- 6790 (1) "Advisory committee" means the General Regulatory Sandbox Program Advisory Committee created in Section 63N-16-104.
- 6792 (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.
- 6796 (3) "Applicant" means a person that applies to participate in the regulatory sandbox.
- 6797 (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.
- 6801 (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.
- 6803 (6) "Demonstrate" or "demonstration" means to temporarily provide an offering in accordance with the provisions of the regulatory sandbox program described in this chapter.
- 6806 (7) "Director" means the director of the Utah Office of Regulatory Relief created in Section 63N-16-103.

6808

## HB0475S01 compared with HB0475S02

(8) "Executive director" means the executive director of the Governor's Office of Economic [Opportunity] Development.

6810 (9) "Financial product or service" means:

6811 (a) a financial product or financial service that requires state licensure or registration; or

6812 (b) a financial product, financial service, or banking business that includes a business model, delivery mechanism, offering of deposit accounts, or element that may require a license or other authorization to act as a financial institution, enterprise, or other entity that is regulated by Title 7, Financial Institutions Act, or other related provisions.

6817 (10) "Health, safety, and financial well-being" includes protecting against physical injury, property damage, or financial harm.

6819 (11) "Innovation" means the use or incorporation of a new or existing idea, a new or emerging technology, or a new use of existing technology, including blockchain technology, to address a problem, provide a benefit, or otherwise offer a product, production method, or service.

6823 (12) "Insurance product or service" means an insurance product or insurance service that requires state licensure, registration, or other authorization as regulated by Title 31A, Insurance Code, including an insurance product or insurance service that includes a business model, delivery mechanism, or element that requires a license, registration, or other authorization to do an insurance business, act as an insurance producer or consultant, or engage in insurance adjusting as regulated by Title 31A, Insurance Code.

6829 (13)

6830 (a) "Offering" means a product, production method, or service, including a financial product or service or an insurance product or service, that includes an innovation.

6831 (b) "Offering" does not include a product, production method, or service that is governed by Title 61, Chapter 1, Utah Uniform Securities Act.

6833 (14) "Product" means a commercially distributed good that is:

6834 (a) tangible personal property;

6835 (b) the result of a production process; and

6836 (c) passed through the distribution channel before consumption.

6837 (15) "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.

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6841 (16) "Regulatory relief office" means the Utah Office of Regulatory Relief created in Section  
63N-16-103.

6843 (17) "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.

6846 (18) "Sandbox participant" means a person whose application to participate in the regulatory sandbox is  
approved in accordance with the provisions of this chapter.

6848 (19) "Service" means any commercial activity, duty, or labor performed for another person.

6846 Section 108. Section **63N-16-301** is amended to read:

6847 **63N-16-301. Regulatory relief web page.**

6851 (1) The regulatory relief office shall create and maintain on [GOEO's] GOED's website a web page that  
invites residents and businesses in the state to make suggestions regarding laws and regulations that  
could be modified or eliminated to reduce the regulatory burden of residents and businesses in the  
state.

6855 (2) On at least a quarterly basis, the regulatory relief office shall compile the results of suggestions  
from the web page and provide a written report to the governor, the Business and Labor Interim  
Committee, and the Economic Development and Workforce Services Interim Committee that  
describes the most common suggestions.

6859 (3) In creating the report described in Subsection (2), the regulatory relief office and the advisory  
committee:

6861 (a) shall ensure that private information of residents and businesses that make suggestions on the web  
page is not made public; and

6863 (b) may evaluate the suggestions and provide analysis and suggestions regarding which state laws  
and regulations could be modified or eliminated to reduce the regulatory burden of residents and  
businesses in the state while still protecting consumers.

6863 Section 109. Section **63N-18-201** is amended to read:

6864 **63N-18-201. Creation of the Utah Center for Immigration and Integration -- Responsibilities  
of the center.**

6869 (1) There is created within the Governor's Office of Economic Opportunity Development the Utah  
Center for Immigration and Integration.

6871 (2) The center shall:

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6872 (a) assist individuals and businesses in the state with identifying pathways for recruiting and retaining foreign labor;

6874 (b) coordinate with state agencies in developing and administering policies and programs related to immigrant integration;

6876 (c) develop and implement a statewide strategy for immigrant integration that promotes economic opportunities for immigrant communities in the state;

6878 (d) create and convene a task force to review and make recommendations regarding the state's policies on immigrant integration;

6880 (e) develop sustainable partnerships with local officials, the business sector, and community organizations serving immigrant communities in the state; and

6882 (f) advise and make recommendations to the governor, state agencies, and the Legislature regarding immigrant integration and foreign labor issues.

6884 (3) The center may not encourage a business to bypass state residents for the business's workforce needs.

6886 (4) The center may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to carry out the center's responsibilities under this chapter.

6885 Section 110. Section **63N-20-101** is amended to read:

6886 **63N-20-101. Definitions.**

6887 As used in this part:

6891 (1) "Contractor" means the educational technology provider that the Governor's Office of Economic [Opportunity] Development selects under Section 63N-20-102.

6893 (2) "Office" means the Governor's Office of Economic [Opportunity] Development created in Section 63N-1a-301.

6895 (3) "Preschool child" means a child who is:

6896 (a) four or five years old; and

6897 (b) not eligible for enrollment under Subsection 53G-4-402(8).

6898 (4)

6899 (a) "Private preschool provider" means a child care program that:

6900 (i)

6901 (A) is licensed under Title 26B, Chapter 2, Part 4, Child Care Licensing or, except as provided in Subsection (4)(b), is exempt from licensure under Section 26B-2-405; and

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6902 (B) meets other criteria as established by the office, consistent with Utah Constitution, Article X,  
6904 Section 1; or  
6904 (ii) is a residential certificate provider described in Section 26B-2-404.

6905 (b) "Private preschool provider" does not include a program exempt from licensure under Subsection  
6907 26B-2-405(2)(c).

6909 (5) "Public preschool" means a preschool program that is provided by a school district, a charter school,  
6910 or the Head Start program.

6912 (6) "State board" means the State Board of Education.

6914 (7) "UPSTART" means the statewide program created in Section 63N-20-102 that uses a home-based  
6916 educational technology program and parent engagement to develop school readiness skills of  
6918 preschool children.

6920 Section 111. Section **67-1-2** is amended to read:

6922 **67-1-2. Senate confirmation of gubernatorial nominees -- Verification of nomination  
6924 requirements -- Consultation on appointments -- Notification of anticipated vacancies.**

6926 (1)

6928 (a) Except as provided in Subsection [~~(3)~~] (2), at least 30 days before the day of an extraordinary  
6930 session of the Senate to confirm a gubernatorial nominee, the governor shall send to each member of  
6932 the Senate and to the Office of Legislative Research and General Counsel the following information  
6934 for each nominee:

6936 (i) the nominee's name and biographical information, including a resume and curriculum vitae with  
6938 personal contact information, including home address, email address, and telephone number,  
6940 redacted, except that the governor shall send to the Office of Legislative Research and General  
6942 Counsel the contact information for the nominee;

6944 (ii) a detailed list, with citations, of the legal requirements for the appointed position;

6946 (iii) a detailed list with supporting documents explaining how, and verifying that, the nominee  
6948 meets each statutory and constitutional requirement for the appointed position;

6950 (iv) a written certification by the governor that the nominee satisfies all requirements for the  
6952 appointment; and

6954 (v) public comment information collected in accordance with Section 63G-24-204.

6956 (b) This Subsection (1) does not apply to a judicial appointee.

6958 (2)

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(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 of the Governor's Office of Economic ~~Opportunity~~ Development;

(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 described in Subsection (2)(a).

(3) The governor shall:

(a) if the governor is aware of an upcoming vacancy in a position that requires Senate confirmation, provide notice of the upcoming vacancy to the president of the Senate, the Senate minority leader, and the Office of Legislative Research and General Counsel at least 30 days before the day on which the vacancy occurs; and

(b) establish a process for government entities and other relevant organizations to provide input on gubernatorial appointments.

(4) When the governor makes a judicial appointment, the governor shall immediately provide to the president of the Senate and the Office of Legislative Research and General Counsel:

(a) the name of the judicial appointee; and

(b) the judicial appointee's:

(i) resume;

(ii) complete file of all the application materials the governor received from the judicial nominating commission; and

(iii) any other related documents, including any letters received by the governor about the appointee, unless the letter specifically directs that the letter may not be shared.

## HB0475S01 compared with HB0475S02

(5) The governor shall inform the president of the Senate and the Office of Legislative Research and General Counsel of the number of letters withheld pursuant to Subsection (4)(b)(iii).

6970 (6)

(a) Letters of inquiry submitted by any judge at the request of any judicial nominating commission are classified as private in accordance with Section 63G-2-302.

6972 (b) All other records received from the governor pursuant to this Subsection (6) may be classified as private in accordance with Section 63G-2-302.

6974 (7) The Senate shall consent or refuse to give the Senate's consent to a nomination or judicial appointment.

6973 Section 112. Section **67-3-1** is amended to read:

**67-3-1. Functions and duties.**

6978 (1)

(a) The state auditor is the auditor of public accounts and is independent of any executive or administrative officers of the state.

6980 (b) The state auditor is not limited in the selection of personnel or in the determination of the reasonable and necessary expenses of the state auditor's office.

6982 (2) The state auditor shall examine and certify annually in respect to each fiscal year, financial statements showing:

6984 (a) the condition of the state's finances;

6985 (b) the revenues received or accrued;

6986 (c) expenditures paid or accrued;

6987 (d) the amount of unexpended or unencumbered balances of the appropriations to the agencies, departments, divisions, commissions, and institutions; and

6989 (e) the cash balances of the funds in the custody of the state treasurer.

6990 (3)

(a) The state auditor shall:

6991 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of any department of state government or any independent agency or public corporation as the law requires, as the auditor determines is necessary, or upon request of the governor or the Legislature;

6995

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(ii) perform the audits in accordance with generally accepted auditing standards and other auditing procedures as promulgated by recognized authoritative bodies; and

6997 (iii) as the auditor determines is necessary, conduct the audits to determine:

6998 (A) honesty and integrity in fiscal affairs;

6999 (B) accuracy and reliability of financial statements;

7000 (C) effectiveness and adequacy of financial controls; and

7001 (D) compliance with the law.

7002 (b) If any state entity receives federal funding, the state auditor shall ensure that the audit is performed in accordance with federal audit requirements.

7004 (c)

(i) The costs of the federal compliance portion of the audit may be paid from an appropriation to the state auditor from the General Fund.

7006 (ii) If an appropriation is not provided, or if the federal government does not specifically provide for payment of audit costs, the costs of the federal compliance portions of the audit shall be allocated on the basis of the percentage that each state entity's federal funding bears to the total federal funds received by the state.

7010 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit funds passed through the state to local governments and to reflect any reduction in audit time obtained through the use of internal auditors working under the direction of the state auditor.

7014 (4)

(a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to financial audits, and as the auditor determines is necessary, conduct performance and special purpose audits, examinations, and reviews of any entity that receives public funds, including a determination of any or all of the following:

7018 (i) the honesty and integrity of all the entity's fiscal affairs;

7019 (ii) whether the entity's administrators have faithfully complied with legislative intent;

7020 (iii) whether the entity's operations have been conducted in an efficient, effective, and cost-efficient manner;

7022 (iv) whether the entity's programs have been effective in accomplishing the intended objectives; and

7024

## **HB0475S01 compared with HB0475S02**

- (v) whether the entity's management, control, and information systems are adequate, effective, and secure.
- 7026 (b) The auditor may not conduct performance and special purpose audits, examinations, and reviews of any entity that receives public funds if the entity:
  - 7028 (i) has an elected auditor; and
  - 7029 (ii) has, within the entity's last budget year, had the entity's financial statements or performance formally reviewed by another outside auditor.
- 7031 (5) The state auditor:
  - 7032 (a) shall administer any oath or affirmation necessary to the performance of the duties of the auditor's office; and
  - 7034 (b) may:
    - 7035 (i) subpoena witnesses and documents, whether electronic or otherwise; and
    - 7036 (ii) examine into any matter that the auditor considers necessary.
- 7037 (6) The state auditor may require all persons who have had the disposition or management of any property of this state or its political subdivisions to submit statements regarding the property at the time and in the form that the auditor requires.
- 7040 (7) The state auditor shall:
  - 7041 (a) except where otherwise provided by law, institute suits in Salt Lake County in relation to the assessment, collection, and payment of revenues against:
    - 7043 (i) persons who by any means have become entrusted with public money or property and have failed to pay over or deliver the money or property; and
    - 7045 (ii) all debtors of the state;
  - 7046 (b) collect and pay into the state treasury all fees received by the state auditor;
  - 7047 (c) perform the duties of a member of all boards of which the state auditor is a member by the constitution or laws of the state, and any other duties that are prescribed by the constitution and by law;
  - 7050 (d) stop the payment of the salary of any state official or state employee who:
    - 7051 (i) refuses to settle accounts or provide required statements about the custody and disposition of public funds or other state property;
    - 7053 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling board or department head with respect to the manner of keeping prescribed accounts or funds; or

## HB0475S01 compared with HB0475S02

7056 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the official's or  
employee's attention;

7058 (e) establish accounting systems, methods, and forms for public accounts in all taxing or fee-assessing  
units of the state in the interest of uniformity, efficiency, and economy;

7060 (f) superintend the contractual auditing of all state accounts;

7061 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of property taxes  
from a state or local taxing or fee-assessing unit, if necessary, to ensure that officials and employees  
in those taxing units comply with state laws and procedures in the budgeting, expenditures, and  
financial reporting of public funds;

7065 (h) subject to Subsection (9), withhold the disbursement of tax money from any county, if necessary, to  
ensure that officials and employees in the county comply with Section 59-2-303.1; and

7068 (i) withhold state allocated funds or the disbursement of property taxes from a local government entity  
or a limited purpose entity, as those terms are defined in Section 67-1a-15 if the state auditor finds  
the withholding necessary to ensure that the entity registers and maintains the entity's registration  
with the lieutenant governor, in accordance with Section 67-1a-15.

7073 (8)

(a) Except as otherwise provided by law, the state auditor may not withhold funds under Subsection  
(7)(g) until a state or local taxing or fee-assessing unit has received formal written notice of  
noncompliance from the auditor and has been given 60 days to make the specified corrections.

7077 (b) If, after receiving notice under Subsection (8)(a), a state or independent local fee-assessing unit that  
exclusively assesses fees has not made corrections to comply with state laws and procedures in the  
budgeting, expenditures, and financial reporting of public funds, the state auditor:

7081 (i) shall provide a recommended timeline for corrective actions;

7082 (ii) may prohibit the state or local fee-assessing unit from accessing money held by the state; and

7084 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an account of a  
financial institution by filing an action in a court with jurisdiction under Title 78A, Judiciary and  
Judicial Administration, requesting an order of the court to prohibit a financial institution from  
providing the fee-assessing unit access to an account.

7089 (c) The state auditor shall remove a limitation on accessing funds under Subsection (8)(b) upon  
compliance with state laws and procedures in the budgeting, expenditures, and financial reporting of  
public funds.

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7092 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with state law, the state auditor:

7094 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to comply;

7096 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the state; and

7098 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an account of a financial institution by:

7100 (A) contacting the taxing or fee-assessing unit's financial institution and requesting that the institution prohibit access to the account; or

7102 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, requesting an order of the court to prohibit a financial institution from providing the taxing or fee-assessing unit access to an account.

7105 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state law, the state auditor shall eliminate a limitation on accessing funds described in Subsection (8)(d).

7108 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has received formal written notice of noncompliance from the auditor and has been given 60 days to make the specified corrections.

7111 (10)

7114 (a) The state auditor may not withhold funds under Subsection (7)(i) until the state auditor receives a notice of non-registration, as that term is defined in Section 67-1a-15.

7117 (b) If the state auditor receives a notice of non-registration, the state auditor may prohibit the local government entity or limited purpose entity, as those terms are defined in Section 67-1a-15, from accessing:

7118 (i) money held by the state; and

7119 (ii) money held in an account of a financial institution by:

7121 (A) contacting the entity's financial institution and requesting that the institution prohibit access to the account; or

7124 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, requesting an order of the court to prohibit a financial institution from providing the entity access to an account.

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(c) The state auditor shall remove the prohibition on accessing funds described in Subsection (10)(b) if the state auditor received a notice of registration, as that term is defined in Section 67-1a-15, from the lieutenant governor.

7127 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the state auditor:

7129 (a) shall authorize a disbursement by a local government entity or limited purpose entity, as those terms are defined in Section 67-1a-15, or a state or local taxing or fee-assessing unit if the disbursement is necessary to:

7132 (i) avoid a major disruption in the operations of the local government entity, limited purpose entity, or state or local taxing or fee-assessing unit; or

7134 (ii) meet debt service obligations; and

7135 (b) may authorize a disbursement by a local government entity, limited purpose entity, or state or local taxing or fee-assessing unit as the state auditor determines is appropriate.

7138 (12)

7141 (a) The state auditor may seek relief under the Utah Rules of Civil Procedure to take temporary custody of public funds if an action is necessary to protect public funds from being improperly diverted from their intended public purpose.

7142 (b) If the state auditor seeks relief under Subsection (12)(a):

7144 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8); and

7147 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if a court orders the public funds to be protected from improper diversion from their public purpose.

7148 (13) The state auditor shall:

7148 (a) establish audit guidelines and procedures for audits of local mental health and substance abuse authorities and their contract providers, conducted pursuant to Title 17, Chapter 77, Local Health and Human Services, Title 26B, Chapter 5, Health Care - Substance Use and Mental Health, and Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act; and

7154 (b) ensure that those guidelines and procedures provide assurances to the state that:

7155 (i) state and federal funds appropriated to local mental health authorities are used for mental health purposes;

7157

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- (ii) a private provider under an annual or otherwise ongoing contract to provide comprehensive mental health programs or services for a local mental health authority is in compliance with state and local contract requirements and state and federal law;
- 7161 (iii) state and federal funds appropriated to local substance abuse authorities are used for substance abuse programs and services; and
- 7163 (iv) a private provider under an annual or otherwise ongoing contract to provide comprehensive substance abuse programs or services for a local substance abuse authority is in compliance with state and local contract requirements, and state and federal law.
- 7167 (14)
  - (a) The state auditor may, in accordance with the auditor's responsibilities for political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or investigations of any political subdivision that are necessary to determine honesty and integrity in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of financial controls and compliance with the law.
  - 7174 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the Governor's Office of Economic Opportunity Development on or after July 1, 2024, the state auditor may initiate an audit or investigation of the public entity subject to the notice to determine compliance with Section 11-41-103.
- 7178 (15)
  - (a) The state auditor may not audit work that the state auditor performed before becoming state auditor.
  - 7180 (b) If the state auditor has previously been a responsible official in state government whose work has not yet been audited, the Legislature shall:
    - 7182 (i) designate how that work shall be audited; and
    - 7183 (ii) provide additional funding for those audits, if necessary.
- 7184 (16) The state auditor shall:
  - 7185 (a) with the assistance, advice, and recommendations of an advisory committee appointed by the state auditor from among special district boards of trustees, officers, and employees and special service district boards, officers, and employees:
    - 7188 (i) prepare a Uniform Accounting Manual for Special Districts that:
- 7189

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- (A) prescribes a uniform system of accounting and uniform budgeting and reporting procedures for special districts under Title 17B, Limited Purpose Local Government Entities - Special Districts, and special service districts under Title 17D, Chapter 1, Special Service District Act;
- 7193 (B) conforms with generally accepted accounting principles; and
- 7194 (C) prescribes reasonable exceptions and modifications for smaller districts to the uniform system of accounting, budgeting, and reporting;
- 7196 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to reflect generally accepted accounting principles;
- 7198 (iii) conduct a continuing review and modification of procedures in order to improve them;
- 7200 (iv) prepare and supply each district with suitable budget and reporting forms; and
- 7201 (v)
  - (A) prepare instructional materials, conduct training programs, and render other services considered necessary to assist special districts and special service districts in implementing the uniform accounting, budgeting, and reporting procedures; and
  - 7205 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with Title 63G, Chapter 22, State Training and Certification Requirements; and
  - 7207 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices and experiences of specific special districts and special service districts selected by the state auditor and make the information available to all districts.
- 7210 (17)
  - (a) The following records in the custody or control of the state auditor are protected records under Title 63G, Chapter 2, Government Records Access and Management Act:
    - 7213 (i) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a past or present governmental employee if the information or allegation cannot be corroborated by the state auditor through other documents or evidence, and the records relating to the allegation are not relied upon by the state auditor in preparing a final audit report;
    - 7219 (ii) records and audit workpapers to the extent the workpapers would disclose the identity of an individual who during the course of an audit, communicated the existence of any waste of public funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any

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recognized entity of the United States, if the information was disclosed on the condition that the identity of the individual be protected;

7226 (iii) before an audit is completed and the final audit report is released, records or drafts circulated to an individual who is not an employee or head of a governmental entity for the individual's response or information;

7229 (iv) records that would disclose an outline or part of any audit survey plans or audit program; and  
7231 (v) requests for audits, if disclosure would risk circumvention of an audit.

7232 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure of records or information that relate to a violation of the law by a governmental entity or employee to a government prosecutor or peace officer.

7235 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to the state auditor to classify a document as public, private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act.

7238 (d)

(i) As used in this Subsection (17)(d), "record dispute" means a dispute between the state auditor and the subject of an audit performed by the state auditor as to whether the state auditor may release a record, as defined in Section 63G-2-103, to the public that the state auditor gained access to in the course of the state auditor's audit but which the subject of the audit claims is not subject to disclosure under Title 63G, Chapter 2, Government Records Access and Management Act.

7244 (ii) The state auditor may submit a record dispute to the director of the Government Records Office, created in Section 63A-12-202, for a determination of whether the state auditor may, in conjunction with the state auditor's release of an audit report, release to the public the record that is the subject of the record dispute.

7248 (iii) The state auditor or the subject of the audit may seek judicial review of the director's determination, described in Subsection (17)(d)(ii), as provided in Section 63G-2-404.

7251 (18) If the state auditor conducts an audit of an entity that the state auditor has previously audited and finds that the entity has not implemented a recommendation made by the state auditor in a previous audit, the state auditor shall notify the Legislative Management Committee through the Legislative Management Committee's Audit Subcommittee that the entity has not implemented that recommendation.

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(19) The state auditor shall, with the advice and consent of the Senate, appoint the state privacy auditor described in Section 67-3-13.

(20) Except as provided in Subsection (21), the state auditor shall report, or ensure that another government entity reports, on the financial, operational, and performance metrics for the state system of higher education and the state system of public education, including metrics in relation to students, programs, and schools within those systems.

(21)

- (a) Notwithstanding Subsection (20), the state auditor shall conduct regular audits of:
  - (i) the scholarship granting organization for the Carson Smith Opportunity Scholarship Program, created in Section 53E-7-402;
  - (ii) the State Board of Education for the Carson Smith Scholarship Program, created in Section 53F-4-302; and
  - (iii) the scholarship program manager for the Utah Fits All Scholarship Program, created in Section 53F-6-402, including an analysis of the cost effectiveness of the program, taking into consideration the amount of the scholarship and the amount of state and local funds dedicated on a per-student basis within the traditional public education system.
- (b) Nothing in this subsection limits or impairs the authority of the State Board of Education to administer the programs described in Subsection (21)(a).

(22) The state auditor shall, based on the information posted by the Office of Legislative Research and General Counsel under Subsection 36-12-12.1(2), for each policy, track and post the following information on the state auditor's website:

- (a) the information posted under Subsections 36-12-12.1(2)(a) through (e);
- (b) an indication regarding whether the policy is timely adopted, adopted late, or not adopted;
- (c) an indication regarding whether the policy complies with the requirements established by law for the policy; and
- (d) a link to the policy.

(23)

- (a) A legislator may request that the state auditor conduct an inquiry to determine whether a government entity, government official, or government employee has complied with a legal obligation directly imposed, by statute, on the government entity, government official, or government employee.

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7287 (b) The state auditor may, upon receiving a request under Subsection (23)(a), conduct the inquiry requested.

7289 (c) If the state auditor conducts the inquiry described in Subsection (23)(b), the state auditor shall post the results of the inquiry on the state auditor's website.

7291 (d) The state auditor may limit the inquiry described in this Subsection (23) to a simple determination, without conducting an audit, regarding whether the obligation was fulfilled.

7294 (24) The state auditor shall:

7295 (a) ensure compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in accordance with Section 63G-31-401; and

7297 (b) report to the Legislative Management Committee, upon request, regarding the state auditor's actions under this Subsection (24).

7299 (25) The state auditor shall report compliance with Sections 67-27-107, 67-27-108, and 67-27-109 by:

7301 (a) establishing a process to receive and audit each alleged violation; and

7302 (b) reporting to the Legislative Management Committee, upon request, regarding the state auditor's findings and recommendations under this Subsection (25).

7304 (26) The state auditor shall ensure compliance with Section 63G-1-704 regarding the display of flags in or on government property.

7306 (27)

7307 (a) On or before January 31 each year, the state auditor shall prepare a report that states, for each entity that holds public funds as defined in Section 51-7-3, the entity's total balance, as of the last day of the immediately preceding fiscal year, of cash, cash equivalents, and investments, as those terms are defined under the standards established by the Governmental Accounting Standards Board.

7311 (b) The state auditor shall make the report described in Subsection (27)(a) publicly available on a website that the state auditor maintains.

7310 Section 113. Section **67-22-2** is amended to read:

7311 **67-22-2. Compensation -- Other state officers.**

7315 (1) As used in this section:

7316 (a) "Appointed executive" means the:

7317 (i) commissioner of the Department of Agriculture and Food;

7318 (ii) commissioner of the Insurance Department;

7319 (iii) commissioner of the Labor Commission;

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7320 (iv) director, Department of Alcoholic Beverage Services;

7321 (v) commissioner of the Department of Financial Institutions;

7322 (vi) executive director, Department of Commerce;

7323 (vii) executive director, State Commission on Criminal and Juvenile Justice;

7324 (viii) adjutant general;

7325 (ix) executive director, Department of Cultural and Community Engagement;

7326 (x) executive director, Department of Corrections;

7327 (xi) commissioner, Department of Public Safety;

7328 (xii) executive director, Department of Natural Resources;

7329 (xiii) executive director, Governor's Office of Planning and Budget;

7330 (xiv) executive director, Department of Government Operations;

7331 (xv) executive director, Department of Environmental Quality;

7332 (xvi) executive director, Governor's Office of Economic Opportunity Development;

7333 (xvii) executive director, Department of Workforce Services;

7334 (xviii) executive director, Department of Health and Human Services, Nonphysician;

7335 (xix) executive director, Department of Transportation;

7336 (xx) executive director, Department of Veterans and Military Affairs;

7337 (xxi) advisor, Public Lands Policy Coordinating Office, created in Section 63L-11-201;

7339 (xxii) Great Salt Lake commissioner, appointed under Section 73-32-201; and

7340 (xxiii) Utah water agent, appointed under Section 73-10g-702.

7341 (b) "Board or commission executive" means:

7342 (i) members, Board of Pardons and Parole;

7343 (ii) chair, State Tax Commission;

7344 (iii) commissioners, State Tax Commission;

7345 (iv) executive director, State Tax Commission;

7346 (v) chair, Public Service Commission; and

7347 (vi) commissioners, Public Service Commission.

7348 (c) "Deputy" means the person who acts as the appointed executive's second in command as determined by the Division of Human Resource Management.

7350 (2)

7351 (a) The director of the Division of Human Resource Management shall:

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7351 (i) before October 31 of each year, recommend to the governor a compensation plan for the appointed executives and the board or commission executives; and

7353 (ii) base those recommendations on market salary studies conducted by the Division of Human Resource Management.

7355 (b)

(i) The Division of Human Resource Management shall determine the salary range for the appointed executives by:

7357 (A) identifying the salary range assigned to the appointed executive's deputy;

7358 (B) designating the lowest minimum salary from those deputies' salary ranges as the minimum salary for the appointed executives' salary range; and

7360 (C) designating 105% of the highest maximum salary range from those deputies' salary ranges as the maximum salary for the appointed executives' salary range.

7362 (ii) If the deputy is a medical doctor, the Division of Human Resource Management may not consider that deputy's salary range in designating the salary range for appointed executives.

7365 (c)

(i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for board or commission executives, the Division of Human Resource Management shall set the maximum salary in the salary range for each of those positions at 90% of the salary for district judges as established in the annual appropriation act under Section 67-8-2.

7370 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii), (1)(b)(iii), or (1)(b)(iv), the Division of Human Resource Management shall set the maximum salary in the salary range for each of those positions at 100% of the salary for district judges as established in the annual appropriation act under Section 67-8-2.

7375 (3)

(a)

(i) Except as provided in Subsection (3)(a)(ii) or Subsection (3)(d), the governor shall establish a specific salary for each appointed executive within the range established under Subsection (2)(b).

7378 (ii) If the executive director of the Department of Health and Human Services is a physician, the governor shall establish a salary within the highest physician salary range established by the Division of Human Resource Management.

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7416 (E) annual leave except that annual leave shall be accrued at the maximum rate provided to Schedule B  
state employees;

7418 (xii) the option to convert accumulated sick leave to cash or insurance benefits as provided by law  
or rule upon resignation or retirement according to the same criteria and procedures applied to  
Schedule B state employees;

7421 (xiii) the option to purchase additional life insurance at group insurance rates according to the same  
criteria and procedures applied to Schedule B state employees; and

7424 (xiv) professional memberships if being a member of the professional organization is a requirement  
of the position.

7426 (b) Each department shall pay the cost of additional state-paid life insurance for its executive director  
from its existing budget.

7428 (6) The Legislature fixes the following additional benefits:

7429 (a) for the executive director of the Department of Transportation a vehicle for official and personal  
use;

7431 (b) for the executive director of the Department of Natural Resources a vehicle for commute and  
official use;

7433 (c) for the commissioner of Public Safety:

7434 (i) an accidental death insurance policy if POST certified; and

7435 (ii) a public safety vehicle for official and personal use;

7436 (d) for the executive director of the Department of Corrections:

7437 (i) an accidental death insurance policy if POST certified; and

7438 (ii) a public safety vehicle for official and personal use;

7439 (e) for the adjutant general a vehicle for official and personal use;

7440 (f) for each member of the Board of Pardons and Parole a vehicle for commute and official use; and

7442 (g) for the executive director of the Department of Veterans and Military Affairs a vehicle for commute  
and official use.

7441 Section 114. Section **71A-9-303** is amended to read:

7442     **71A-9-303. Certain improvements, alterations, and expansions prohibited.**

7447 (1) A person may not begin to develop, or authorize development, on any land on which the department  
or the Governor's Office of Economic Opportunity Development holds a lawful easement unless

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the department or the Governor's Office of Economic Opportunity Development has affirmatively authorized the development of the land.

7451 (2) Nothing in this part prohibits a property owner from improving, altering, or expanding an existing residential or commercial use of the property owner's property if the improvement, alteration, or expansion does not violate any conditions of an easement placed on the property owner's land.

7452 Section 115. Section **72-1-209** is amended to read:

7453 **72-1-209. Department to cooperate in programs relating to scenic centers.**

The department shall cooperate in planning and promoting road-building programs into the scenic centers of the state and in providing camping grounds and facilities in scenic centers for tourists with:

7461 (1) the Governor's Office of Economic Opportunity Development;

7462 (2) other states;

7463 (3) all national, state, and local planning and zoning agencies and boards;

7464 (4) municipal and county officials; and

7465 (5) other agencies.

7463 Section 116. Section **72-2-503** is amended to read:

7464 **72-2-503. Board creation -- Duties -- Grant administration.**

7468 (1) There is created the affordable housing infrastructure grant board consisting of the following members:

7470 (a) the executive director of the department, or the executive director's designee;

7471 (b) the executive director of the Governor's Office of Economic Opportunity Development appointed under Section 63N-1a-302, or the executive director's designee; and

7474 (c) an employee of the governor's office that is an expert or advisor on housing strategy, appointed by the governor.

7476 (2)

7477 (a) The Governor's Office of Economic Opportunity Development shall provide staff support for the board and the grant program.

7478 (b) The Governor's Office of Economic Opportunity Development may use and the department shall transfer grant funds for the costs of the Governor's Office of Economic Opportunity Development to administer the grant program under this part.

7481

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(c) The Governor's Office of Economic Opportunity Development and the department shall enter into a memorandum of understanding to facilitate the calculation and transfer of funds for the administrative costs described in Subsection (2)(b).

7484 (3) The Governor's Office of Economic Opportunity Development, in consultation with the board, shall develop a process for the prioritization of grant proposals that includes:

7486 (a) instructions on making and submitting a grant proposal;

7487 (b) methodology for selecting grants; and

7488 (c) methodology for awarding grants.

7489 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Governor's Office of Economic Opportunity Development shall make rules to establish the process described in Subsection (3) and as otherwise necessary to implement this part.

7493 (5) The board shall:

7494 (a) accept grant applications;

7495 (b) rank grant proposals; and

7496 (c) award grants in accordance with this part.

7497 (6) A grant applicant shall ensure that each grant proposal includes:

7498 (a) information about the proposed project, including the projected number of affordable housing units, which may not be less than 50 units of affordable housing;

7500 (b) the projected time line of the proposed project;

7501 (c) data and information regarding the proposed types of affordable housing; and

7502 (d) information about the public infrastructure and other improvements needed.

7503 (7)

7504 (a) In considering a grant proposal, the board shall consider criteria including:

7505 (i) the value and number of housing units the project will produce;

7506 (ii) the value of any matching contribution from the grant applicant, including information about how the public entity determined the value of the matching assets; and

7508 (iii) any other criteria the board determines relevant.

7509 (b) For a grant proposal including highway infrastructure, the board may not award a grant unless the grant applicant provides a minimum matching contribution of the right-of-way needed for the highway improvements.

7512

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(c) If a grant proposal includes highway infrastructure, the board shall give priority to the construction of public highways that are highways of regional significance that connect to other highways or points of regional significance.

7515 (8)

(a) Subject to available funding, and subject to Subsection (8)(b), the board may award a grant to a recipient that the board determines advisable.

7517 (b) For every \$20,000 of grant funding awarded to a recipient, the infrastructure shall support at least one unit of affordable housing.

7519 (c) The board may not award a grant to a recipient if the board determines that the recipient will not be able to satisfy the requirement under Subsection (8)(b).

7521 (9) If the board approves the award of a grant as provided in this part, the department shall transfer the money to the grant recipient in accordance with Subsection (10).

7523 (10)

(a) Before the department may provide grant money to a public entity for a project related to a grant awarded by the board, the public entity shall provide a detailed cost estimate of costs to complete the planning and design of the project.

7526 (b) If the executive director approves the cost estimate described in Subsection (10)(a), the department may provide to the public entity grant money reasonably necessary to complete the planning and design of the project.

7529 (c) After completion of the planning and design of a project related to a grant awarded by the board, the public entity shall provide to the department a detailed estimate of the costs to construct and complete the project described in Subsection (10)(b).

7532 (d) If the executive director approves the cost estimates described in Subsection (10)(c), the department may provide grant money to a public entity to construct and complete the project described in Subsection (10)(b).

7532 Section 117. Section **72-4-302** is amended to read:

**72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership -- Meetings -- Expenses.**

7538 (1) There is created the Utah State Scenic Byway Committee.

7539 (2)

(a) The committee shall consist of the following 13 members:

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(i) a representative from each of the following entities appointed by the governor:

(A) the Governor's Office of Economic [Opportunity] Development;

(B) the Utah Department of Transportation;

(C) the Department of Cultural and Community Engagement;

(D) the Division of State Parks;

(E) the Federal Highway Administration;

(F) the National Park Service;

(G) the National Forest Service; and

(H) the Bureau of Land Management;

(ii) one local government tourism representative appointed by the governor;

(iii) a representative from the private business sector appointed by the governor; and

(iv) three local elected officials from a county, city, or town within the state appointed by the governor.

(b) Except as provided in Subsection (2)(c), the members appointed in this Subsection (2) shall be appointed for a four-year term of office.

(c) The governor shall, at the time of appointment or reappointment for appointments made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(3)

(a) The representative from the Governor's Office of Economic [Opportunity] Development shall chair the committee.

(b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as nonvoting, ex officio members of the committee.

(4) The Governor's Office of Economic [Opportunity] Development and the department shall provide staff support to the committee.

(5)

(a) The chair may call a meeting of the committee only with the concurrence of the department.

(b) A majority of the voting members of the committee constitute a quorum.

(c) Action by a majority vote of a quorum of the committee constitutes action by the committee.

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

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7572 (a) Section 63A-3-106;

7573 (b) Section 63A-3-107; and

7574 (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

7573       Section 118. Section **72-7-504** is amended to read:

7574       **72-7-504. Advertising prohibited near interstate or primary system -- Exceptions -- Logo advertising -- Department rules.**

7579 (1) As used in this section, "specific service trailblazer sign" means a guide sign that provides users with business identification or directional information for services and eligible activities that are advertised on a logo advertising sign authorized under Subsection (3)(a)(i).

7583 (2) Outdoor advertising that is capable of being read or comprehended from any place on the main-traveled way of an interstate or primary system may not be erected or maintained, except:

7586 (a) directional and other official signs and notices authorized or required by law, including signs and notices pertaining to natural wonders and scenic and historic attractions, informational or directional signs regarding utility service, emergency telephone signs, buried or underground utility markers, and above ground utility closure signs;

7591 (b) on-premise signs advertising the sale or lease of property upon which the on-premise signs are located;

7593 (c) on-premise signs advertising major activities conducted on the property where the on-premise signs are located;

7595 (d) public assembly facility signs;

7596 (e) unified commercial development signs that have received a waiver as described in Section 72-7-504.6;

7598 (f) signs located in a commercial or industrial zone;

7599 (g) signs located in unzoned industrial or commercial areas as determined from actual land uses; and

7601 (h) logo advertising under Subsection (3).

7602 (3)

7604 (a) The department may itself or by contract erect, administer, and maintain informational signs:

          (i) on the main-traveled way of an interstate or primary system, as it existed on June 1, 1991, specific service signs for the display of logo advertising and information of interest, excluding specific service trailblazer signs as defined in rules adopted in accordance with Section 41-6a-301, to the traveling public if:

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7608 (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in the lease or other  
7609 contract agreement with a private party for the sign or sign space; and

7611 (B) the private party for the lease of the sign or sign space pays an amount set by the department to be  
7612 paid to the department or the party under contract with the department under this Subsection (3); and

7614 (ii) only on rural conventional roads as defined in rules adopted in accordance with Section  
7615 41-6a-301 in a county of the fourth, fifth, or sixth class for tourist-oriented directional signs that  
7616 display logo advertising and information of interest to the traveling public if:

7618 (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in the lease or other  
7619 contract agreement with a private party for the tourist-oriented directional sign or sign space; and

7621 (B) the private party for the lease of the sign or sign space pays an amount set by the department to be  
7622 paid to the department or the party under contract with the department under this Subsection (3).

7624 (b) The amount shall be sufficient to cover the costs of erecting, administering, and maintaining the  
7625 signs or sign spaces.

7626 (c)

7627 (i) Any sign erected pursuant to this Subsection (3) which was existing as of March 1, 2015, shall be  
7628 permitted as if it were in compliance with this Subsection (3).

7629 (ii) A noncompliant sign shall only be permitted for the contract period of the advertising contract.

7631 (iii) A new advertising contract may not be issued for a noncompliant sign.

7632 (d) The department may consult the Governor's Office of Economic Opportunity Development in  
7633 carrying out this Subsection (3).

7634 (4)

7635 (a) Revenue generated under Subsection (3) shall be:

7636 (i) applied first to cover department costs under Subsection (3); and

7637 (ii) deposited into the Transportation Fund.

7638 (b) Revenue in excess of costs under Subsection (3)(a) shall be deposited into the General Fund as a  
7639 dedicated credit for use by the Governor's Office of Economic Opportunity Development no later  
7640 than the following fiscal year.

7641 (5) Outdoor advertising under Subsections (2)(a), (f), (g), and (h) shall conform to the rules made by the  
7642 department under Sections 72-7-506 and 72-7-507.

7643 Section 119. Section **79-6-902** is amended to read:

7644 **79-6-902. Utah Energy Infrastructure Board.**

## HB0475S01 compared with HB0475S02

7644 (1) There is created within the office the Utah Energy Infrastructure Board that consists of nine  
7645 members as follows:

7646 (a) subject to Subsection (2), members appointed by the governor:

7647 (i) the director of the Office of Energy Development, who shall serve as chair of the board;

7649 (ii) one member from the Governor's Office of Economic Opportunity Development;

7650 (iii) one member from a public utility or electric interlocal entity that operates electric transmission  
7651 facilities within the state;

7652 (iv) one member who resides within a county of the third, fourth, fifth, or sixth class, as classified under  
7653 Section 17-60-104, with relevant experience in an energy or extraction industry;

7655 (v) one member currently serving as county commissioner of a county of the third, fourth, fifth, or sixth  
7656 class, as classified under Section 17-60-104; and

7657 (vi) two members of the general public with relevant industry experience;

7658 (b) one member appointed jointly by the Utah Farm Bureau Federation, the Utah Manufacturer's  
7659 Association, the Utah Mining Association, and the Utah Petroleum Association; and

7661 (c) the director of the School and Institutional Trust Lands Administration created in Section  
7662 53C-1-201.

7663 (2) The governor shall consult with the president of the Senate and the speaker of the House of  
7664 Representatives in appointing the members described in Subsections (1)(a)(iii) through (vi).

7666 (3)

7667 (a) The term of an appointed board member is four years.

7668 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment or reappointment,  
7669 adjust the length of terms to ensure that the terms of board members are staggered so that  
7670 approximately half of the board is appointed every two years.

7672 (c) The governor may remove a member of the board for cause.

7673 (d) The governor shall fill a vacancy in the board in the same manner under this section as the  
7674 appointment of the member whose vacancy is being filled.

7675 (e) An individual appointed to fill a vacancy shall serve the remaining unexpired term of the member  
7676 whose vacancy the individual is filling.

7677 (f) A board member shall serve until a successor is appointed and qualified.

7678 (4)

7679 (a) Five members of the board constitute a quorum for conducting board business.

## HB0475S01 compared with HB0475S02

7677 (b) A majority vote of the quorum present is required for an action to be taken by the board.

7679 (5) The board shall meet as needed to review an application.

7680 (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

7682 (a) Section 63A-3-106;

7683 (b) Section 63A-3-107; and

7684 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

7683 Section 120. Section **79-7-203** is amended to read:

7684 **79-7-203. Powers and duties of division.**

7688 (1) As used in this section, "real property" includes land under water, upland, and all other property commonly or legally defined as real property.

7690 (2) The Division of Wildlife Resources shall retain the power and jurisdiction conferred upon the Division of Wildlife Resources by law on property controlled by the division with reference to fish and game.

7693 (3) For purposes of property controlled by the division, the division shall permit multiple uses of the property for purposes such as grazing, fishing, hunting, camping, mining, and the development and use of water and other natural resources.

7696 (4)

7696 (a) The division may acquire real and personal property in the name of the state by legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or otherwise, subject to the approval of the executive director and the governor.

7700 (b) In acquiring real or personal property, the credit of the state may not be pledged without the consent of the Legislature.

7702 (5)

7702 (a) Before acquiring any real property, the division shall notify the county legislative body of the county where the property is situated of the division's intention to acquire the property.

7705 (b) If the county legislative body requests a hearing within 10 days of receipt of the notice, the division shall hold a public hearing in the county concerning the matter.

7707 (6) Acceptance of gifts or devises of land or other property is at the discretion of the division, subject to the approval of the executive director and the governor.

## HB0475S01 compared with HB0475S02

(7) The division shall acquire property by eminent domain in the manner authorized by Title 78B, Chapter 6, Part 5, Eminent Domain.

7711 (8) (a) The division may make charges for special services and use of facilities, the income from which is available for recreation purposes.

7713 (b) The division may conduct and operate those services necessary for the comfort and convenience of the public.

7715 (9) (a) The division may lease or rent concessions of lawful kinds and nature on property to persons, partnerships, and corporations for a valuable consideration after notifying the commission.

7718 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in selecting concessionaires.

7720 (10) The division shall proceed without delay to negotiate with the federal government concerning the Weber Basin and other recreation and reclamation projects.

7722 (11) (a) The division shall coordinate with and annually report to the following regarding land acquisition and development and grants administered under this chapter or Chapter 8, Outdoor Recreation Grants:  
(i) the Division of State Parks; and  
(ii) the [Office of] Center for Rural Development created in Section 63N-4-102.

7725 (b) The report required under Subsection (11)(a) shall be in writing, made public, and include a description and the amount of any grant awarded under this chapter or Chapter 8, Outdoor Recreation Grants.

7730 (12) The division shall:  
(a) coordinate outdoor recreation policy, management, and promotion:  
(i) among state and federal agencies and local government entities in the state;  
(ii) with the Public Lands Policy Coordinating Office created in Section 63L-11-201, if public land is involved; and  
(iii) on at least a quarterly basis, with the executive director and the executive director of the Governor's Office of Economic [Opportunity] Development;

7737

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(b) in cooperation with the Governor's Office of Economic [Opportunity] Development, promote economic development in the state by:

7739 (i) coordinating with outdoor recreation stakeholders;

7740 (ii) improving recreational opportunities; and

7741 (iii) recruiting outdoor recreation business;

7742 (c) administer Chapter 9, Mitigating the Direct Impacts of Tourism and Outdoor Recreation;

7744 (d) promote all forms of outdoor recreation, including motorized and nonmotorized outdoor recreation;

7746 (e) recommend to the governor and Legislature policies and initiatives to enhance recreational amenities and experiences in the state and help implement those policies and initiatives;

7749 (f) in performing the division's duties, seek to ensure safe and adequate access to outdoor recreation for all user groups and for all forms of recreation;

7751 (g) develop data regarding the impacts of outdoor recreation in the state; and

7752 (h) promote the health and social benefits of outdoor recreation, especially to young people.

7754 (13) By following Title 63J, Chapter 5, Federal Funds Procedures Act, the division may:

7755 (a) seek federal grants or loans;

7756 (b) seek to participate in federal programs; and

7757 (c) in accordance with applicable federal program guidelines, administer federally funded outdoor recreation programs.

### 7763 Section 122. **Revisor instructions.**

The Legislature intends that, on May 6, 2026, all references to the term "GOEO" change to "GOED" and all references to the term "Governor's Office of Economic Opportunity" change to "Governor's Office of Economic Development" in any new language added to the Utah Code by legislation that passes in the 2026 General Session and becomes law.

### 7756 Section 121. **Effective date.**

Effective Date.

7760 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

7761 (2) The actions affecting Section 63N-2-512 (Effective 07/01/26) (Repealed 07/01/28) take effect on July 1, 2026.

### 7760 Section 122. **Coordinating H.B. 475 with other 2026 General Session legislation.**

The Legislature intends that all references to the term "GOEO" change to "GOED" and all references to the term "Governor's Office of Economic Opportunity" change to "Governor's

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Office of Economic Development" in any new language added to the Utah Code by legislation that passes in the 2026 General Session and becomes law.

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