

ECONOMIC DEVELOPMENT SUNSET AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill addresses provisions related to certain boards, commissions, and committees.

Highlighted Provisions:

This bill:

- ▶ repeals sunset provisions related to the Utah State Fair Corporation Board of Directors;
- ▶ repeals sunset provisions related to the Pete Suazo Utah Athletic Commission;
- ▶ reinstates and describes the duties of the Economic Development Legislative Liaison Committee, which was previously repealed;
- ▶ provides that the Economic Development Legislative Liaison Committee is not a public body for purposes of the Open and Public Meetings Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

52-4-103, as last amended by Laws of Utah 2019, Chapters 25 and 246

63I-1-263, as last amended by Laws of Utah 2019, Chapters 89, 246, 311, 414, 468, 469, 482 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 246

ENACTS:

36-32-101, Utah Code Annotated 1953

36-32-102, Utah Code Annotated 1953

36-32-201, Utah Code Annotated 1953

36-32-202, Utah Code Annotated 1953

33 **36-32-203**, Utah Code Annotated 1953

34

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

36 Section 1. Section **36-32-101** is enacted to read:

37 **36-32-101. Title.**

38 This chapter is known as the "Economic Development Legislative Liaison Committee."

39 Section 2. Section **36-32-102** is enacted to read:

40 **36-32-102. Definitions.**

41 (1) "Classification" means the same as that term is defined in Section 63G-2-103.

42 (2) "Committee" means the Economic Development Legislative Liaison Committee
43 created in this chapter.

44 (3) "Improper use" means:

45 (a) to further substantially one's own or another's personal economic interest;

46 (b) to secure special privileges or exemptions for one's self or another; or

47 (c) to cause economic injury or damage to:

48 (i) an individual or business entity; or

49 (ii) an individual's or a business entity's property, reputation, or business interests.

50 (4) "Office" means the Governor's Office of Economic Development created in Section
51 63N-1-201.

52 (5) "Record" means the same as that term defined in Section 63G-2-103.

53 Section 3. Section **36-32-201** is enacted to read:

54 **36-32-201. Economic Development Legislative Liaison Committee -- Creation --**
55 **Membership -- Chairs -- Per diem.**

56 (1) There is created the Economic Development Legislative Liaison Committee.

57 (2) The committee membership consists of the following eight members:

58 (a) four members from the House of Representatives, appointed by the speaker of the
59 House of Representatives, with no more than three from the same political party; and

60 (b) four members from the Senate, appointed by the president of the Senate, with no
61 more than three members from the same political party.

62 (3) Five members of the committee constitute a quorum.

63 (4) (a) The speaker of the House of Representatives shall designate a member of the

House of Representatives appointed under Subsection (2)(a) as a cochair of the committee.

(b) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(b) as a cochair of the committee.

(5) A committee member shall receive compensation and expenses as provided by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Section 4. Section **36-32-202** is enacted to read:

36-32-202. Duties -- Confidential information -- Records.

(1) The committee shall receive reports from the office regarding:

(a) how the office is:

(i) promoting and encouraging economic development in the state; and

(ii) creating, developing, attracting, and retaining business, industry, and commerce in the state;

(b) an economic development incentive or program the office administers;

(c) a contract or agreement that the office has entered into with a public or private entity;

(d) a grant that the office has made to a public or private entity;

(e) any funds from a public or private source that the office has expended;

(f) any money, services, or facilities the office has solicited or accepted from a public or private donor;

(g) a policy, priority, or objective under which the office operates; or

(h) any other economic development related information that the office can provide.

(2) At the beginning of each meeting, the cochairs of the committee shall inform each individual in attendance that there may be:

(a) restrictions on the disclosure or improper use of information the committee receives during the meeting; and

(b) penalties for not complying with the restrictions on the disclosure or improper use of information the committee receives during the meeting.

(3) (a) Before adjourning a meeting of the committee, the office shall inform the committee whether the information the office provides under this section is subject to restrictions on the disclosure or improper use of the information.

(b) The committee shall comply with any restrictions on the disclosure or improper use

95 of information.

96 (c) An individual may not disclose or improperly use information that is:

97 (i) received by the individual at a committee meeting; and

98 (ii) determined to be confidential or subject to restrictions on disclosure or improper
99 use under Subsection (3)(a).

100 (d) An individual who intentionally discloses or improperly uses information described
101 under Subsection (3)(c) knowing that the disclosure or improper use is prohibited under this
102 section is guilty of a class B misdemeanor.

103 (4) (a) The office's sharing of records with the committee is governed by this section
104 rather than Section 63G-2-206.

105 (b) The office shall inform the committee of the office's classification of any record the
106 office provides to the committee.

107 (c) The committee is subject to the same restrictions on disclosure or use of a record
108 the committee receives from the office as the office is subject to.

109 (d) An individual that violates the restrictions on disclosure or improper use described
110 under Subsection (4)(c) is subject to:

111 (A) the applicable penalties provided under Title 63G, Chapter 2, Government Records
112 Access and Management Act; and

113 (B) any other applicable penalties provided by law.

114 (e) A person may not make a request under Title 63G, Chapter 2, Government Records
115 Access and Management Act, or this section, for access to a record in possession of the
116 committee if the committee received the record from the office in accordance with this section.

117 (5) The committee may not:

118 (a) request legislation;

119 (b) recommend legislation;

120 (c) take a position on a matter of public policy;

121 (d) except as necessary to obtain the information described in Subsection (1), direct the
122 negotiations, activities, or work of the office; or

123 (e) require the office to request company-specific tax information from the State Tax
124 Commission.

125 (6) The committee shall comply with the rules of legislative interim committees unless

126 those rules conflict with this section.

127 (7) The committee may meet as needed.

128 Section 5. Section **36-32-203** is enacted to read:

129 **36-32-203. Staff support.**

130 The Office of Legislative Research and General Counsel and the Office of the

131 Legislative Fiscal Analyst shall jointly provide staff services to the committee.

132 Section 6. Section **52-4-103** is amended to read:

133 **52-4-103. Definitions.**

134 As used in this chapter:

135 (1) "Anchor location" means the physical location from which:

136 (a) an electronic meeting originates; or

137 (b) the participants are connected.

138 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by

139 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake

140 City.

141 (3) (a) "Convening" means the calling together of a public body by a person authorized
142 to do so for the express purpose of discussing or acting upon a subject over which that public
143 body has jurisdiction or advisory power.

144 (b) "Convening" does not include the initiation of a routine conversation between
145 members of a board of trustees of a large public transit district if the members involved in the
146 conversation do not, during the conversation, take a tentative or final vote on the matter that is
147 the subject of the conversation.

148 (4) "Electronic meeting" means a public meeting convened or conducted by means of a
149 conference using electronic communications.

150 (5) "Electronic message" means a communication transmitted electronically, including:

151 (a) electronic mail;

152 (b) instant messaging;

153 (c) electronic chat;

154 (d) text messaging, as that term is defined in Section 76-4-401; or

155 (e) any other method that conveys a message or facilitates communication
156 electronically.

(6) (a) "Meeting" means the convening of a public body or a specified body, with a quorum present, including a workshop or an executive session, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body or specific body has jurisdiction or advisory power.

(b) "Meeting" does not mean:

(i) a chance gathering or social gathering;

(ii) a convening of the State Tax Commission to consider a confidential tax matter in accordance with Section 59-1-405; or

(iii) a convening of a three-member board of trustees of a large public transit district as defined in Section 17B-2a-802 if:

(A) the board members do not, during the conversation, take a tentative or final vote on the matter that is the subject of the conversation; or

(B) the conversation pertains only to day-to-day management and operation of the public transit district.

(c) "Meeting" does not mean the convening of a public body that has both legislative and executive responsibilities if:

(i) no public funds are appropriated for expenditure during the time the public body is convened; and

(ii) the public body is convened solely for the discussion or implementation of administrative or operational matters:

(A) for which no formal action by the public body is required; or

(B) that would not come before the public body for discussion or action.

(7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.

(8) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.

(9) (a) "Public body" means:

(i) any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

- 188 (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
- 189 (B) consists of two or more persons;
- 190 (C) expends, disburses, or is supported in whole or in part by tax revenue; and
- 191 (D) is vested with the authority to make decisions regarding the public's business; or
- 192 (ii) any administrative, advisory, executive, or policymaking body of an association, as
- 193 that term is defined in Section 53G-7-1101, that:
- 194 (A) consists of two or more persons;
- 195 (B) expends, disburses, or is supported in whole or in part by dues paid by a public
- 196 school or whose employees participate in a benefit or program described in Title 49, Utah State
- 197 Retirement and Insurance Benefit Act; and
- 198 (C) is vested with authority to make decisions regarding the participation of a public
- 199 school or student in an interscholastic activity, as that term is defined in Section 53G-7-1101.
- 200 (b) "Public body" includes:
- 201 (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in
- 202 Section 11-13-103;
- 203 (ii) a governmental nonprofit corporation as that term is defined in Section 11-13a-102;
- 204 and
- 205 (iii) the Utah Independent Redistricting Commission.
- 206 (c) "Public body" does not include:
- 207 (i) a political party, a political group, or a political caucus;
- 208 (ii) a conference committee, a rules committee, or a sifting committee of the
- 209 Legislature;
- 210 (iii) a school community council or charter trust land council, as that term is defined in
- 211 Section 53G-7-1203;
- 212 (iv) a taxed interlocal entity, as that term is defined in Section 11-13-602; ~~[or]~~
- 213 (v) the following Legislative Management subcommittees, which are established in
- 214 Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to
- 215 recommend for employment, except that the meeting in which a subcommittee votes to
- 216 recommend that a candidate be employed shall be subject to the provisions of this act:
- 217 (A) the Research and General Counsel Subcommittee;
- 218 (B) the Budget Subcommittee; and

(C) the Audit Subcommittee[-]; or

(vi) the Economic Development Legislative Liaison Committee created in Section

36-32-201.

(10) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.

(11) (a) "Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.

(b) "Quorum" does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken.

(12) "Recording" means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.

(13) "Specified body":

(a) means an administrative, advisory, executive, or legislative body that:

(i) is not a public body;

(ii) consists of three or more members; and

(iii) includes at least one member who is:

(A) a legislator; and

(B) officially appointed to the body by the president of the Senate, speaker of the House of Representatives, or governor; and

(b) does not include a body listed in Subsection (9)(c)(ii) or (9)(c)(v).

(14) "Transmit" means to send, convey, or communicate an electronic message by electronic means.

Section 7. Section **63I-1-263** is amended to read:

63I-1-263. Repeal dates, Titles 63A to 63N.

(1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

(a) Subsection 63A-1-201(1) is repealed;

(b) Subsection 63A-1-202(2)(c), the language that states "using criteria established by the board" is repealed;

(c) Section 63A-1-203 is repealed;

(d) Subsections 63A-1-204(1) and (2), the language that states "After consultation with the board, and" is repealed; and

(e) Subsection 63A-1-204(1)(b), the language that states "using the standards provided in Subsection 63A-1-203(3)(c)" is repealed.

(2) Subsection 63A-5-228(2)(h), relating to prioritizing and allocating capital improvement funding, is repealed on July 1, 2024.

(3) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

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

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

(6) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1, 2020.

(7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2021.

(8) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1, 2023.

(9) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2025.

(10) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2020.

~~[(11) In relation to the State Fair Corporation Board of Directors, on January 1, 2025:]~~

~~[(a) Subsection 63H-6-104(2)(c), related to a Senate appointment, is repealed;]~~

~~[(b) Subsection 63H-6-104(2)(d), related to a House appointment, is repealed;]~~

~~[(c) in Subsection 63H-6-104(2)(c), the language that states ", of whom only one may be a legislator, in accordance with Subsection (3)(c)," is repealed;]~~

~~[(d) Subsection 63H-6-104(3)(a)(i) is amended to read:]~~

~~["(3)(a)(i) Except as provided in Subsection (3)(a)(ii), a board member appointed under Subsection (2)(e) or (f) shall serve a term that expires on the December 1 four years after the year that the board member was appointed.";]~~

~~[(e) in Subsections 63H-6-104(3)(a)(ii), (c)(ii), and (d), the language that states "the president of the Senate, the speaker of the House, the governor," is repealed and replaced with "the governor"; and]~~

281 ~~[(f) Subsection 63H-6-104(3)(c), related to limits on the number of legislators, is~~
282 ~~repealed.]~~

283 ~~[(12)]~~ (11) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
284 2026.

285 ~~[(13)]~~ (12) Section 63M-7-212 is repealed on December 31, 2019.

286 ~~[(14)]~~ (13) On July 1, 2025:

287 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource
288 Development Coordinating Committee," is repealed;

289 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed
290 sites for the transplant of species to local government officials having jurisdiction over areas
291 that may be affected by a transplant.";

292 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development
293 Coordinating Committee" is repealed;

294 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development
295 Coordinating Committee created in Section 63J-4-501 and" is repealed;

296 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development
297 Coordinating Committee and" is repealed;

298 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered
299 accordingly;

300 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;

301 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the
302 word "and" is inserted immediately after the semicolon;

303 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

304 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;
305 and

306 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are
307 renumbered accordingly.

308 ~~[(15)]~~ (14) Subsection 63J-1-602.1(13), Nurse Home Visiting Restricted Account is
309 repealed July 1, 2026.

310 ~~[(16)]~~ (15) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah
311 Marriage Commission, is repealed July 1, 2023.

312 ~~[(17)]~~ (16) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is
313 repealed July 1, 2022.

314 ~~[(18)]~~ (17) (a) Subsection 63J-1-602.1(53), relating to the Utah Statewide Radio
315 System Restricted Account, is repealed July 1, 2022.

316 (b) When repealing Subsection 63J-1-602.1(53), the Office of Legislative Research and
317 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
318 necessary changes to subsection numbering and cross references.

319 ~~[(19)]~~ (18) Subsection 63J-1-602.2(23), related to the Utah Seismic Safety
320 Commission, is repealed January 1, 2025.

321 ~~[(20)]~~ (19) Subsection 63J-4-708(1), in relation to the Talent Ready Utah Board, on
322 January 1, 2023, is amended to read:

323 "(1) On or before October 1, the board shall provide an annual written report to the
324 Social Services Appropriations Subcommittee and the Economic Development and Workforce
325 Services Interim Committee."

326 ~~[(21)]~~ (20) In relation to the Utah Substance Use and Mental Health Advisory Council,
327 on January 1, 2023:

328 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
329 repealed;

330 (b) Section 63M-7-305, the language that states "council" is replaced with
331 "commission";

332 (c) Subsection 63M-7-305(1) is repealed and replaced with:

333 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

334 (d) Subsection 63M-7-305(2) is repealed and replaced with:

335 "(2) The commission shall:

336 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
337 Drug-Related Offenses Reform Act; and

338 (b) coordinate the implementation of Section 77-18-1.1 and related provisions in
339 Subsections 77-18-1(5)(b)(iii) and (iv)."

340 ~~[(22)]~~ (21) The Crime Victim Reparations and Assistance Board, created in Section
341 63M-7-504, is repealed July 1, 2027.

342 ~~[(23)]~~ (22) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,

343 2021.

344 ~~[(24)]~~ (23) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is
345 repealed on January 1, 2023.

346 ~~[(25)]~~ (24) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

347 ~~[(26)]~~ (25) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act,
348 is repealed January 1, 2021.

349 (b) Subject to Subsection (26)(c), Sections 59-7-610 and 59-10-1007 regarding tax
350 credits for certain persons in recycling market development zones, are repealed for taxable
351 years beginning on or after January 1, 2021.

352 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

353 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
354 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

355 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
356 the expenditure is made on or after January 1, 2021.

357 (d) Notwithstanding Subsections (26)(b) and (c), a person may carry forward a tax
358 credit in accordance with Section 59-7-610 or 59-10-1007 if:

359 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

360 (ii) (A) for the purchase price of machinery or equipment described in Section
361 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
362 2020; or

363 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
364 expenditure is made on or before December 31, 2020.

365 ~~[(27)]~~ (26) Section 63N-2-512 is repealed on July 1, 2021.

366 ~~[(28)]~~ (27) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
367 January 1, 2021.

368 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
369 calendar years beginning on or after January 1, 2021.

370 (c) Notwithstanding Subsection (28)(b), an entity may carry forward a tax credit in
371 accordance with Section 59-9-107 if:

372 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
373 31, 2020; and

(ii) the qualified equity investment that is the basis of the tax credit is certified under Section 63N-2-603 on or before December 31, 2023.

~~[(29)]~~ (28) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.

~~[(30)]~~ (29) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2023.

~~[(31)]~~ (30) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2023.

~~[(32) In relation to the Pete Suazo Utah Athletic Commission, on January 1, 2021:]~~

~~[(a) Subsection 63N-10-201(2)(a) is amended to read:]~~

~~["(2) (a) The governor shall appoint five commission members with the advice and consent of the Senate.";]~~

~~[(b) Subsection 63N-10-201(2)(b), related to legislative appointments, is repealed;]~~

~~[(c) in Subsection 63N-10-201(3)(a), the language that states ", president, or speaker, respectively," is repealed; and]~~

~~[(d) Subsection 63N-10-201(3)(d) is amended to read:]~~

~~["(d) The governor may remove a commission member for any reason and replace the commission member in accordance with this section.";]~~

~~[(33)]~~ (31) In relation to the Talent Ready Utah Board, on January 1, 2023:

(a) Subsection 9-22-102(16) is repealed;

(b) in Subsection 9-22-114(2), the language that states "Talent Ready Utah," is repealed; and

(c) in Subsection 9-22-114(5), the language that states "representatives of Talent Ready Utah," is repealed.

~~[(34)]~~ (32) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1, 2023.