

**Effective 7/1/2021**

## **Chapter 1a Economic Opportunity Organization**

### **Part 1 General Provisions**

#### **63N-1a-102 Definitions.**

As used in this title:

- (1) "Baseline jobs" means the number of full-time employee positions that existed within a business entity in the state before the date on which a project related to the business entity is approved by the office or by the GOEO board.
- (2) "Baseline state revenue" means the amount of state tax revenue collected from a business entity or the employees of a business entity during the year before the date on which a project related to the business entity is approved by the office or by the GOEO board.
- (3) "Economic opportunity agency" includes:
  - (a) the Department of Workforce Services;
  - (b) the Department of Cultural and Community Engagement;
  - (c) the Department of Commerce;
  - (d) the Department of Natural Resources;
  - (e) the Office of Energy Development;
  - (f) the State Board of Education;
  - (g) institutions of higher education;
  - (h) the Utah Multicultural Commission;
  - (i) the World Trade Center Utah;
  - (j) local government entities;
  - (k) associations of governments;
  - (l) the Utah League of Cities and Towns;
  - (m) the Utah Association of Counties;
  - (n) the Economic Development Corporation of Utah;
  - (o) the Small Business Administration;
  - (p) chambers of commerce;
  - (q) industry associations;
  - (r) small business development centers; and
  - (s) other entities identified by the commission or the executive director.
- (4) "Executive director" means the executive director of the office.
- (5) "Full-time employee" means an employment position that is filled by an employee who works at least 30 hours per week and:
  - (a) may include an employment position filled by more than one employee, if each employee who works less than 30 hours per week is provided benefits comparable to a full-time employee; and
  - (b) may not include an employment position that is shifted from one jurisdiction in the state to another jurisdiction in the state.
- (6) "GOEO board" means the Board of Economic Opportunity created in Section 63N-1a-401.
- (7) "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:

- (a) at least 110% of the average wage of the county in which the employment position exists; or
  - (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:
    - (i) at least 100% of the average wage of the county in which the employment position exists; or
    - (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.
- (8)
- (a) "Incremental job" means a full-time employment position in the state that:
    - (i) did not exist within a business entity in the state before the beginning of a project related to the business entity; and
    - (ii) is created in addition to the number of baseline jobs that existed within a business entity.
  - (b) "Incremental job" includes a full-time employment position where the employee is hired:
    - (i) directly by a business entity; or
    - (ii) by a professional employer organization, as defined in Section 31A-40-102, on behalf of a business entity.
- (9) "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.
- (10) "Office" or "GOEO" means the Governor's Office of Economic Opportunity.
- (11) "State revenue" means state tax liability paid by a business entity or a business entity's employees under any combination of the following provisions:
- (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
  - (b) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information;
  - (c) Title 59, Chapter 10, Part 2, Trusts and Estates;
  - (d) Title 59, Chapter 10, Part 4, Withholding of Tax; and
  - (e) Title 59, Chapter 12, Sales and Use Tax Act.
- (12) "State strategic goals" means the strategic goals listed in Section 63N-1a-103.
- (13) "Statewide economic development strategy" means the economic development strategy developed by the office in accordance with Section 63N-1a-301.
- (14) "Targeted industry" means an industry or group of industries targeted by the office under Section 63N-1a-301, for economic development in the state.

Amended by Chapter 512, 2025 General Session

**63N-1a-103 Purpose.**

- (1) The purpose of the Economic Opportunity Act and the entities established in the act is to catalyze strategic economic opportunities for all residents of the state with a vision of creating economically thriving communities, businesses, and families throughout the state.
- (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:
  - (a) catalyzing targeted industry growth;
  - (b) supporting economically thriving communities;
  - (c) empowering students and workers with market-relevant skills;
  - (d) stimulating economic growth in rural and multicultural communities through household level efforts; and
  - (e) securing healthy and resilient ecosystems for current and future generations.

Amended by Chapter 159, 2024 General Session

## **Part 2**

### **Creation of Unified Economic Opportunity Commission**

## **Part 3**

### **Creation of Governor's Office of Economic Opportunity**

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

- (1) There is created the Governor's Office of Economic Opportunity.
- (2) The office is:
  - (a) responsible for creating and implementing the statewide economic development strategy that:
    - (i) unifies and coordinates economic development efforts in the state;
    - (ii) includes key performance indicators for long-term progress toward the state strategic goals;
    - (iii) establishes reporting and accountability processes for the key performance indicators; and
    - (iv) ensures the success of statewide economic development; and
  - (b) the industrial and business promotion authority of the state.
- (3) The office shall:
  - (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;
  - (b) provide support and direction to economic opportunity agencies in establishing goals, metrics, and activities that align with the statewide economic development strategy;
  - (c) administer and coordinate state and federal economic development grant programs;
  - (d) promote and encourage the economic, commercial, financial, industrial, agricultural, and civic welfare of the state;
  - (e) develop the statewide economic development strategy consistent with the state water policy described in Section 73-1-21, including the state's commitment to appropriate:
    - (i) conservation;
    - (ii) efficient and optimal use of water resources;
    - (iii) infrastructure development and improvement;
    - (iv) optimal agricultural use;
    - (v) water quality;
    - (vi) reasonable access to recreational activities;
    - (vii) effective wastewater treatment; and
    - (viii) protecting and restoring health ecosystems;
  - (f) at least once every five years, identify which industry or groups of industries shall be targeted for economic development in the state;
  - (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;
  - (h) act to create, develop, attract, and retain business, industry, and commerce in the state:
    - (i) in accordance with the statewide economic development strategy; and
    - (ii) subject to the restrictions in Section 11-41-103;
  - (i) act to enhance the state's economy;

- (j) analyze the state's projected long-term population and economic growth and plan for the anticipated impacts of the projected growth in a manner that improves quality of life and is consistent with the statewide economic development strategy and state strategic goals;
  - (k) act to assist strategic industries that are likely to drive future economic growth;
  - (l) assist communities in the state in developing economic development capacity and coordination with other communities;
  - (m) develop strategies and plans to ensure comprehensive economic development efforts are targeted to the unique needs of rural areas of the state;
  - (n) identify areas of education and workforce development in the state that can be improved to support economic and business development;
  - (o) develop core strategic priorities for the office, which may include:
    - (i) enhancing statewide access to entrepreneurship opportunities and small business support;
    - (ii) focusing industry recruitment and expansion of targeted industries;
    - (iii) ensuring that in awarding competitive economic development incentives the office accurately measures the benefits and costs of the incentives; and
    - (iv) assisting communities with technical support to aid those communities in improving economic development opportunities;
  - (p) submit an annual written report as described in Section 63N-1a-306; and
  - (q) perform other duties as provided by the Legislature.
- (4) To perform the office's duties under this title, the office may:
- (a) enter into a contract or agreement with, or make a grant to, a public or private entity, including a municipality, if the contract or agreement is not in violation of state statute or other applicable law;
  - (b) except as provided in Subsection (4)(c), receive and expend funds from a public or private source for any lawful purpose that is in the state's best interest; and
  - (c) solicit and accept a contribution of money, services, or facilities from a public or private donor, but may not use the contribution for publicizing the exclusive interest of the donor.
- (5) Money received under Subsection (4)(c) shall be deposited into the General Fund as dedicated credits of the office.

Amended by Chapter 512, 2025 General Session

**63N-1a-302 Executive director of office -- Appointment -- Removal -- Compensation.**

- (1) The office shall be administered, organized, and managed by an executive director appointed by the governor, with the advice and consent of the Senate.
- (2) The executive director serves at the pleasure of the governor.
- (3) The salary of the executive director shall be established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Renumbered and Amended by Chapter 282, 2021 General Session

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

- (1) Unless otherwise expressly provided by statute, the executive director may organize the office in any appropriate manner, including the appointment of deputy directors of the office.
- (2) The executive director may consolidate personnel and service functions for efficiency and economy in the office.
- (3) The executive director, with the approval of the governor:

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

Amended by Chapter 512, 2025 General Session

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

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

Amended by Chapter 512, 2025 General Session

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

The office shall develop an incentive review process under the direction of the speaker of the House of Representatives and the president of the Senate.

Amended by Chapter 512, 2025 General Session

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

- (1) The office shall prepare and submit to the governor and the Legislature, by October 1 of each year, an annual written report of the operations, activities, programs, and services of the office, including the divisions, sections, boards, commissions, councils, and committees established under this title, for the preceding fiscal year.
- (2) For each operation, activity, program, or service provided by the office, the annual report shall include:
- (a) a description of the operation, activity, program, or service;
  - (b) data and metrics:
    - (i) selected and used by the office to measure progress, performance, effectiveness, and scope of the operation, activity, program, or service, including summary data; and

- (ii) that are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement as determined by the executive directors of the office, the Department of Workforce Services, and the Governor's Office of Planning and Budget;
- (c) budget data, including the amount and source of funding, expenses, and allocation of full-time employees for the operation, activity, program, or service;
- (d) historical data from previous years for comparison with data reported under Subsections (2) (b) and (c);
- (e) goals, challenges, and achievements related to the operation, activity, program, or service;
- (f) relevant federal and state statutory references and requirements;
- (g) contact information of officials knowledgeable and responsible for each operation, activity, program, or service; and
- (h) other information determined by the office that:
  - (i) may be needed, useful, or of historical significance; or
  - (ii) promotes accountability and transparency for each operation, activity, program, or service with the public and elected officials.
- (3) The annual report shall be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature.
- (4) The office shall:
  - (a) submit the annual report in accordance with Section 68-3-14; and
  - (b) make the annual report, and previous annual reports, accessible to the public by placing a link to the reports on the office's website.

Amended by Chapter 512, 2025 General Session

**63N-1a-307 Restrictions on direct award grants.**

- (1) As used in this section, "direct award grant" means the same as that term is defined in Section 63G-6b-101.
- (2) In addition to the requirements of Title 63G, Chapter 6b, State Grants, the office may not distribute grant funds from a direct award grant to a recipient entity unless the office follows the standards or criteria established by the Legislature to distribute the pass through funding, as described in the applicable item of appropriation.
- (3) If an item of appropriation to the office for a direct award grant does not include any standards or criteria for distributing the grant funds, the funds shall lapse to the source fund at the end of the fiscal year, regardless of whether those funds are designated by law as nonlapsing.

Amended by Chapter 300, 2024 General Session

**Part 4**  
**Creation of Board of Economic Opportunity**

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

- (1)
  - (a) There is created within the office the Board of Economic Opportunity, consisting of nine members appointed by the executive director of the office, in consultation with the governor,

to four-year terms of office with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

- (b) The nine members described in Subsection (1)(a) shall include:
  - (i) one member associated with the state's rural communities;
  - (ii) one member associated with direct entrepreneurship in the state;
  - (iii) one member associated with higher education in the state;
  - (iv) five members, other than the members described in Subsections (1)(b)(i) through (iii), that are associated with a targeted industry; and
  - (v) one at-large member.
- (c) Notwithstanding the requirements of Subsection (1)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
- (d) The members may not serve more than two full consecutive terms except when the executive director determines that an additional term is in the best interest of the state.
- (2) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- (3) A majority of board members, not including a vacancy, constitutes a quorum for conducting board business and exercising board power.
- (4) The executive director shall select one board member as the board's chair and one member as the board's vice chair.
- (5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (6) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Amended by Chapter 512, 2025 General Session

**63N-1a-402 Board of Economic Opportunity duties and powers.**

- (1) The GOEO board shall advise and assist the office to:
  - (a) promote and encourage the economic, commercial, financial, industrial, agricultural, and civic welfare of the state;
  - (b) promote and encourage the development, attraction, expansion, and retention of businesses, industries, and commerce in the state;
  - (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;
  - (d) act to enhance the state's economy;
  - (e) develop policies, priorities, and objectives regarding the assistance, retention, or recruitment of business, industries, and commerce in the state;
  - (f) administer programs for the assistance, retention, or recruitment of businesses, industries, and commerce in the state;
  - (g) ensure that economic development programs are available to all areas of the state in accordance with federal and state law;
  - (h) identify local, regional, and statewide rural economic development and planning priorities;

- (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
  - (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.
- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the GOEO board may, in consultation with the executive director, make rules for the conduct of the GOEO board's business.

Amended by Chapter 159, 2024 General Session