

**POWERS OF DEPARTMENT OF COMMUNITY
AND ECONOMIC DEVELOPMENT**

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: L. Steven Poulton

AN ACT RELATING TO COMMUNITY AND ECONOMIC DEVELOPMENT; RESTRICTING THE CONTRACTING AUTHORITY OF THE DEPARTMENT AND ITS DIVISION; AND MAKING TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

9-2-205, as renumbered and amended by Chapter 241, Laws of Utah 1992

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

Section 1. Section **9-2-205** is amended to read:

9-2-205. Division of Business and Economic Development -- Powers and duties.

(1) For the purposes of this section:

(a) "National recruitment" means the recruitment to the state of business, industry, or commerce if, at the time of the recruitment, the business, industry, or commerce is principally located in the United States.

(b) "Private entity" means a private person, corporation, company, or organization.

~~[(1)]~~ (2) There is created within the department the Division of Business and Economic Development under the administration and general supervision of the executive director or a designee of the executive director.

~~[(2)]~~ (3) The division shall be under the policy direction of the board.

~~[(3)]~~ (4) The division shall:

(a) be the industrial promotion authority of the state;

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

(c) do all lawful acts to create, develop, attract, and retain business, industry, and commerce within the state; and

(d) do other acts that enhance the economy of the state.

~~[(4)]~~ (5) The division may, subject to Subsection (6) and the approval of the board:

(a) enter into contracts or agreements with, or make grants to, public or private ~~[persons; corporations, companies,]~~ entities, including municipalities, ~~[or organizations]~~ in the furtherance of its duties where the contracts or agreements are not in violation of the Constitution or statutes of the state; and

(b) receive and expend funds available from any source, public or private, in any manner and for any lawful purpose in the best interest of the state in the discharge of their obligations under this part.

(6) (a) Beginning on May 3, 1999, the department or division may enter into or renew a contract or agreement with, or make a grant to a private entity under which the private entity engages in national recruitment only if the sole activity of the private entity is national recruitment.

(b) In determining whether a private entity engages in activity other than national recruitment, the department or division shall consider all activities of the private entity regardless of whether the activities are funded by the department or division.