

AMENDMENTS TO DEPARTMENT OF
COMMUNITY AND ECONOMIC DEVELOPMENT

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Wayne A. Harper

AN ACT RELATING TO COMMUNITY AND ECONOMIC DEVELOPMENT; ADDRESSING DUTIES OF THE BOARD OF BUSINESS AND ECONOMIC DEVELOPMENT; ADDRESSING STATEWIDE ADMINISTRATION OF PROGRAMS AND FUNDS; REQUIRING CONSULTATION WITH AND CONCURRENCE OF THE BOARD UNDER CERTAIN CIRCUMSTANCES; AND MAKING TECHNICAL CHANGES.

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

AMENDS:

9-2-204, as renumbered and amended by Chapter 241, Laws of Utah 1992

9-2-205, as last amended by Chapter 367, Laws of Utah 1999

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

Section 1. Section **9-2-204** is amended to read:

9-2-204. Board duties and powers.

(1) The board shall:

(a) promote and encourage the economic, commercial, financial, industrial, agricultural, and civic welfare of the state~~[,] and~~;

(b) do all lawful acts for the development, attraction, and retention of businesses, industries, and commerce within the state;

(c) promote and encourage the expansion and retention of businesses, industries, and commerce located in the state;

(d) support the efforts of local government and regional nonprofit economic development organizations to encourage expansion or retention of businesses, industries, and commerce located in the state;

~~(b)~~ (e) do other acts not specifically enumerated in this part, if the acts are for the betterment of the economy of the state; ~~and~~

~~(e)~~ (f) work in conjunction with companies and individuals located or doing business within the state to secure favorable rates, fares, tolls, charges, and classification for transportation of persons or property by:

(i) railroad~~[-];~~

(ii) motor carrier~~[-];~~ or

(iii) other common carriers ~~[of persons or property.];~~

(g) recommend policies, priorities, and objectives to the division regarding the assistance, retention, or recruitment of business, industries, and commerce in the state; and

(h) ensure that any money or program administered by the department or its divisions for the assistance, retention, or recruitment of businesses, industries, and commerce in the state be administered so that the money or program is equitably available to all areas of the state unless federal or state law requires or authorizes the geographic location of a recipient of the money or program be considered in the distribution of the money or administration of the program.

(2) The board may:

(a) in furtherance of the authority granted under Subsection (1)~~(e)~~(f), appear as a party litigant on behalf of individuals or companies located or doing business within the state in proceedings before regulatory commissions of the state, other states, or the federal government having jurisdiction over such matters; and

(b) make, amend, or revoke rules for the conduct of its business not inconsistent with this part and in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

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

9-2-205. Division of Business and Economic Development -- Powers and duties of division -- Consulting with board on funds or services provided by department or division.

(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.

(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.

(3) (a) The division shall [be under the policy direction of the board.] obtain the advice and concurrence of the board prior to an imposition of or change to a policy, priority, objective, or rule under which the division operates.

(b) Subsection (3)(a) does not apply to the routine administration by the department or division of funds or services related to assistance, retention, or recruitment of business, industry, or commerce in this state.

(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.

(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 entities, including municipalities, 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.

(7) The executive director and the director shall consult with the board at each meeting of the board regarding the administration by the department or the division of funds or services related to assistance, retention, or recruitment of business, industry, or commerce in the state.