

1                                   **AMENDMENTS TO DEPARTMENT OF**  
2                                   **COMMUNITY AND ECONOMIC DEVELOPMENT**

3                                   2000 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Wayne A. Harper**

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

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

12 AMENDS:

13           **9-2-204**, as renumbered and amended by Chapter 241, Laws of Utah 1992

14           **9-2-205**, as last amended by Chapter 367, Laws of Utah 1999

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

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

17           **9-2-204. Board duties and powers.**

18           (1) The board shall:

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

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

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

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

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

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

33            (i) railroad[;];

34            (ii) motor carrier[;]; or

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

36            (g) establish the policies, priorities, and objectives of the department and the division  
37 regarding the assistance, retention, or recruitment of business, industries, and commerce in the  
38 state; and

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

44            (2) The board may:

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

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

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

52            **9-2-205. Division of Business and Economic Development -- Powers and duties of**  
53 **division -- Consulting with board on funds or services provided by department or division.**

54            (1) For the purposes of this section:

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

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

59 (2) There is created within the department the Division of Business and Economic  
60 Development under the administration and general supervision of the executive director or a  
61 designee of the executive director.

62 (3) The division shall be under the policy direction of the board.

63 (4) The division shall:

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

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

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

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

70 (5) The division may, subject to Subsection (6) and the approval of the board:

71 (a) enter into contracts or agreements with, or make grants to, public or private entities,  
72 including municipalities, in the furtherance of its duties where the contracts or agreements are not  
73 in violation of the Constitution or statutes of the state; and

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

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

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

83 (7) Prior to imposing a condition on the department or its divisions providing funds or  
84 services related to assistance, retention, or recruitment of a business, industry, or commerce in the  
85 state, the executive director or the director shall consult with the board regarding the imposition  
86 of the condition.

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**Legislative Review Note**  
**as of 12-22-99 9:30 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**