

DIVISION OF COMMUNITY DEVELOPMENT

NAME CHANGE

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Scott K. Jenkins

LONG TITLE

General Description:

This bill modifies provisions related to the Division of Community Development.

Highlighted Provisions:

This bill:

- ▶ changes the name of the Division of Community Development to the Division of Housing and Community Development; and
- ▶ makes certain technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an effective date.

Utah Code Sections Affected:

AMENDS:

- 9-1-810**, as enacted by Chapter 119, Laws of Utah 1994
- 9-3-403**, as last amended by Chapter 151, Laws of Utah 2001
- 9-4-102**, as last amended by Chapter 95, Laws of Utah 2003
- 9-4-201**, as enacted by Chapter 241, Laws of Utah 1992
- 9-4-1002**, as enacted by Chapter 253, Laws of Utah 1993
- 9-4-1403**, as enacted by Chapter 286, Laws of Utah 2000
- 9-10-101**, as enacted by Chapter 341, Laws of Utah 1995



- 28 **9-11-102**, as last amended by Chapter 150, Laws of Utah 2001
- 29 **9-14-101**, as enacted by Chapter 368, Laws of Utah 1999
- 30 **9-15-101**, as enacted by Chapter 368, Laws of Utah 1999
- 31 **35A-3-103**, as last amended by Chapter 159, Laws of Utah 2002
- 32 **35A-3-309**, as last amended by Chapter 159, Laws of Utah 2002
- 33 **59-12-902 (Superseded 07/01/04)**, as last amended by Chapters 104 and 162, Laws of
- 34 Utah 2001
- 35 **59-12-902 (Effective 07/01/04)**, as last amended by Chapter 312, Laws of Utah 2003
- 36 **63-38d-502**, as enacted by Chapter 16, Laws of Utah 2003

37

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

39 Section 1. Section **9-1-810** is amended to read:

40 **9-1-810. Administration, reporting, and expenses.**

41 (1) The Division of Housing and Community Development shall provide necessary
42 administrative and staff support services to the commission.

43 (2) The commission shall report to the office of the lieutenant governor.

44 Section 2. Section **9-3-403** is amended to read:

45 **9-3-403. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**
46 **expenses.**

47 (1) There is created an independent state agency and a body politic and corporate
48 known as the "Utah Science Center Authority."

49 (2) (a) The authority shall be composed of 13 members.

50 (b) The governor shall appoint:

51 (i) three members representing the informal science and arts community that could
52 include members from the board of directors of the Hansen Planetarium, the Hogle Zoo, the
53 Children's Museum of Utah, the Utah Museum of Natural History, and other related museums,
54 centers, and agencies;

55 (ii) one member of the State Board of Education;

56 (iii) one member of the Division of Housing and Community Development of the
57 Department of Community and Economic Development;

58 (iv) one member of the Board of Travel Development;

59 (v) one member of the State Board of Regents; and

60 (vi) three public members representing Utah industry, the diverse regions of the state,
61 and the public at large.

62 (c) The county legislative body of Salt Lake County shall appoint one member to
63 represent Salt Lake County.

64 (d) The mayor of Salt Lake City shall appoint one member to represent Salt Lake City
65 Corporation.

66 (e) The State Science Advisor or [~~his~~] the advisor's designee is also a member of the
67 authority.

68 (f) In appointing the three public members, the governor shall ensure that there is
69 representation from the science, technology, and business communities.

70 (3) All members shall be residents of Utah.

71 (4) Each member shall be appointed for four-year terms beginning July 1 of the year
72 appointed.

73 (5) (a) Except as required by Subsection (5)(b), as terms of current authority members
74 expire, the governor shall appoint each new member or reappointed member to a four-year
75 term.

76 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
77 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
78 authority members are staggered so that approximately half of the authority is appointed every
79 two years.

80 (6) [~~Any~~] A member may be removed from office by the governor or for cause by an
81 affirmative vote of [~~any~~] nine members of the authority.

82 (7) When a vacancy occurs in the membership for any reason, the replacement shall be
83 appointed by the governor for the unexpired term.

84 (8) Each public member shall hold office for the term of his appointment and until
85 [~~his~~] the member's successor has been appointed and qualified.

86 (9) [~~Any~~] A public member is eligible for reappointment, but may not serve more than
87 two full consecutive terms.

88 (10) The governor shall appoint the chair of the authority from among its members.

89 (11) The members shall elect from among their number a vice chair and other officers

90 they may determine.

91 (12) The chair and vice chair shall be elected for two-year terms.

92 (13) The powers of the authority shall be vested in its members.

93 (14) Seven members constitute a quorum for transaction of authority business.

94 (15) (a) (i) Members who are not government employees shall receive no
95 compensation or benefits for their services, but may receive per diem and expenses incurred in
96 the performance of the member's official duties at the rates established by the Division of
97 Finance under Sections 63A-3-106 and 63A-3-107.

98 (ii) Members may decline to receive per diem and expenses for their service.

99 (b) (i) State government officer and employee members who do not receive salary, per
100 diem, or expenses from their agency for their service may receive per diem and expenses
101 incurred in the performance of their official duties from the authority at the rates established by
102 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

103 (ii) State government officer and employee members may decline to receive per diem
104 and expenses for their service.

105 (c) (i) Local government members who do not receive salary, per diem, or expenses
106 from the entity that they represent for their service may receive per diem and expenses incurred
107 in the performance of their official duties at the rates established by the Division of Finance
108 under Sections 63A-3-106 and 63A-3-107.

109 (ii) Local government members may decline to receive per diem and expenses for their
110 service.

111 (d) (i) Higher education members who do not receive salary, per diem, or expenses
112 from the entity that they represent for their service may receive per diem and expenses incurred
113 in the performance of their official duties from the committee at the rates established by the
114 Division of Finance under Sections 63A-3-106 and 63A-3-107.

115 (ii) Higher education members may decline to receive per diem and expenses for their
116 service.

117 Section 3. Section **9-4-102** is amended to read:

118 **9-4-102. Definitions.**

119 As used in this chapter:

120 (1) "Accessible housing" means housing which has been constructed or modified to be

121 accessible, as described in the construction codes adopted under Section 58-56-4.

122 (2) "Director" means the director of the division.

123 (3) "Division" means the Division of Housing and Community Development.

124 Section 4. Section **9-4-201** is amended to read:

125 **9-4-201. Division of Housing and Community Development.**

126 There is created within the department the Division of Housing and Community
127 Development under the administration and general supervision of the director.

128 Section 5. Section **9-4-1002** is amended to read:

129 **9-4-1002. Office of Museum Services created -- Purpose.**

130 (1) There is created within the Division of Housing and Community Development the
131 Office of Museum Services.

132 (2) The office shall assist Utah museums in improving their ability to care for and
133 manage collections, develop quality educational resources such as exhibitions, collections, and
134 publications, and provide access to collections for research.

135 Section 6. Section **9-4-1403** is amended to read:

136 **9-4-1403. State Community Services Office created -- Purpose.**

137 (1) There is created within the Division of Housing and Community Development the
138 State Community Services Office.

139 (2) The office shall strengthen communities by reducing poverty and improving the
140 quality of life for low-income persons in this state.

141 Section 7. Section **9-10-101** is amended to read:

142 **9-10-101. Definitions.**

143 As used in this chapter:

144 (1) "Board" means the Uintah Basin Revitalization Fund Board.

145 (2) "Capital projects" means expenditures for land, improvements on the land, and
146 equipment intended to have long-term beneficial use.

147 (3) "Division" means the Division of Housing and Community Development.

148 (4) "Revitalization Fund" means the Uintah Basin Revitalization Fund.

149 (5) "Tribe" means the Ute Indian Tribe of the Uintah and Ouray Reservation.

150 Section 8. Section **9-11-102** is amended to read:

151 **9-11-102. Definitions.**

152 As used in this chapter:

153 (1) "Board" means the Navajo Revitalization Fund Board.

154 (2) "Capital projects" means expenditures for land, improvements on the land, and
155 equipment intended to have long-term beneficial use.

156 (3) "Division" means the Division of Housing and Community Development.

157 (4) "Eligible entities" means:

158 (a) the Navajo Nation;

159 (b) a department or division of the Navajo Nation;

160 (c) a Utah Navajo Chapter, as defined in Section 63-88-101;

161 (d) the Navajo Utah Commission;

162 (e) an agency of the state or a political subdivision of the state;

163 (f) the Navajo Trust Fund established under Title 63, Chapter 88, Navajo Trust Fund;

164 or

165 (g) a nonprofit corporation.

166 (5) "Navajo Utah Commission" means the commission created by Resolution
167 IGRJN-134-92 of the Intergovernmental Relations Committee of the Navajo Nation Council.

168 (6) "Revitalization fund" or "fund" means the Navajo Revitalization Fund.

169 Section 9. Section **9-14-101** is amended to read:

170 **9-14-101. Definitions.**

171 As used in this chapter:

172 (1) "Board" means the Rural Development Fund Board.

173 (2) "Development Fund" means the Rural Development Fund.

174 (3) "Division" means the Division of Housing and Community Development.

175 (4) "Eligible entity" means Garfield, Kane, Piute, or Wayne County and [~~any~~] an
176 incorporated municipality or special service district within those counties.

177 Section 10. Section **9-15-101** is amended to read:

178 **9-15-101. Definitions.**

179 As used in this chapter:

180 (1) "Board " means the Rural Electronic Commerce Communications System Fund
181 Board established within the division.

182 (2) "Division" means the Division of Housing and Community Development.

183 (3) "Fund" means the Rural Electronic Commerce Communications System Fund.

184 Section 11. Section **35A-3-103** is amended to read:

185 **35A-3-103. Division responsibilities.**

186 The division shall:

187 (1) administer public assistance programs assigned by the Legislature and the
188 governor;

189 (2) determine eligibility in accordance with the requirements of this chapter for public
190 assistance programs assigned to it by the Legislature or the governor;

191 (3) cooperate with the federal government in the administration of public assistance
192 programs;

193 (4) administer the Utah state employment service in accordance with Section
194 35A-3-115;

195 (5) provide for the compilation of necessary or desirable information, statistics, and
196 reports;

197 (6) perform [~~any~~] other duties and functions required by law;

198 (7) monitor the application of eligibility policy;

199 (8) develop personnel training programs for more effective and efficient operation of
200 all programs under the administration of the division;

201 (9) provide refugee resettlement services;

202 (10) provide child care assistance for children; and

203 (11) provide services and support that enable clients to qualify for affordable housing
204 in cooperation with:

205 (a) the Utah Housing Corporation;

206 (b) the Division of Housing and Community Development within the Department of
207 Community and Economic Development; and

208 (c) local housing authorities.

209 Section 12. Section **35A-3-309** is amended to read:

210 **35A-3-309. Information regarding home ownership.**

211 (1) The division shall provide information and service coordination to assist a client to
212 occupy affordable housing.

213 (2) The information and services may include:

214 ~~[(1)]~~ (a) information from the Utah Housing Corporation and the Division of Housing
215 and Community Development within the Department of Community and Economic
216 Development regarding special housing programs, including programs for first-time home
217 buyers and persons with low and moderate incomes and the eligibility requirements for those
218 programs;

219 ~~[(2)]~~ (b) referrals to programs operated by volunteers from the real estate industry that
220 assist clients in obtaining affordable housing, including information on home ownership, down
221 payments, closing costs, and credit requirements; and

222 ~~[(3)]~~ (c) referrals to housing programs operated by municipalities, counties, local
223 housing authorities, and nonprofit housing organizations that assist individuals to obtain
224 affordable housing, including first-time home ownership.

225 Section 13. Section **59-12-902 (Superseded 07/01/04)** is amended to read:

226 **59-12-902 (Superseded 07/01/04). Sales tax refund for qualified emergency food**
227 **agencies -- Use of amounts received as refund -- Administration -- Rulemaking authority.**

228 (1) Beginning on January 1, 1998, a qualified emergency food agency may claim a
229 sales tax refund as provided in this section on the pounds of food donated to the qualified
230 emergency food agency.

231 (2) (a) Subject to the adjustments provided for in Subsection (2)(b), a qualified
232 emergency food agency may claim a refund in an amount equal to the pounds of food donated
233 to the qualified emergency food agency multiplied by:

234 (i) \$1.70; and

235 (ii) the sum of:

236 (A) 4.75%; and

237 (B) except as provided in Subsection (2)(c), the sum of the tax rates provided for in
238 Subsection (2)(b).

239 (b) Tax rates authorized under the following apply to Subsection (2)(a)(ii)(B):

240 (i) (A) the lowest tax rate imposed by a county, city, or town under Section 59-12-204,
241 but only if all of the counties, cities, and towns in the state impose the tax under Section
242 59-12-204; or

243 (B) the lowest tax rate imposed by a county, city, or town under Section 59-12-205, but
244 only if all of the counties, cities, and towns in the state impose the tax under Section

245 59-12-205;

246 (ii) the tax rate authorized by Section 59-12-501 or Section 59-12-1001, but only if all

247 of the counties, cities, and towns in the state impose the tax:

248 (A) under Section 59-12-501; or

249 (B) under Section 59-12-1001;

250 (iii) the tax rate authorized by Section 59-12-502, but only if all of the counties, cities,

251 and towns in the state impose the tax under Section 59-12-502;

252 (iv) the tax rate authorized by Section 59-12-703, but only if all of the counties in the

253 state impose the tax under Section 59-12-703; and

254 (v) the tax rate authorized by Section 59-12-1102, but only if all of the counties in the

255 state impose the tax under Section 59-12-1102.

256 (c) Tax rates authorized under the following do not apply to Subsection (2)(a)(ii)(B):

257 (i) Subsection 59-12-103(2)(a)(i);

258 (ii) Subsection 59-12-103(2)(b)(i);

259 (iii) Subsection 59-12-103(2)(c)(i);

260 (iv) Section 59-12-301;

261 (v) Section 59-12-352;

262 (vi) Section 59-12-353;

263 (vii) Section 59-12-401;

264 (viii) Section 59-12-402;

265 (ix) Section 59-12-603;

266 (x) Section 59-12-802;

267 (xi) Section 59-12-804;

268 (xii) Section 59-12-1201; or

269 (xiii) Section 59-12-1302.

270 (d) Beginning on January 1, 1999, the commission shall annually adjust on or before

271 the second Monday of February the \$1.70 provided in Subsection (2)(a)(i) by a percentage

272 equal to the percentage difference between the food at home category of the Consumer Price

273 Index for:

274 (i) the preceding calendar year; and

275 (ii) calendar year 1997.

276 (3) To claim a sales tax refund under this section, a qualified emergency food agency
277 shall file an application with the commission.

278 (4) A qualified emergency food agency may use amounts received as a sales tax refund
279 under this section only for a purpose related to:

280 (a) warehousing and distributing food to other agencies and organizations providing
281 food to low-income persons; or

282 (b) providing food directly to low-income persons.

283 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
284 commission may make rules providing procedures for implementing the sales tax refund under
285 this section, including:

286 (a) standards for determining and verifying the amount of the sales tax refund; and

287 (b) procedures for a qualified emergency food agency to apply for a sales tax refund,
288 including the frequency with which a qualified emergency food agency may apply for a sales
289 tax refund.

290 (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
291 Division of Housing and Community Development may establish rules providing for the
292 certification of emergency food agencies to claim a refund under this part.

293 Section 14. Section **59-12-902 (Effective 07/01/04)** is amended to read:

294 **59-12-902 (Effective 07/01/04). Sales tax refund for qualified emergency food**
295 **agencies -- Use of amounts received as refund -- Administration -- Rulemaking authority.**

296 (1) Beginning on January 1, 1998, a qualified emergency food agency may claim a
297 sales tax refund as provided in this section on the pounds of food and food ingredients donated
298 to the qualified emergency food agency.

299 (2) (a) Subject to the adjustments provided for in Subsection (2)(b), a qualified
300 emergency food agency may claim a refund in an amount equal to the pounds of food and food
301 ingredients donated to the qualified emergency food agency multiplied by:

302 (i) \$1.70; and

303 (ii) the sum of:

304 (A) 4.75%; and

305 (B) the sum of the tax rates provided for in Subsection (2)(b).

306 (b) Tax rates authorized under the following apply to Subsection (2)(a)(ii)(B):

307 (i) the tax rate authorized by Section 59-12-204;

308 (ii) the tax rate authorized by Section 59-12-501 or Section 59-12-1001, but only if all

309 of the counties, cities, and towns in the state impose the tax:

310 (A) under Section 59-12-501; or

311 (B) under Section 59-12-1001;

312 (iii) the tax rate authorized by Section 59-12-502, but only if all of the counties, cities,

313 and towns in the state impose the tax under Section 59-12-502;

314 (iv) the tax rate authorized by Section 59-12-703, but only if all of the counties in the

315 state impose the tax under Section 59-12-703; and

316 (v) the tax rate authorized by Section 59-12-1102, but only if all of the counties in the

317 state impose the tax under Section 59-12-1102.

318 (c) Beginning on January 1, 1999, the commission shall annually adjust on or before

319 the second Monday of February the \$1.70 provided in Subsection (2)(a)(i) by a percentage

320 equal to the percentage difference between the food at home category of the Consumer Price

321 Index for:

322 (i) the preceding calendar year; and

323 (ii) calendar year 1997.

324 (3) To claim a sales tax refund under this section, a qualified emergency food agency

325 shall file an application with the commission.

326 (4) A qualified emergency food agency may use amounts received as a sales tax refund

327 under this section only for a purpose related to:

328 (a) warehousing and distributing food and food ingredients to other agencies and

329 organizations providing food and food ingredients to low-income persons; or

330 (b) providing food and food ingredients directly to low-income persons.

331 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

332 commission may make rules providing procedures for implementing the sales tax refund under

333 this section, including:

334 (a) standards for determining and verifying the amount of the sales tax refund; and

335 (b) procedures for a qualified emergency food agency to apply for a sales tax refund,

336 including the frequency with which a qualified emergency food agency may apply for a sales

337 tax refund.

338 (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
339 Division of Housing and Community Development may establish rules providing for the
340 certification of emergency food agencies to claim a refund under this part.

341 Section 15. Section **63-38d-502** is amended to read:

342 **63-38d-502. Membership -- Terms -- Chair -- Expenses.**

343 (1) The Resource Development Coordinating Committee shall consist of the following
344 25 members:

345 (a) the state science advisor;

346 (b) a representative from the Department of Agriculture and Food appointed by the
347 executive director;

348 (c) a representative from the Department of Community and Economic Development
349 appointed by the executive director;

350 (d) a representative from the Department of Environmental Quality appointed by the
351 executive director;

352 (e) a representative from the Department of Natural Resources appointed by the
353 executive director;

354 (f) a representative from the Department of Transportation appointed by the executive
355 director;

356 (g) a representative from the Division of Business and Economic Development
357 appointed by the director;

358 (h) a representative from the Division of Housing and Community Development
359 appointed by the director;

360 (i) a representative from the Division of State History appointed by the director;

361 (j) a representative from the Division of Air Quality appointed by the director;

362 (k) a representative from the Division of Drinking Water appointed by the director;

363 (l) a representative from the Division of Environmental Response and Remediation
364 appointed by the director;

365 (m) a representative from the Division of Radiation appointed by the director;

366 (n) a representative from the Division of Solid and Hazardous Waste appointed by the
367 director;

368 (o) a representative from the Division of Water Quality appointed by the director;

369 (p) a representative from the Division of Oil, Gas, and Mining appointed by the
370 director;

371 (q) a representative from the Division of Parks and Recreation appointed by the
372 director;

373 (r) a representative from the Division of Forestry, Fire and State Lands appointed by
374 the director;

375 (s) a representative from the Utah Geological Survey appointed by the director;

376 (t) a representative from the Division of Water Resources appointed by the director;

377 (u) a representative from the Division of Water Rights appointed by the director;

378 (v) a representative from the Division of Wildlife Resources appointed by the director;

379 (w) a representative from the School and Institutional Trust Lands Administration
380 appointed by the director;

381 (x) a representative from the Division of Facilities Construction and Management
382 appointed by the director; and

383 (y) a representative from the Division of Emergency Services and Homeland Security
384 appointed by the director.

385 (2) (a) As particular issues require, the committee may, by majority vote of the
386 members present, and with the concurrence of the state planning coordinator, appoint
387 additional temporary members to serve as ex officio voting members.

388 (b) Those ex officio members may discuss and vote on the issue or issues for which
389 they were appointed.

390 (3) A chair shall be selected by a majority vote of committee members with the
391 concurrence of the state planning coordinator.

392 (4) (a) (i) Members who are not government employees shall receive no compensation
393 or benefits for their services, but may receive per diem and expenses incurred in the
394 performance of the member's official duties at the rates established by the Division of Finance
395 under Sections 63A-3-106 and 63A-3-107.

396 (ii) Members may decline to receive per diem and expenses for their service.

397 (b) (i) State government officer and employee members who do not receive salary, per
398 diem, or expenses from their agency for their service may receive per diem and expenses
399 incurred in the performance of their official duties from the council at the rates established by

400 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

401 (ii) State government officer and employee members may decline to receive per diem
402 and expenses for their service.

403 Section 16. **Effective date.**

404 This bill takes effect May 3, 2004, except that the amendments to Section 59-12-902
405 (Effective 07/01/04) take effect July 1, 2004.

Legislative Review Note
as of 1-28-04 8:03 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0152

Division of Community Development Name Change

29-Jan-04

1:29 PM

State Impact

Provisions of this legislation can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst