

28 Division; ~~H~~→ [and]

28a ▶ creates an advisory council to advise the Department of Workforce Services during
 28b the transition of moving the Division of Housing and Community Development from the

28c Department of Community and Culture; and ←~~H~~

29 ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 ~~H~~→ [None] This bill takes effect on July 1, 2012.

33a This bill coordinates with H.B. 42, by providing technical amendments. ←~~H~~

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **9-1-102**, as last amended by Laws of Utah 2005, Chapter 148

37 **9-1-201**, as last amended by Laws of Utah 2005, Chapter 148

38 **9-1-810**, as last amended by Laws of Utah 2004, Chapter 18

39 **9-6-102**, as last amended by Laws of Utah 2010, Chapter 111

40 **9-6-202**, as renumbered and amended by Laws of Utah 1992, Chapter 241

41 **9-6-204**, as last amended by Laws of Utah 2010, Chapter 286

42 **9-6-205**, as last amended by Laws of Utah 2010, Chapter 111

43 **9-6-305**, as last amended by Laws of Utah 2010, Chapters 286 and 324

44 **9-6-604**, as last amended by Laws of Utah 2010, Chapter 286

45 **9-6-605**, as last amended by Laws of Utah 2010, Chapter 111

46 **9-9-104.6**, as last amended by Laws of Utah 2011, Chapter 192

47 **10-9a-403**, as last amended by Laws of Utah 2010, Chapter 378

48 **10-9a-408**, as last amended by Laws of Utah 2005, Chapter 148 and renumbered and
 49 amended by Laws of Utah 2005, Chapter 254

50 **11-13-103**, as last amended by Laws of Utah 2008, Chapter 250

51 **11-37-101**, as last amended by Laws of Utah 2008, Chapter 382

52 **17-27a-403**, as last amended by Laws of Utah 2008, Chapter 168

53 **17-27a-408**, as last amended by Laws of Utah 2005, Chapter 148 and renumbered and
 54 amended by Laws of Utah 2005, Chapter 254

55 **17C-1-102**, as last amended by Laws of Utah 2011, Chapter 43

56 **17C-1-204**, as last amended by Laws of Utah 2011, Chapter 43

57 **17C-1-412**, as last amended by Laws of Utah 2010, Chapter 279

58 **19-3-301**, as last amended by Laws of Utah 2008, Chapter 360

- 90 **63H-3-103**, as renumbered and amended by Laws of Utah 2011, Chapter 370
- 91 **63I-1-209**, as last amended by Laws of Utah 2011, Chapter 370
- 92 **63I-1-235**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 93 **63I-4-102**, as last amended by Laws of Utah 2011, Chapter 370
- 94 **63I-5-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 95 **63J-1-219**, as enacted by Laws of Utah 2011, Chapter 365
- 96 **63J-4-502**, as last amended by Laws of Utah 2011, Chapter 55
- 97 **63J-7-102**, as last amended by Laws of Utah 2011, Chapter 370
- 98 **63K-1-102**, as last amended by Laws of Utah 2011, Chapter 55
- 99 **63M-1-604**, as last amended by Laws of Utah 2010, Chapter 286
- 100 **63M-1-1503**, as last amended by Laws of Utah 2010, Chapter 286
- 101 **63M-7-301**, as last amended by Laws of Utah 2011, Chapter 370
- 102 **67-4-18**, as enacted by Laws of Utah 2009, Chapter 15
- 103 **67-19-6.7**, as last amended by Laws of Utah 2011, Chapter 340
- 104 **67-19c-101**, as last amended by Laws of Utah 2006, Chapter 139
- 105 **67-22-2**, as last amended by Laws of Utah 2009, Chapter 369
- 106 **72-4-302**, as last amended by Laws of Utah 2010, Chapter 286
- 107 **73-10c-3**, as last amended by Laws of Utah 2010, Chapter 286

108 ENACTS:

- 109 **9-1-201.1**, Utah Code Annotated 1953
- 110 **9-1-201.2**, Utah Code Annotated 1953
- 110a ~~H~~→ **35A-8-1801, Utah Code Annotated 1953**
- 110b **35A-8-1802, Utah Code Annotated 1953** ←~~H~~

111 RENUMBERS AND AMENDS:

- 112 **35A-8-101**, (Renumbered from 9-4-102, as last amended by Laws of Utah 2011,
- 113 Chapter 14)
- 114 **35A-8-201**, (Renumbered from 9-4-201, as last amended by Laws of Utah 2004,
- 115 Chapter 18)
- 116 **35A-8-202**, (Renumbered from 9-4-202, as last amended by Laws of Utah 2010,
- 117 Chapter 324)
- 118 **35A-8-301**, (Renumbered from 9-4-301, as last amended by Laws of Utah 2010,
- 119 Chapter 378)
- 120 **35A-8-302**, (Renumbered from 9-4-302, as last amended by Laws of Utah 2007,

338 Chapter 104)

339 **35A-8-1607**, (Renumbered from 9-10-107, as last amended by Laws of Utah 1997,
340 Chapters 35 and 135)

341 **35A-8-1608**, (Renumbered from 9-10-108, as last amended by Laws of Utah 2011,
342 Chapter 303)

343 **35A-8-1701**, (Renumbered from 9-11-101, as enacted by Laws of Utah 1996, Chapter
344 135)

345 **35A-8-1702**, (Renumbered from 9-11-102, as last amended by Laws of Utah 2008,
346 Chapters 202 and 382)

347 **35A-8-1703**, (Renumbered from 9-11-103, as last amended by Laws of Utah 2001,
348 Chapter 150)

349 **35A-8-1704**, (Renumbered from 9-11-104, as last amended by Laws of Utah 2011,
350 Chapter 303)

351 **35A-8-1705**, (Renumbered from 9-11-105, as last amended by Laws of Utah 2010,
352 Chapter 286)

353 **35A-8-1706**, (Renumbered from 9-11-106, as last amended by Laws of Utah 2008,
354 Chapter 382)

355 **35A-8-1707**, (Renumbered from 9-11-107, as last amended by Laws of Utah 2008,
356 Chapters 202 and 382)

357 **35A-8-1708**, (Renumbered from 9-11-108, as enacted by Laws of Utah 1996, Chapter
358 135)

359 REPEALS:

360 **9-6-601**, as last amended by Laws of Utah 2010, Chapter 111

361 **9-6-607**, as renumbered and amended by Laws of Utah 2006, Chapter 24

361a **Ĥ→ Utah Code Sections Affected by Coordination Clause:**

361b **9-4-305, as last amended by Laws of Utah 2002, Chapter 286**

361c **9-4-307, as last amended by Laws of Utah 2011, Chapter 247 ←Ĥ**

362

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

364 Section 1. Section **9-1-102** is amended to read:

365 **TITLE 9. HERITAGE, ARTS, LIBRARIES, AND CULTURAL DEVELOPMENT**

366 **9-1-102. Definitions.**

367 As used in this title:

368 [~~2~~] (1) "Executive director" means the executive director of the Department of

400 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

401 Section 4. Section **9-1-201.2** is enacted to read:

402 **9-1-201.2. Organization of department -- Jurisdiction of executive director.**

403 The executive director:

404 (1) may organize the department in any fashion considered appropriate, unless
405 otherwise expressly provided by statute; and

406 (2) may consolidate personnel and service functions to effectuate efficiency and
407 economy within the department.

408 Section 5. Section **9-1-810** is amended to read:

409 **9-1-810. Administration, reporting, and expenses.**

410 (1) The [~~Division of Housing and Community Development~~] Department of Heritage
411 and Arts shall provide necessary administrative and staff support services to the commission.

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

413 Section 6. Section **9-6-102** is amended to read:

414 **9-6-102. Definitions.**

415 As used in this chapter:

416 (1) "Advisory board" means the Museum Services Advisory Board created in Section
417 9-6-604.

418 [~~(1)~~] (2) "Board" means the Board of Directors of the Utah Arts Council created in
419 Section 9-6-204.

420 [~~(2)~~] (3) "Council" means the Utah Arts Council created in Section 9-6-301.

421 [~~(3)~~] (4) "Director" means the director of the Division of Arts and Museums.

422 [~~(4)~~] (5) "Division" means the Division of Arts and Museums.

423 (6) "Museum" means an organized and permanent institution that:

424 (a) is owned or controlled by the state, a county, or a municipality, or is a nonprofit
425 organization;

426 (b) has an educational or aesthetic purpose;

427 (c) owns or curates a tangible collection; ~~H→~~ and ~~←H~~

428 (d) exhibits the collection to the public on a regular schedule.

429 (7) "Office" means the Office of Museum Services created in Section 9-6-602.

430 [~~(5)~~] (8) (a) "Pass-through funding" means funds appropriated by the Legislature to a

1516 in cooperation with:

1517 (a) the Utah Housing Corporation;

1518 (b) the ~~[Division of]~~ Housing and Community Development Division ~~[within the~~
1519 ~~Department of Community and Culture]~~; and

1520 (c) local housing authorities.

1521 Section 27. Section **35A-3-116** is amended to read:

1522 **35A-3-116. Restricted special revenue fund -- Use of money -- Committee and**
1523 **director duties -- Restrictions.**

1524 (1) There is created a restricted special revenue fund, known as the "Refugee Services
1525 Fund," hereafter referred to in this section as "the fund."

1526 (2) The director or the director's designee, hereafter referred to in this section as the
1527 director, shall administer the fund with input from the ~~H→ [Department of [Community and~~
1527a ~~Culture]~~

1528 ~~Heritage and Arts]~~ Housing and Community Development Division ←H, including any advisory
1528a committees within the ~~H→ [Department of [Community~~

1529 ~~and Culture]~~ Heritage and Arts] Housing and Community Development Division ←H that deal
1529a with refugee services issues.

1530 (3) (a) Money shall be deposited into the fund from numerous sources, including
1531 federal grants, private foundations, and individual donors.

1532 (b) The director shall encourage a refugee who receives services from activities funded
1533 under Subsection (8) to become a donor to the fund once the refugee's financial situation
1534 improves to the point where the refugee is capable of making a donation.

1535 (4) The director may not expend money in the fund that is not restricted to a specific
1536 use under federal law or by donors without input from the ~~H→ [Department of [Community and~~
1537 ~~Culture]~~ Heritage and Arts] Housing and Community Development Division ←H, either directly

1537a or through an advisory committee identified in

1538 Subsection (2).

1539 (5) The state treasurer shall invest the money in the fund under Title 51, Chapter 7,
1540 State Money Management Act, and all interest or other earnings derived from the fund money
1541 shall be deposited in the fund.

1542 (6) The money in the fund may not be used by the director for administrative expenses.

1543 (7) If the ~~H→ [Department of [Community and Culture]~~ Heritage and Arts] Housing and
1543a Community Development Division ←H establishes a

1544 refugee services advisory committee referred to in Subsection (2), that committee may:

1545 (a) advise the director on refugee services needs in the state and on relevant operational
1546 aspects of any grant or revenue collection program established under this part;

- 1547 (b) recommend specific refugee projects to the director;
- 1548 (c) recommend policies and procedures for administering the fund;
- 1549 (d) make recommendations on grants made from the fund for any of the refugee
1550 services activities authorized under this section;
- 1551 (e) advise the director on the criteria by which grants shall be made from the fund;
- 1552 (f) recommend the order in which approved projects would be funded;
- 1553 (g) make recommendations regarding the distribution of money from the fund in
1554 accordance with the procedures, conditions, and restrictions placed upon money in the fund by
1555 donors; and
- 1556 (h) have joint responsibility to solicit public and private funding for the fund.
- 1557 (8) The director may use fund money to:
- 1558 (a) train an existing refugee organization to develop its capacity to operate
1559 professionally and effectively and to become an independent, viable organization; or
- 1560 (b) provide grants to an existing refugee organization and other entities identified in
1561 Subsection (9) to assist them:
- 1562 (i) with case management;
- 1563 (ii) in meeting emergency housing needs for refugees;
- 1564 (iii) in providing English language services;
- 1565 (iv) in providing interpretive services;
- 1566 (v) in finding and maintaining employment for refugees;
- 1567 (vi) in collaborating with the state's public education system to improve the
1568 involvement of refugee parents in assimilating their children into public schools;
- 1569 (vii) in meeting the health and mental health needs of refugees;
- 1570 (viii) in providing or arranging for child care services; or
- 1571 (ix) in administering refugee services.
- 1572 (9) In addition to Subsection (8), the director with advice from the ~~H~~→ [Department of
1573 ~~{Community and Culture} Heritage and Arts} Housing and Community~~
1573a Development Division←~~H~~ or its refugee services advisory committee, if one
1574 is created, may grant fund money for refugee services outlined in Subsection (8) through a
1575 request for proposal process to:
- 1576 (a) local governments;
- 1577 (b) nonprofit community, charitable, or neighborhood-based organizations or private

1733 (g) support economic development activities through grants, loans, and direct programs
1734 financial assistance;

1735 (h) certify project funding at the local level in conformance with federal, state, and
1736 other requirements;

1737 (i) utilize the capabilities and facilities of public and private universities and colleges
1738 within the state in carrying out its functions; ~~H→~~ and ~~←H~~

1739 (j) assist and support local governments, community action agencies, and citizens in
1740 the planning, development, and maintenance of home weatherization, energy efficiency, and
1741 antipoverty activities ~~H→~~ [;] . ~~←H~~ [and]

1742 ~~H→~~ [~~(k) assist and support volunteer efforts in the state[.]; and~~

1743 ~~—— (l) provide information and support to aid a qualifying client of the department in~~
1744 ~~obtaining affordable housing, including the provision of:~~

1745 ~~—— (i) information regarding special housing programs, including programs for first-time~~
1746 ~~home buyers and persons with low and moderate incomes and the eligibility requirements for~~
1747 ~~those programs;~~

1748 ~~—— (ii) referrals to programs operated by volunteers from the real estate industry that assist~~
1749 ~~clients in obtaining affordable housing, including information on home ownership, down~~
1750 ~~payments, closing costs, and credit requirements; and~~

1751 ~~—— (iii) referrals to housing programs operated by municipalities, counties, local housing~~
1752 ~~authorities, and nonprofit housing organizations that assist individuals to obtain affordable~~
1753 ~~housing, including first-time home ownership.]~~ ~~←H~~

1754 (2) The division may:

1755 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal
1756 Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

1757 (b) if any federal program requires the expenditure of state funds as a condition to
1758 participation by the state in any fund, property, or service, with the governor's approval, expend
1759 whatever funds are necessary out of the money provided by the Legislature for the use of the
1760 department;

1761 (c) in accordance with Part [~~43~~] 9, Domestic Violence Shelters, assist in developing,
1762 constructing, and improving shelters for victims of domestic violence, as described in Section
1763 77-36-1, through loans and grants to nonprofit and governmental entities; and

2074 trustee for ~~[any]~~ a bondholder, ~~[any]~~ a lessor demising to the authority used in connection with
 2075 a project, ~~[any]~~ an assignee or assignees of the lessor's interest in whole or in part, and the
 2076 federal government when it is a party to ~~[any]~~ a contract with the authority.

2077 (15) "Persons of medium and low income" mean persons or families who, as
 2078 determined by the authority undertaking a project, cannot afford to pay the amounts at which
 2079 private enterprise, unaided by appropriate assistance, is providing a substantial supply of
 2080 decent, safe and sanitary housing.

2081 (16) "Person with a disability" means a person with any disability as defined by and
 2082 covered under the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102.

2083 (17) "Public body" means ~~[any]~~ a city, county or municipal corporation, commission,
 2084 district, authority, agency, subdivision, or other body of ~~[any of]~~ the foregoing.

2085 (18) "Real property" includes all lands, improvements, and fixtures on them, property
 2086 of any nature appurtenant to them or used in connection with them, and every estate, interest,
 2087 and right, legal or equitable, including terms for years.

2088 Section 42. Section **35A-8-402**, which is renumbered from Section 9-4-603 is
 2089 renumbered and amended to read:

2090 ~~[9-4-603]~~. **35A-8-402. Creation of housing authority authorized -- Procedure.**

2091 (1) The governing body of each public body of the state, except the state~~;~~ itself, may
 2092 create an authority, corporate and politic, to be known as a "housing authority."

2093 (2) The governing body of a city or county shall give consideration to the need for an
 2094 authority:

2095 (a) on its own motion; or

2096 (b) upon the filing of a petition signed by 25 electors of the city or county asserting that
 2097 there is need for an authority to function in the city or county and requesting that its governing
 2098 body ~~[so declare]~~ make ~~H→~~ **[that] a** ~~←H~~ declaration ~~H→~~ **to that effect** ~~←H~~ .

2099 (3) The governing body shall adopt a resolution declaring there is need for an authority
 2100 and creating an authority in the city or county if it finds:

2101 (a) that unsanitary or unsafe inhabited dwelling accommodations exist in the city or
 2102 county; or

2103 (b) that there is a shortage of safe and sanitary dwelling accommodations in the city or
 2104 county available to persons of medium and low income at rentals or prices they can afford.

2322 (3) Rentals or payments for dwellings shall be established and the projects
 2323 administered, in so far as possible, to assure that any federal financial assistance required is
 2324 strictly limited to amounts and periods necessary to maintain the low-rent character of the
 2325 projects.

2326 (4) Nothing in this section [~~may be construed to limit~~] limits the amount an authority
 2327 may charge for nondwelling facilities.

2328 (5) All [~~such income, together with other~~] income and revenue[;]

2328a ~~H~~→ [under] described in ~~←H~~ this section

2329 shall be used in the operation of the projects to aid in accomplishing the public, governmental,
 2330 and charitable purposes of this part.

2331 Section 49. Section ~~35A-8-409~~, which is renumbered from Section 9-4-611 is
 2332 renumbered and amended to read:

2333 ~~[9-4-611].~~ **35A-8-409. Eligibility requirements for occupants -- Rights of**
 2334 **obligee on default of authority.**

2335 (1) [~~Each~~] An authority shall make rules establishing eligibility requirements consistent
 2336 with the purposes and objectives of this part for admission to and continued occupancy in its
 2337 projects.

2338 (2) Nothing contained in this section or in Section [~~9-4-610~~] 35A-8-408 may be
 2339 construed to limit the power of an authority, with respect to a housing project, to vest in an
 2340 obligee the right, in case of a default by the authority, to take possession or cause the
 2341 appointment of a receiver free from [~~all~~] the restrictions imposed by this section or Section
 2342 [~~9-4-610~~] 35A-8-408.

2343 Section 50. Section ~~35A-8-410~~, which is renumbered from Section 9-4-612 is
 2344 renumbered and amended to read:

2345 ~~[9-4-612].~~ **35A-8-410. Penalties for fraudulently obtaining or continuing to**
 2346 **receive housing assistance benefits.**

2347 (1) [~~No~~] A person may not knowingly, by misrepresentation, impersonation, or [~~any~~]
 2348 other fraudulent means, make [~~any~~] a false statement to housing authority personnel or, after
 2349 being accepted as a recipient of housing authority benefits, fail to disclose to housing authority
 2350 personnel any:

2351 (a) change in household composition;

2352 (b) employment change;

- 2508 (a) letters of credit[;];
- 2509 (b) standby letters of credit[;];
- 2510 (c) surety bonds[;];
- 2511 (d) reimbursement agreements[;];
- 2512 (e) remarketing agreements[;];
- 2513 (f) indexing agreements[;];
- 2514 (g) tender agent agreements[;]; and
- 2515 (h) other agreements with respect to;
- 2516 (i) securing the bonds[~~with respect to~~];
- 2517 (ii) enhancing the marketability and creditworthiness of the bonds[~~with respect to~~];
- 2518 (iii) determining a variable interest rate on the bonds[;]; and [~~with respect to~~]
- 2519 (iv) the payment from any legally available source, including [~~the~~] proceeds of the
- 2520 bonds, [~~of~~] fees, charges, [~~and~~] or other amounts coming due [~~with respect to any such~~] from
- 2521 the agreements.
- 2522 (4) [~~The~~] As provided by resolution, the bonds may be sold at a public or private sale
- 2523 [~~in a manner and at prices, either at, in excess of, or below~~] at par value, [~~as provided by~~
- 2524 ~~resolution~~] in excess of par value, or below par value.
- 2525 (5) If [~~members or officers~~] a member or an officer of an authority whose [~~signatures~~
- 2526 ~~appear on bonds or coupons cease to be members or officers~~] signature appears on a bond or
- 2527 coupon ceases to be a member or an officer before the delivery of the [~~bonds, their signatures~~
- 2528 ~~are~~] bond or coupon, the signature is valid and sufficient for all purposes.
- 2529 (6) [~~Any bonds~~] A bond issued under this part [~~are~~] is fully negotiable.
- 2530 (7) In [~~any~~] a suit, action, or proceeding involving the validity or enforceability of
- 2531 [~~any~~] a bond of an authority or the security for it, [~~any~~] a bond reciting in substance that it has
- 2532 been issued by the authority to aid in financing a project [~~shall be~~] is conclusively [~~deemed~~
- 2533 ~~considered~~] to have been issued for ~~H→~~ [~~such purposes~~] that purpose ~~←H~~, and the project [~~shall~~
- 2533a ~~be~~] is conclusively
- 2534 [~~deemed~~] considered to have been planned, located, and carried out in accordance with this
- 2535 part.
- 2536 Section 58. Section **35A-8-418**, which is renumbered from Section 9-4-620 is
- 2537 renumbered and amended to read:
- 2538 ~~[9-4-620].~~ **35A-8-418. Bonds and other obligations -- Additional powers of**

2818 (c) money appropriated to the fund by the Legislature.

2819 (3) The money in the fund shall be invested by the state treasurer according to the
 2820 procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that
 2821 all interest or other earnings derived from [~~the fund~~] money in the fund shall be deposited in
 2822 the fund.

2823 Section 73. Section **35A-8-503**, which is renumbered from Section 9-4-703 is
 2824 renumbered and amended to read:

2825 ~~[9-4-703]~~. **35A-8-503. Housing loan fund board -- Duties -- Expenses.**

2826 (1) There is created the Olene Walker Housing Loan Fund Board.

2827 (2) The board [~~shall be~~] is composed of 11 voting members.

2828 (a) The governor shall appoint the following members to four-year terms:

2829 (i) two members from local governments;

2830 (ii) two members from the mortgage lending community;

2831 (iii) one member from real estate sales interests;

2832 (iv) one member from home builders interests;

2833 (v) one member from rental housing interests;

2834 (vi) one member from housing advocacy interests;

2835 (vii) one member of the manufactured housing interest; and

2836 (viii) two members of the general public.

2837 (b) The director or [~~his~~] the director's designee [~~shall serve~~] serves as the secretary of
 2838 the ~~H→~~ [committee] board ~~←H~~ .

2839 (c) The members of the board shall annually elect a chair from among the voting
 2840 membership of the board.

2841 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the
 2842 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
 2843 board members are staggered so that approximately half of the board is appointed every two
 2844 years.

2845 (b) When a vacancy occurs in the membership for any reason, the replacement [~~shall~~
 2846 ~~be~~] is appointed for the unexpired term.

2847 (4) (a) The board shall:

2848 (i) meet regularly, at least quarterly, on dates fixed by the board;

3593 investment.

3594 Section 94. Section **35A-8-713**, which is renumbered from Section 9-4-912 is
3595 renumbered and amended to read:

3596 ~~[9-4-912].~~ **35A-8-713.** **Power to issue mortgage credit certificates -- Impact of**
3597 **federal legislation on tax exempt status of corporation bond.**

3598 (1) In order to accomplish the purposes of this part the corporation may issue mortgage
3599 credit certificates ~~[pursuant to]~~ under 26 U.S.C., ~~[Section]~~ Sec. 143, as amended, and the
3600 regulations issued under the code and has the sole responsibility for issuing or approving the
3601 issuance of mortgage credit certificates allowable to the state.

3602 (2) ~~[None of the powers]~~ A power granted to the corporation by this part ~~[shall in any~~
3603 ~~way]~~ may not be diminished by the enactment of ~~[any]~~ federal legislation ~~[which]~~ that would
3604 cause the interest on ~~[any]~~ bonds, notes, or other obligations of the corporation to be subject to
3605 taxation under federal law~~[, nor shall the].~~

3606 (3) An exemption from state taxation granted in this part ~~H→~~ [may not be] is not ~~←H~~
3606a affected by ~~[any~~
3607 ~~such]~~ federal legislation described under Subsection (2).

3608 Section 95. Section **35A-8-714**, which is renumbered from Section 9-4-913 is
3609 renumbered and amended to read:

3610 ~~[9-4-913].~~ **35A-8-714.** **Power to borrow money and make loans -- Issuance of**
3611 **notes and bonds.**

3612 (1) The corporation has the power ~~[and is authorized]~~ to borrow money and to issue
3613 ~~[from time to time]~~ its notes, bonds, and other obligations in such principal amounts as the
3614 corporation determines is necessary to provide sufficient ~~[funds]~~ money for:

- 3615 (a) the purchase of mortgage loans from mortgage lenders;
3616 (b) the making of construction loans;
3617 (c) the making of loans to housing authorities;
3618 (d) the payment of interest on bonds, notes, and other obligations of the corporation;
3619 (e) the establishment of reserves to secure the bonds, notes, and other obligations;
3620 (f) the making of mortgage loans;
3621 (g) the making of loans to mortgage lenders or other lending institutions with respect to
3622 multifamily residential rental housing under terms and conditions requiring the proceeds of
3623 these loans to be used by these mortgage lenders or other lending institutions for the making of

3903 **exemption except corporate franchise tax.**

3904 ~~[All property]~~ (1) Property acquired or held by the corporation under this part is
3905 declared to be public property used for essential public and governmental purposes~~[-, and all~~
3906 ~~the]~~.

3907 (2) The property, its income, and notes and bonds issued under this part, the interest
3908 payable on the notes and bonds, and income derived from the notes and bonds~~[-, shall at all~~
3909 ~~times be]~~ ~~H~~→ **[is] are** ←~~H~~ exempt from ~~[all]~~ taxation of every kind ~~[and nature whatsoever~~
3909a ~~imposed]~~ by the
3910 state, ~~[any]~~ a county, ~~[any]~~ a municipality, ~~[or]~~ and any other political subdivision of the state,
3911 except for the corporate franchise tax.

3912 Section 101. Section **35A-8-720**, which is renumbered from Section 9-4-919 is
3913 renumbered and amended to read:

3914 ~~[9-4-919].~~ **35A-8-720. Corporation notes, bonds, obligations -- Legal**
3915 **investments.**

3916 (1) The notes, bonds, and other obligations issued under the authority of this part are
3917 ~~[declared to be]~~ securities in which all public officers and public bodies of the state and its
3918 political subdivisions, all banks, bankers, savings banks, trust companies, credit unions,
3919 savings and loan associations, building and loan associations, investment companies, and other
3920 persons carrying on a banking business, all insurance companies and insurance associations,
3921 and others carrying on an insurance business, and all administrators, executors, guardians,
3922 trustees, and other fiduciaries, pension, profit-sharing and retirement funds, and all other
3923 persons who may now or may later be authorized to invest in notes, bonds, or other obligations
3924 of the state, may properly and legally invest any funds, including capital belonging to them or
3925 within their control.

3926 (2) These notes, bonds, and other obligations are ~~[declared]~~ securities ~~[which]~~ that may
3927 properly and legally be deposited with and received by any state, county, or municipal officer,
3928 or agency of the state for any purpose for which the deposit of notes, bonds, or other
3929 obligations of the state is now or may later be authorized by law.

3930 Section 102. Section **35A-8-721**, which is renumbered from Section 9-4-920 is
3931 renumbered and amended to read:

3932 ~~[9-4-920].~~ **35A-8-721. Annual report to governor and Legislature -- Contents**
3933 **-- Audits.**

4058 determined by the corporation, exceeds:

4059 (a) \$75,000 for a single person; or

4060 (b) \$150,000 for a married couple.

4061 (3) The corporation shall establish procedures for determining a person's eligibility for
4062 a grant under this section, including establishing a limit on the time ~~[for which the funds]~~ that
4063 money for a grant may remain in escrow, which may not exceed 90 days.

4064 Section 109. Section **35A-8-801**, which is renumbered from Section 9-4-1201 is
4065 renumbered and amended to read:

Part 8. Housing Coordination and Planning Act

~~[9-4-1201].~~ 35A-8-801. Title.

This part ~~[shall be]~~ is known as the "Housing Coordination and Planning Act."

4069 Section 110. Section **35A-8-802**, which is renumbered from Section 9-4-1202 is
4070 renumbered and amended to read:

~~[9-4-1202].~~ 35A-8-802. Legislative policy and purpose.

4072 (1) ~~(a) [It]~~ The Legislature declares that it is the policy of the state that to promote the
4073 general welfare of its citizens it is necessary to remedy the unsafe and unsanitary housing
4074 conditions and the acute shortage of decent, safe, and sanitary dwellings for families of
4075 medium and low income, in urban and rural areas. ~~[These]~~

4076 (b) The conditions ~~H→~~ [discussed] described ~~←H~~ in Subsection (1)(a) cause an increase
4076a and spread of
4077 disease and crime, and constitute a menace to the health, safety, morals, and welfare of the
4078 state.

4079 (2) ~~[It]~~ The Legislature declares that it is the policy of the state:

4080 (a) to make adequate provision of affordable housing for:

4081 (i) persons of medium or low income who are unable to provide themselves with
4082 decent housing including:

4083 (A) elderly persons;

4084 (B) persons with disabilities;

4085 (C) veterans;

4086 (D) special needs populations;

4087 (E) low income persons living on tribal trust lands;

4088 (F) persons receiving public assistance under self-sufficiency programs; or

- 4337 (5) emergency assistance;
- 4338 (6) nutrition;
- 4339 (7) linkages and coordination with other programs;
- 4340 (8) health; and
- 4341 (9) self-sufficiency.

4342 Section 121. Section **35A-8-1008**, which is renumbered from Section 9-4-1408 is

4343 renumbered and amended to read:

4344 ~~[9-4-1408].~~ **35A-8-1008. Recognition of community action agencies.**

4345 The office ~~[shall have the power to]~~ may:

- 4346 (1) recognize eligible organizations as community action agencies;
- 4347 (2) withdraw the recognition or terminate funding of a designated community action
- 4348 agency for cause, as established by rule ~~H→~~ **made** ~~←H~~ by the division in accordance with Title
- 4348a 63G, Chapter
- 4349 3, Utah Administrative Rulemaking Act; [or] and

- 4350 (3) change the boundaries and the number of recognized community action agencies,
- 4351 provided that the governing board of each affected community action agency concurs in the
- 4352 action.

4353 Section 122. Section **35A-8-1009**, which is renumbered from Section 9-4-1409 is

4354 renumbered and amended to read:

4355 ~~[9-4-1409].~~ **35A-8-1009. Qualified Emergency Food Agencies Fund --**

4356 **Expenditure of revenues.**

4357 (1) As used in this section:

4358 (a) "Association of governments" means the following created under the authority of

4359 Title 11, Chapter 13, Interlocal Cooperation Act:

- 4360 (i) an association of governments; or
- 4361 (ii) a regional council that acts as an association of governments.
- 4362 (b) "Food and food ingredients" is as defined in Section 59-12-102.
- 4363 (c) "Pounds of food donated" means the aggregate number of pounds of food and food
- 4364 ingredients that are donated:
- 4365 (i) to a qualified emergency food agency; and
- 4366 (ii) by a person, other than an organization that as part of its activities operates a
- 4367 program that has as the program's primary purpose to:

- 5050 (c) the state;
- 5051 (d) the federal government;
- 5052 (e) a Utah Navajo Chapter; or
- 5053 (f) other private or public organization.
- 5054 (6) The division shall distribute loan and grant money:
- 5055 (a) if the loan or grant is approved by the board;
- 5056 (b) in accordance with the instructions of the board, except that the board may not
- 5057 instruct that money be distributed in a manner:
- 5058 (i) inconsistent with this chapter; or
- 5059 (ii) in violation of a rule or procedure of the department; and
- 5060 (c) in the case of a loan, in accordance with Section 63A-3-205.

5060a **H→ [~~(7) The division, with board approval, may use fund money for the administration of the~~**

5060b **fund, but this amount may not exceed 2% of the annual receipts to the fund.] ←H**

5061 Section 154. Section **35A-8-1708**, which is renumbered from Section 9-11-108 is

5062 renumbered and amended to read:

5063 **[~~9-11-108~~]. 35A-8-1708. Annual report.**

5064 The division shall report annually to the Native American Legislative Liaison

5065 Committee and the governor concerning the number and type of loans and grants made as well

5066 as a list of recipients of this assistance.

5066a **H→ Section 155. Section 35A-8-1801 is enacted to read:**

5066b **Part 18. Transitional Housing and Community Development Advisory Council**

5066c **35A-8-1801. Transitional Housing and Community Development Advisory Council--**

5066d **Membership -- Duties.**

5066e **(1) There is created the Transitional Housing and Community Development Advisory**

5066f **Council within the Department of Workforce Services consisting of the following members:**

5066g **(a) the executive director of the Department of Workforce Services or the executive**

5066h **director's designee , who shall serve as chair of the advisory council ;**

5066i **(b) the director of the Housing and Community Development Division of the**

5066j **Department of Workforce Services [~~, who shall serve as chair of the advisory council]~~ ;**

5066k **(c) a representative from the governor's office designated and appointed by the**

5066l **governor;**

5066m **(d) two representatives of entities that use or allocate funds distributed by the Housing**

5066n **and Community Development Division, designated and appointed by the director of the**

5066o **Housing and Community Development Division; and ←H**

- 5066p **H→ (e) the executive director, or the executive director's designee, of the:**
- 5066q **(i) Bear River Association of Governments;**
- 5066r **(ii) Five County Association of Governments;**
- 5066s **(iii) Mountainland Association of Governments;**
- 5066t **(iv) Six County Association of Governments;**
- 5066u **(v) Southeastern Utah Association of Governments;**
- 5066v **(vi) Uintah Basin Association of Governments;**
- 5066w **(vii) Wasatch Front Regional Council;**
- 5066x **(viii) Community Action Partnership of Utah; [and]**
- 5066y1 **(ix) Salt Lake Community Action Program; and**
- 5066y **[fix] (x) Utah Housing Coalition.**
- 5066z **(2) (a) Except as provided in Subsection (2)(b), the advisory council shall meet at least**
- 5066aa **once every three months and may meet more frequently as needed.**
- 5066ab **(b) The advisory council may meet less than once every three months if the chair, after**
- 5066ac **polling the members, determines that a meeting is not needed.**
- 5066ad **(c) The chair, or a majority of the advisory council, may call a meeting of the advisory**
- 5066ae **council.**
- 5066af **(d) A majority of the membership is a quorum for conducting advisory council**
- 5066ag **business and a majority vote of the quorum present is required for an action to be taken by the**
- 5066ah **advisory council.**
- 5066ai **(e) A member may not receive compensation or benefits for the member's service, but**
- 5066aj **may receive per diem and travel expenses in accordance with:**
- 5066ak **(i) Section 63A-3-106;**
- 5066al **(ii) Section 63A-3-107; and**
- 5066am **(iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and**
- 5066an **63A-3-107.**
- 5066ao **(f) The Housing and Community Development Division shall provide necessary**
- 5066ap **administrative and staff support services to the advisory council.**
- 5066aq **(3) The advisory council shall advise and counsel the Department of Workforce**
- 5066ar **Services and the department's Housing and Community Development Division in formulating**
- 5066as **rules, protocols, and policies to:**
- 5066at **(a) successfully transition the division from the Department of Community and**
- 5066au **Culture;**
- 5066av **(b) maintain consistency in providing services to, and cooperating with, qualifying**

5066aw interested parties, including individuals, groups, political subdivisions, and community←H

5066ax H→action agencies, which properly participated in division services under the Department of
 5066ay Community and Culture; and

5066az (c) inform and advise interested parties, including individuals, groups, political
 5066ba subdivisions, and community action agencies regarding:

5066bb (i) the division's transition to the Department of Workforce Services; and
 5066bc (ii) each significant change, or contemplated change, in the delivery of division services.

5066bd (4) The Housing and Community Development Division shall present to the advisory
 5066be council for its advice and counsel, each significant proposed change to the delivery of services
 5066bf by the division.

5066bg Section 156. Section 35A-8-1802 is enacted to read:

5066bh 35A-8-1802. Interim study.

5066bi During the 2012 interim, the Workforce Services, Community, and Economic
 5066bj Development Interim Committee shall study and make recommendations to the Legislature
 5066bk regarding:

5066bl (1) the effectiveness and progress of the Housing and Community Development's
 5066bm transition to the Department of Workforce Services;

5066bn (2) housing needs in the state of Utah; and

5066bo (3) opportunities for further consolidation of state programs and policies regarding
 5066bp housing. ←H

5067 Section H→ [155] 157 ←H . Section 51-9-504 is amended to read:

5068 51-9-504. Utah Navajo royalties and related issues.

5069 (1) (a) Notwithstanding Title 63, Chapter 88, Navajo Trust Fund, repealed July 1,
 5070 2008, and except as provided in Subsection (7), the following are subject to this Subsection (1):

5071 (i) the repealed board of trustees;

5072 (ii) the repealed trust administrator;

5073 (iii) an employee or agent of the repealed Navajo Trust Fund; or

5074 (iv) the repealed Dineh Committee.

5075 (b) The repealed board of trustees may not:

5076 (i) beginning on March 17, 2008, take an action that imposes or may impose a liability
 5077 or obligation described in Subsection (1)(d) that is:

5078 (A) anticipated to be completed on or after January 1, 2010; or

5079 (B) equal to or greater than \$100,000; or

5080 (ii) on or after May 5, 2008, take an action that imposes or may impose a liability or

6786 (b) A majority of the members of the commission constitute a quorum.

6787 (c) A vote of the majority of the commission members present when a quorum is
6788 present is an action of the commission.

6789 (5) The commission shall meet at the call of the chair, except that the chair shall call a
6790 meeting at least quarterly.

6791 (6) A member of the commission may not receive compensation or benefits for the
6792 member's service, but may receive per diem and travel expenses in accordance with:

6793 (a) Section 63A-3-106;

6794 (b) Section 63A-3-107; and

6795 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6796 63A-3-107.

6797 (7) The Office of the Attorney General shall staff the commission.

6798 Section ~~H~~→ [177] 179 ←~~H~~ . Section **63H-3-103** is amended to read:

6799 **63H-3-103. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**
6800 **expenses.**

6801 (1) There is created an independent state agency and a body politic and corporate
6802 known as the "Utah Science Center Authority."

6803 (2) (a) The authority is composed of 13 members.

6804 (b) The governor shall appoint:

6805 (i) three members representing the informal science and arts community that could
6806 include members from the board of directors of the Hansen Planetarium, the Hogle Zoo, the
6807 Children's Museum of Utah, the Utah Museum of Natural History, and other related museums,
6808 centers, and agencies;

6809 (ii) one member of the State Board of Education;

6810 (iii) one member of the [~~Division of~~] ~~H~~→ [**Housing and Community Development Division**
6811 **of the**] ←~~H~~ Department of [~~Community and Culture~~] ~~H~~→ [**Workforce Services**]

6811a **Heritage and Arts** ←~~H~~ ;

6812 (iv) one member of the Board of Tourism Development;

6813 (v) one member of the State Board of Regents; and

6814 (vi) three public members representing Utah industry, the diverse regions of the state,
6815 and the public at large.

6816 (c) The county legislative body of Salt Lake County shall appoint one member to

6848 (15) A member may not receive compensation or benefits for the member's service, but
6849 may receive per diem and travel expenses in accordance with:

6850 (a) Section 63A-3-106;

6851 (b) Section 63A-3-107; and

6852 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6853 63A-3-107.

6854 Section ~~H→ [178]~~ **180** ~~←H~~ . Section **63I-1-209** is amended to read:

6855 **63I-1-209. Repeal dates, Title 9.**

6856 [(+) Title 9, Chapter 1, Part 8, Commission on National and Community Service Act,
6857 is repealed July 1, 2014.

6858 [~~(2) Title 9, Chapter 4, Part 9, Utah Housing Corporation Act, is repealed July 1,
6859 2016.~~]

6860 Section ~~H→ [179]~~ **181** ~~←H~~ . Section **63I-1-235** is amended to read:

6861 **63I-1-235. Repeal dates, Title 35A.**

6862 (1) Title 35A, Utah Workforce Services Code, is repealed July 1, 2015.

6863 (2) Section 35A-3-114, the Displaced Homemaker Program, together with the
6864 provision for funding that program contained in Subsection 17-16-21(2)(b), is repealed July 1,
6865 2012.

6866 (3) Title 35A, Chapter 8, Part 7, Utah Housing Corporation Act, is repealed July 1,
6867 2016.

6867a ~~H→~~ **(4) Title 34A, Chapter 8, Part 18, Transitional Housing and Community Development**
6867b **Advisory Council, is repealed July 1, 2014.** ~~←H~~

6868 Section ~~H→ [180]~~ **182** ~~←H~~ . Section **63I-4-102** is amended to read:

6869 **63I-4-102. Definitions.**

6870 (1) (a) "Activity" means to provide a good or service.

6871 (b) "Activity" includes to:

6872 (i) manufacture a good or service;

6873 (ii) process a good or service;

6874 (iii) sell a good or service;

6875 (iv) offer for sale a good or service;

6876 (v) rent a good or service;

6877 (vi) lease a good or service;

6878 (vii) deliver a good or service;

7716 Development Coordinating Council. The council comprises:

7717 (i) the director of the Division of Water Resources;

7718 (ii) the executive secretary of the Water Quality Board;

7719 (iii) the executive secretary of the Drinking Water Board;

7720 (iv) the ~~H→~~ [executive] ~~←H~~ director of the ~~H→~~ [Department of [Community and Culture]

7720a Heritage and

7721 Arts] Housing and Community Development Division ~~←H~~ or the ~~H→~~ [executive] ~~←H~~ director's

7721a designee; and

7722 (v) the state treasurer or the treasurer's designee.

7723 (b) The council shall choose a chair and vice chair from among its own members.

7724 (c) A member may not receive compensation or benefits for the member's service, but
7725 may receive per diem and travel expenses in accordance with:

7726 (i) Section 63A-3-106;

7727 (ii) Section 63A-3-107; and

7728 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7729 63A-3-107.

7730 (2) The purposes of the council are to:

7731 (a) coordinate the use and application of the funds available to the state to give
7732 financial assistance to political subdivisions of this state so as to promote the conservation,
7733 development, treatment, restoration, and protection of the waters of this state;

7734 (b) promote the coordination of the financial assistance programs administered by the
7735 state and the use of the financing alternative most economically advantageous to the state and
7736 its political subdivisions;

7737 (c) promote the consideration by the Board of Water Resources, Drinking Water
7738 Board, and Water Quality Board of regional solutions to the water and wastewater needs of
7739 individual political subdivisions of this state; and

7740 (d) assess the adequacy and needs of the state and its political subdivisions with respect
7741 to water-related infrastructures and advise the governor and the Legislature on those funding
7742 needs.

7743 Section ~~H→~~ [195] 197 ~~←H~~ . Repealer.

7744 This bill repeals:

7745 Section **9-6-601, Definitions.**

7746 Section **9-6-607, Office director.**

7746a ~~H→~~ Section 198. Effective date.

7746b This bill takes effect on July 1, 2012.

7746c Section 199. Coordinating H.B. 139 with H.B. 42 -- Technical renumbering.

7746d If this H.B. 139 and H.B. 42, Permanent Community Impact Fund Board Grants, both

7746e **pass and become law, the Legislature intends that:**

7746f **(1) the reference in Subsection 9-4-305(2)(a) to "Subsection 9-4-307(3)" be changed to**
7746g **"Subsection 35A-8-307(3)";**

7746h **(2) the references in Subsections 9-4-307(2) and (3) to "Subsection 9-4-305(2)" be**
7746i **changed to "Subsection 35A-8-305(2)"; and**

7746j **(3) the Office of Legislative Research and General Counsel makes these changes when**
7746k **preparing the Utah Code database for publication.** ←Ĥ