

1 **LEGISLATIVE COMMITTEE AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stuart C. Reid**

5 House Sponsor: Jim Bird

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to making certain reports to legislative
10 committees.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ replaces references in the Utah Code to the Workforce Services, Community and
14 Economic Development Interim Committee with the Economic Development and
15 Workforce Services Interim Committee;

16 ▶ amends annual report requirements to certain legislative committees by reducing
17 and consolidating reports from executive branch agencies;

18 ▶ provides uniform language for agencies to submit annual written reports before
19 November 1; and

20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **9-4-708**, as last amended by Laws of Utah 2011, Chapter 342



- 28 **9-4-1204**, as last amended by Laws of Utah 2005, Chapter 254
- 29 **9-4-1603**, as enacted by Laws of Utah 2011, Chapter 217
- 30 **9-7-217**, as last amended by Laws of Utah 2002, Chapter 65
- 31 **35A-3-116**, as last amended by Laws of Utah 2011, Chapter 342
- 32 **35A-3-203**, as last amended by Laws of Utah 2005, Chapter 148
- 33 **35A-3-313**, as last amended by Laws of Utah 2007, Chapters 235 and 306
- 34 **35A-4-401**, as last amended by Laws of Utah 2010, Chapter 293
- 35 **35A-4-403**, as last amended by Laws of Utah 2010, Chapter 282
- 36 **59-7-614.2**, as last amended by Laws of Utah 2011, Chapter 384
- 37 **59-7-614.5**, as last amended by Laws of Utah 2011, Chapter 384
- 38 **59-10-1107**, as last amended by Laws of Utah 2011, Chapter 384
- 39 **59-10-1108**, as last amended by Laws of Utah 2011, Chapter 384
- 40 **63M-1-403**, as last amended by Laws of Utah 2011, Chapter 84
- 41 **63M-1-904**, as last amended by Laws of Utah 2011, Chapter 191
- 42 **63M-1-1103**, as last amended by Laws of Utah 2008, Chapter 381 and renumbered and
- 43 amended by Laws of Utah 2008, Chapter 382
- 44 **63M-1-1304**, as enacted by Laws of Utah 2011, Chapter 236
- 45 **63M-1-1404**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 46 **63M-1-1805**, as last amended by Laws of Utah 2011, Chapter 384
- 47 **63M-1-1901**, as last amended by Laws of Utah 2010, Chapter 323
- 48 **63M-1-2006**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 49 **63M-1-2406**, as last amended by Laws of Utah 2011, Chapter 384
- 50 **63M-1-2704**, as last amended by Laws of Utah 2011, Chapter 112
- 51 **63M-1-2806**, as last amended by Laws of Utah 2011, Chapter 384
- 52 **63M-1-2910**, as enacted by Laws of Utah 2011, Chapter 306



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

55 Section 1. Section **9-4-708** is amended to read:

56 **9-4-708. Annual accounting.**

57 (1) The executive director shall monitor the activities of recipients of grants and loans
58 issued under this part on a yearly basis to ensure compliance with the terms and conditions

59 imposed on the recipient by the director with the approval of the board or by this part.

60 (2) The entities receiving grants or loans shall provide the executive director with an
61 annual accounting of how the money they received from the fund has been spent.

62 (3) The executive director shall make an annual report to the board accounting for the
63 expenditures authorized by the board.

64 (4) The board shall submit an annual written report to the [~~Workforce Services and~~
65 ~~Community and~~] Economic Development and Workforce Services Interim Committee before
66 [~~December~~] November 1 [~~of each year~~]:

67 (a) accounting for expenditures authorized by the board; and

68 (b) evaluating the effectiveness of the program.

69 Section 2. Section **9-4-1204** is amended to read:

70 **9-4-1204. Technical assistance to political subdivisions for housing plan.**

71 (1) Within appropriations from the Legislature, the division shall establish a program
72 to assist municipalities to meet the requirements of Section 10-9a-408 and counties to meet the
73 requirements of Section 17-27a-408. Assistance under this section may include:

74 (a) financial assistance for the cost of developing a plan for low and moderate income
75 housing;

76 (b) information on how to meet present and prospective needs for low and moderate
77 income housing; and

78 (c) technical advice and consultation on how to facilitate the creation of low and
79 moderate income housing.

80 (2) The division shall [~~annually~~] submit an annual written report to the [~~Workforce~~
81 ~~Services and Community and~~] Economic Development and Workforce Services Interim
82 Committee[~~, and to the Health and Human Services Interim Committee~~] before November 1
83 regarding the scope, amount, and type of assistance provided to municipalities and counties
84 under this section, including the number of low and moderate income housing units constructed
85 or rehabilitated within the state.

86 Section 3. Section **9-4-1603** is amended to read:

87 **9-4-1603. Annual accounting.**

88 (1) The director shall monitor the activities of recipients of the loans and loan
89 guarantees issued under this part on a yearly basis to ensure compliance with the terms and

90 conditions imposed on the recipient by the director under this part.

91 (2) An entity receiving a loan or loan guarantee under this part shall provide the
92 director with an annual accounting of how the money it received from the fund was spent.

93 (3) The director shall submit an annual written report to the [~~Workforce Services and~~
94 ~~Community and~~] Economic Development and Workforce Services Interim Committee before
95 [~~December~~] November 1 [~~of each year~~]:

96 (a) accounting for expenditures made from the fund; and

97 (b) evaluating the effectiveness of the loan and loan guarantee program.

98 Section 4. Section **9-7-217** is amended to read:

99 **9-7-217. Reporting.**

100 The division shall [~~make a~~] submit an annual written report to the [~~Workforce Services~~
101 ~~and Community and~~] Economic Development and Workforce Services Interim Committee
102 before November 1 [~~at least once every three years~~] regarding the compliance of library boards
103 with Section 9-7-215.

104 Section 5. Section **35A-3-116** is amended to read:

105 **35A-3-116. Restricted special revenue fund -- Use of money -- Committee and**
106 **director duties -- Restrictions.**

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

109 (2) The director or the director's designee, hereafter referred to in this section as the
110 director, shall administer the fund with input from the Department of Community and Culture,
111 including any advisory committees within the Department of Community and Culture that deal
112 with refugee services issues.

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

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

118 (4) The director may not expend money in the fund that is not restricted to a specific
119 use under federal law or by donors without input from the Department of Community and
120 Culture, either directly or through an advisory committee identified in Subsection (2).

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

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

125 (7) If the Department of Community and Culture establishes a refugee services
126 advisory committee referred to in Subsection (2), that committee may:

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

129 (b) recommend specific refugee projects to the director;

130 (c) recommend policies and procedures for administering the fund;

131 (d) make recommendations on grants made from the fund for any of the refugee
132 services activities authorized under this section;

133 (e) advise the director on the criteria by which grants shall be made from the fund;

134 (f) recommend the order in which approved projects would be funded;

135 (g) make recommendations regarding the distribution of money from the fund in
136 accordance with the procedures, conditions, and restrictions placed upon money in the fund by
137 donors; and

138 (h) have joint responsibility to solicit public and private funding for the fund.

139 (8) The director may use fund money to:

140 (a) train an existing refugee organization to develop its capacity to operate
141 professionally and effectively and to become an independent, viable organization; or

142 (b) provide grants to an existing refugee organization and other entities identified in
143 Subsection (9) to assist them:

144 (i) with case management;

145 (ii) in meeting emergency housing needs for refugees;

146 (iii) in providing English language services;

147 (iv) in providing interpretive services;

148 (v) in finding and maintaining employment for refugees;

149 (vi) in collaborating with the state's public education system to improve the
150 involvement of refugee parents in assimilating their children into public schools;

151 (vii) in meeting the health and mental health needs of refugees;

152 (viii) in providing or arranging for child care services; or
153 (ix) in administering refugee services.

154 (9) In addition to Subsection (8), the director with advice from the Department of
155 Community and Culture or its refugee services advisory committee, if one is created, may grant
156 fund money for refugee services outlined in Subsection (8) through a request for proposal
157 process to:

158 (a) local governments;

159 (b) nonprofit community, charitable, or neighborhood-based organizations or private
160 for profit organizations that deal solely or in part with providing or arranging for the provision
161 of refugee services; or

162 (c) regional or statewide nonprofit organizations.

163 (10) The director shall enter into a written agreement with each successful grant
164 applicant that has specific terms for each grant consistent with the provisions of this section
165 that includes the structure, amount, and nature of the grant.

166 (11) The director shall monitor the activities of the recipients of grants issued from the
167 fund on an annual basis to ensure compliance with the terms and conditions imposed on the
168 recipient by the fund.

169 (12) An entity receiving a grant shall provide the director with periodic accounting of
170 how the money it received from the fund was spent.

171 (13) ~~[By November 1 of each year the]~~ The director shall ~~[make an annual]~~ submit an
172 annual written report to the ~~[Workforce Services and Community and]~~ Economic Development
173 and Workforce Services Interim Committee before November 1 regarding the status of the fund
174 and the programs and services funded by the fund.

175 Section 6. Section **35A-3-203** is amended to read:

176 **35A-3-203. Functions and duties of office -- Annual report.**

177 The office shall:

178 (1) assess critical child care needs throughout the state on an ongoing basis and focus
179 its activities on helping to meet the most critical needs;

180 (2) provide child care subsidy services for income-eligible children through age 12 and
181 for income-eligible children with disabilities through age 18;

182 (3) provide information:

- 183 (a) to employers for the development of options for child care in the work place; and
 184 (b) for educating the public in obtaining quality child care;
 185 (4) coordinate services for quality child care training and child care resource and
 186 referral core services;
 187 (5) apply for, accept, or expend gifts or donations from public or private sources;
 188 (6) provide administrative support services to the committee;
 189 (7) work collaboratively with the following for the delivery of quality child care and
 190 early childhood programs, and school age programs throughout the state:
 191 (a) the State Board of Education;
 192 (b) the Department of Community and Culture; and
 193 (c) the Department of Health;
 194 (8) research child care programs and public policy that will improve quality and
 195 accessibility and that will further the purposes of the office and child care, early childhood
 196 programs, and school age programs;
 197 (9) provide planning and technical assistance for the development and implementation
 198 of programs in communities that lack child care, early childhood programs, and school age
 199 programs;
 200 (10) provide organizational support for the establishment of nonprofit organizations
 201 approved by the Child Care Advisory Committee, created in Section 35A-3-205; and
 202 (11) ~~[provide a]~~ submit an annual written report to the Economic Development and
 203 Workforce Services Interim Committee before November 1 on the status of child care in Utah
 204 ~~[to the Legislature by November 1 of each year through the Workforce Services and~~
 205 ~~Community and Economic Development Interim Committee].~~
- 206 Section 7. Section **35A-3-313** is amended to read:
 207 **35A-3-313. Performance goals.**
 208 (1) As used in this section:
 209 (a) "Performance goals" means a target level of performance or an expected level of
 210 performance against which actual performance is compared.
 211 (b) "Performance indicators" means actual performance information regarding a
 212 program or activity.
 213 (c) "Performance monitoring system" means a process to regularly collect and analyze

214 performance information including performance indicators and performance goals.

215 (2) (a) The department shall establish a performance monitoring system for cash
216 assistance provided under this part.

217 (b) The department shall establish the performance indicators and performance goals
218 that will be used in the performance monitoring system for cash assistance under this part.

219 (c) (i) ~~[On or before December 31 of each year, the]~~ The department shall submit an
220 annual written report to the legislative fiscal analyst and the ~~[director of the Office of~~
221 ~~Legislative Research and General Counsel,]~~ Economic Development and Workforce Services
222 Interim Committee before November 1 ~~[a written report]~~ describing the difference between
223 actual performance and performance goals for the second, third, and fourth quarters of the prior
224 fiscal year and the first quarter of the current fiscal year.

225 (ii) (A) The legislative fiscal analyst or the analyst's designee shall convey the
226 information contained in the report to the appropriation subcommittee that has oversight
227 responsibilities for the Department of Workforce Services during the General Session that
228 follows the submission of the report.

229 (B) The subcommittee may consider the information in its deliberations regarding the
230 budget for services and supports under this chapter.

231 ~~[(iii) The director of the Office of Legislative Research and General Counsel or the~~
232 ~~director's designee shall convey the information in the report to the legislative interim~~
233 ~~committee that has oversight responsibilities for the Department of Workforce Services.]~~

234 Section 8. Section **35A-4-401** is amended to read:

235 **35A-4-401. Benefits -- Weekly benefit amount -- Computation of benefits --**
236 **Department to prescribe rules -- Notification of benefits -- Bonuses.**

237 (1) (a) Benefits are payable from the fund to an individual who is or becomes
238 unemployed and eligible for benefits.

239 (b) All benefits shall be paid through the employment offices or other agencies
240 designated by the division in accordance with rules the department may prescribe in accordance
241 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

242 (2) (a) (i) Except as otherwise provided in Subsection (2)(a)(ii), an individual's "weekly
243 benefit amount" is an amount equal to 1/26th, disregarding any fraction of \$1, of the
244 individual's total wages for insured work paid during that quarter of the base period in which

245 the total wages were highest.

246 (ii) With respect to an individual whose benefit year begins after the termination of any
247 payable week under Pub. L. No. 111-5, Sec. 2002 as amended, an individual's weekly benefit
248 amount is an amount equal to 1/26th minus \$5, disregarding any fraction of \$1, of the
249 individual's total wages for insured work paid during that quarter of the base period in which
250 the total wages were highest.

251 (b) (i) The weekly benefit amount may not exceed 62.5% of the insured average fiscal
252 year weekly wage during the preceding fiscal year, disregarding any fraction of \$1.

253 (ii) With respect to an individual whose benefit year begins after the termination of any
254 payable week under Pub. L. No. 111-5, Sec. 2002 as amended, the weekly benefit amount may
255 not exceed 62.5% of the insured average fiscal year weekly wage during the preceding fiscal
256 year minus \$5, disregarding any fraction of \$1.

257 (c) (i) Except as otherwise provided in Subsections (2)(c)(ii) and (iii), the "weekly
258 benefit amount" of an individual who is receiving, or who is eligible to receive, based upon the
259 individual's previous employment, a pension, which includes a governmental, Social Security,
260 or other pension, retirement or disability retirement pay, under a plan maintained or contributed
261 to by a base-period employer is the "weekly benefit amount" which is computed under this
262 section less 100% of the retirement benefits, that are attributable to a week, disregarding any
263 fraction of \$1.

264 (ii) With respect to an individual whose benefit year begins after July 1, 2004, and ends
265 on or before the termination of any payable week under Pub. L. No. 111-5, Sec. 2002 as
266 amended, the "weekly benefit amount" of that individual, who is receiving or who is eligible to
267 receive Social Security benefits based upon the individual's previous employment, is the
268 "weekly benefit amount" which is computed under this section less 50% of the individual's
269 Social Security benefits that are attributable to the week, but not below zero.

270 (iii) With respect to an individual whose benefit year begins after the termination of
271 any payable week under Pub. L. No. 111-5, Sec. 2002 as amended, this Subsection (2)(c) and
272 Subsection (2)(d) do not apply to Social Security benefits an individual is receiving or is
273 eligible to receive as they are not considered retirement benefits for purposes of those
274 subsections.

275 (d) (i) (A) The weekly benefit amount and the potential benefits payable to an

276 individual who, subsequent to the commencement of the individual's benefit year, becomes or
277 is determined to be eligible to receive retirement benefits or increased retirement benefits, shall
278 be recomputed effective with the first calendar week during the individual's benefit year with
279 respect to which the individual is eligible to receive retirement benefits or increased retirement
280 benefits.

281 (B) The new weekly benefit amount shall be determined under this Subsection (2).

282 (ii) As recomputed the total benefits potentially payable, commencing with the
283 effective date of the recomputation, shall be equal to the recomputed weekly benefit amount
284 times the quotient obtained by dividing the potential benefits unpaid prior to the recomputation
285 by the initial weekly benefit amount, disregarding fractions.

286 (3) (a) An eligible individual who is unemployed in any week shall be paid with
287 respect to that week a benefit in an amount equal to the individual's weekly benefit amount less
288 that part of the individual's wage payable to the individual with respect to that week that is in
289 excess of 30% of the individual's weekly benefit amount.

290 (b) The resulting benefit payable shall disregard any fraction of \$1.

291 (c) For the purpose of this Subsection (3) "wages" does not include a grant paid to the
292 individual as public assistance.

293 (4) (a) An otherwise eligible individual is entitled during a benefit year to a total
294 amount of benefits determined by multiplying the individual's weekly benefit amount times the
295 individual's potential duration.

296 (b) To determine an individual's potential duration, the individual's total wages for
297 insured work paid during the base period is multiplied by 27%, disregarding any fraction of \$1,
298 and divided by the individual's weekly benefit amount, disregarding any fraction, but not less
299 than 10 nor more than 26.

300 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
301 the department may by rule prescribe:

302 (i) that the existence of unemployment, eligibility for benefits, and the amount of
303 benefits payable shall be determined in the case of an otherwise eligible individual who, within
304 a week or other period of unemployment, is separated from or secures work on a regular
305 attachment basis for that portion of the week or other period of unemployment occurring before
306 or after separation from or securing of work; and

307 (ii) in the case of an individual working on a regular attachment basis, eligibility for
308 benefits and the amount of benefits payable for periods of unemployment longer than a week.

309 (b) The rules made shall be reasonably calculated to secure general results substantially
310 similar to those provided by this chapter with respect to weeks of unemployment.

311 (6) The division shall, in all cases involving actual or potential disqualifying issues and
312 prior to the payment of benefits to an eligible individual, notify the individual's most recent
313 employer of the eligibility determination.

314 (7) Upon written request of an individual made under rules of the department in
315 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, all remuneration
316 for insured work paid to the individual during the individual's period in the form of a bonus or
317 lump-sum payment shall, for benefit purposes, be apportioned to the calendar quarters in which
318 the remuneration was earned.

319 (8) (a) The director of the division or the director's designee shall [~~make an annual~~]
320 submit an annual written report to the Workforce Employment Advisory Council and to the
321 [~~Legislature's Workforce Services and Community and~~] Economic Development and
322 Workforce Services Interim Committee [~~no later than~~] before November [~~30 of 2011, and~~] 1,
323 2012, concerning the impact of individuals applying for unemployment compensation and the
324 unemployment trust fund as a result of the amendments made to Subsection 35A-4-401(2)
325 during the Legislature's 2010 General Session.

326 (b) The report shall include a recommendation for a potential adjustment in the weekly
327 benefit amounts established in Subsections 35A-4-401(2)(a)(ii) and 35A-4-401(2)(b)(ii), taking
328 into account the unemployment benefit costs associated with the amendments made to
329 Subsection 35A-4-401(2) during the Legislature's 2010 General Session.

330 Section 9. Section **35A-4-403** is amended to read:

331 **35A-4-403. Eligibility of individual -- Conditions -- Furnishing reports -- Weeks**
332 **of employment -- Successive benefit years.**

333 (1) Except as provided in Subsection (2), an unemployed individual is eligible to
334 receive benefits for any week if the division finds:

335 (a) the individual has made a claim for benefits for that week in accordance with rules
336 the department may prescribe, except as provided in Subsection (3);

337 (b) the individual has registered for work with the department and acted in a good faith

338 effort to secure employment during each and every week for which the individual made a claim
339 for benefits under this chapter in accordance with rules the department may prescribe, except as
340 provided in Subsection (3);

341 (c) the individual is able to work and is available for work during each and every week
342 for which the individual made a claim for benefits under this chapter;

343 (d) the individual has been unemployed for a waiting period of one week for each
344 benefit year, but a week may not be counted as a week of unemployment for the purpose of this
345 Subsection (1)(d):

346 (i) unless it occurs within the benefit year that includes the week for which the
347 individual claims benefits;

348 (ii) if benefits have been paid for the claim; or

349 (iii) unless the individual was eligible for benefits for the week as provided in this
350 section and Sections 35A-4-401 and 35A-4-405, except for the requirement of this Subsection
351 (1)(d);

352 (e) (i) the individual has furnished the division separation and other information the
353 department may prescribe by rule, or proves to the satisfaction of the division that the
354 individual had good cause for failing to furnish the information;

355 (ii) if an employer fails to furnish reports concerning separation and employment as
356 required by this chapter and rules adopted under the chapter, the division shall, on the basis of
357 information it obtains, determine the eligibility and insured status of an individual affected by
358 that failure and the employer is not considered to be an interested party to the determination;

359 (f) (i) the individual's base period wages were at least 1-1/2 times the individual's
360 wages for insured work paid during that quarter of the individual's base period in which the
361 individual's wages were highest; or

362 (ii) for any claimant whose benefit year is effective on or before January 1, 2011, the
363 individual shows to the satisfaction of the division that the individual worked at least 20 weeks
364 in insured work during the individual's base period and earned wages of at least 5% of the
365 monetary base period wage requirement each week, rounded to the nearest whole dollar,
366 provided that the individual's total base-period wages were not less than the monetary base
367 period wage requirement as defined in Section 35A-4-201; and

368 (g) (i) the individual applying for benefits in a successive benefit year has had

369 subsequent employment since the effective date of the preceding benefit year equal to at least
370 six times the individual's weekly benefit amount, in insured work; and

371 (ii) the individual's total wages and employment experience in the individual's base
372 period meet the requirements specified in Subsection (1)(f).

373 (2) (a) For purposes of this Subsection (2), "suitable employment" means:

374 (i) work of a substantially equal or higher skill level than the individual's past adversely
375 affected employment as defined for purposes of the Trade Act of 1974; and

376 (ii) wages for that work at not less than 80% of the individual's average weekly wage
377 as determined for purposes of the Trade Act of 1974.

378 (b) (i) An individual in training with the approval of the division is not ineligible to
379 receive benefits by reason of nonavailability for work, failure to search for work, refusal of
380 suitable work, failure to apply for or to accept suitable work, or not having been unemployed
381 for a waiting period of one week for any week the individual is in the approved training.

382 (ii) For purposes of Subsection (2)(b)(i), the division shall approve any mandatory
383 apprenticeship-related training.

384 (c) Notwithstanding any other provision of this chapter, the division may not deny an
385 otherwise eligible individual benefits for any week:

386 (i) because the individual is in training approved under Section 236 (a)(1) of the Trade
387 Act of 1974, 19 U.S.C. 2296(a);

388 (ii) for leaving work to enter training described in Subsection (2)(c)(i) if the work left
389 is not suitable employment; or

390 (iii) because of the application to any such week in training of provisions in this law or
391 any applicable federal unemployment compensation law relating to availability for work, active
392 search for work, or refusal to accept work.

393 (3) The department may, by rule, waive or alter either or both of the requirements of
394 Subsections (1)(a) and (b) as to:

395 (a) individuals attached to regular jobs;

396 (b) a disaster in Utah as declared by the President of the United States or by the state's
397 governor after giving due consideration to factors directly associated with the disaster,
398 including:

399 (i) the disaster's impact on employers and their ability to employ workers in the

400 affected area in Utah;

401 (ii) the disaster's impact on claimants and their ability to comply with filing
402 requirements in the affected area in Utah; and

403 (iii) the magnitude of the disaster and the anticipated time for recovery; and

404 (c) cases or situations when it finds that compliance with the requirements would be
405 oppressive, or would be inconsistent with the purposes of this chapter, as long as the rule does
406 not conflict with Subsection 35A-4-401(1).

407 (4) ~~[(a)]~~ The director of the division or the director's designee shall ~~[make an annual]~~
408 submit an annual written report to the Workforce Employment Advisory Council and to the
409 ~~[Legislature's Workforce Services and Community and]~~ Economic Development and and
410 Workforce Services Interim Committee ~~[no later than November 30, 2011, and annually~~
411 ~~thereafter,]~~ before November 1 concerning the impact on individuals applying for
412 unemployment compensation and the unemployment trust insurance fund as a result of
413 amendments made to Subsections (1)(f) and 35A-4-201(1) during the Legislature's 2010
414 General Session.

415 ~~[(b) The interim committee shall make recommendations to the Legislature from the~~
416 ~~annual report it receives under Subsection (4)(a) that may include:]~~

417 ~~[(i) further modifications to the amendments made to Subsections (1)(f) and~~
418 ~~35A-4-201(1) during the 2010 General Session; or]~~

419 ~~[(ii) the repeal of those amendments.]~~

420 Section 10. Section ~~59-7-614.2~~ is amended to read:

421 **59-7-614.2. Refundable economic development tax credit.**

422 (1) As used in this section:

423 (a) "Business entity" means a taxpayer that meets the definition of "business entity" as
424 defined in Section 63M-1-2403 or 63M-1-2803.

425 (b) "Community development and renewal agency" is as defined in Section 17C-1-102.

426 (c) "Local government entity" is as defined in Section 63M-1-2403.

427 (d) "Office" means the Governor's Office of Economic Development.

428 (2) Subject to the other provisions of this section, a business entity, local government
429 entity, or community development and renewal agency may claim a refundable tax credit for
430 economic development.

431 (3) The tax credit under this section is the amount listed as the tax credit amount on the
432 tax credit certificate that the office issues to the business entity, local government entity, or
433 community development and renewal agency for the taxable year.

434 (4) A community development and renewal agency may claim a tax credit under this
435 section only if a local government entity assigns the tax credit to the community development
436 and renewal agency in accordance with Section 63M-1-2404.

437 (5) (a) In accordance with any rules prescribed by the commission under Subsection
438 (5)(b), the commission shall make a refund to the following that claim a tax credit under this
439 section:

440 (i) a local government entity;

441 (ii) a community development and renewal agency; or

442 (iii) a business entity if the amount of the tax credit exceeds the business entity's tax
443 liability for a taxable year.

444 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
445 commission may make rules providing procedures for making a refund to a business entity,
446 local government entity, or community development and renewal agency as required by
447 Subsection (5)(a).

448 (6) (a) On or before October 1, 2013, and every five years after October 1, 2013, the
449 Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and
450 make recommendations to the Legislative Management Committee [~~and the Workforce
451 Services and Community and Economic Development Interim Committee~~] concerning whether
452 the tax credit should be continued, modified, or repealed.

453 (b) For purposes of the study required by this Subsection (6), the office shall provide
454 the following information to the Revenue and Taxation Interim Committee:

455 (i) the amount of tax credit that the office grants to each business entity, local
456 government entity, or community development and renewal agency for each calendar year;

457 (ii) the criteria that the office uses in granting a tax credit;

458 (iii) (A) for a business entity, the new state revenues generated by the business entity
459 for the calendar year; or

460 (B) for a local government entity, regardless of whether the local government entity
461 assigns the tax credit in accordance with Section 63M-1-2404, the new state revenues

462 generated as a result of a new commercial project within the local government entity for each
463 calendar year;

464 (iv) the information contained in the office's latest report to the Legislature under
465 Section 63M-1-2406 or 63M-1-2806; and

466 (v) any other information that the Revenue and Taxation Interim Committee requests.

467 (c) The Revenue and Taxation Interim Committee shall ensure that its
468 recommendations under Subsection (6)(a) include an evaluation of:

469 (i) the cost of the tax credit to the state;

470 (ii) the purpose and effectiveness of the tax credit; and

471 (iii) the extent to which the state benefits from the tax credit.

472 Section 11. Section **59-7-614.5** is amended to read:

473 **59-7-614.5. Refundable motion picture tax credit.**

474 (1) As used in this section:

475 (a) "Motion picture company" means a taxpayer that meets the definition of a motion
476 picture company under Section 63M-1-1802.

477 (b) "Office" means the Governor's Office of Economic Development.

478 (c) "State-approved production" has the same meaning as defined in [~~Subsection~~]
479 Section 63M-1-1802[~~(10)~~].

480 (2) For taxable years beginning on or after January 1, 2009, a motion picture company
481 may claim a refundable tax credit for a state-approved production.

482 (3) The tax credit under this section is the amount listed as the tax credit amount on the
483 tax credit certificate that the office issues to a motion picture company under Section
484 63M-1-1803 for the taxable year.

485 (4) (a) In accordance with any rules prescribed by the commission under Subsection
486 (4)(b), the commission shall make a refund to a motion picture company that claims a tax
487 credit under this section if the amount of the tax credit exceeds the motion picture company's
488 tax liability for a taxable year.

489 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
490 commission may make rules providing procedures for making a refund to a motion picture
491 company as required by Subsection (4)(a).

492 (5) (a) On or before October 1, 2014, and every five years after October 1, 2014, the

493 Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and
 494 make recommendations to the Legislative Management Committee [~~and the Workforce~~
 495 ~~Services and Community and Economic Development Interim Committee~~] concerning whether
 496 the tax credit should be continued, modified, or repealed.

497 (b) For purposes of the study required by this Subsection (5), the office shall provide
 498 the following information to the Revenue and Taxation Interim Committee:

499 (i) the amount of tax credit that the office grants to each motion picture company for
 500 each calendar year;

501 (ii) the criteria that the office uses in granting the tax credit;

502 (iii) the dollars left in the state, as defined in [~~Subsection~~] Section 63M-1-1802[(2)], by
 503 each motion picture company for each calendar year;

504 (iv) the information contained in the office's latest report to the Legislature under
 505 Section 63M-1-1805; and

506 (v) any other information requested by the Revenue and Taxation Interim Committee.

507 (c) The Revenue and Taxation Interim Committee shall ensure that its
 508 recommendations under Subsection (5)(a) include an evaluation of:

509 (i) the cost of the tax credit to the state;

510 (ii) the effectiveness of the tax credit; and

511 (iii) the extent to which the state benefits from the tax credit.

512 Section 12. Section **59-10-1107** is amended to read:

513 **59-10-1107. Refundable economic development tax credit.**

514 (1) As used in this section:

515 (a) "Business entity" means a claimant, estate, or trust that meets the definition of
 516 "business entity" as defined in Section 63M-1-2403 or 63M-1-2803.

517 (b) "Office" means the Governor's Office of Economic Development.

518 (2) Subject to the other provisions of this section, a business entity may claim a
 519 refundable tax credit for economic development.

520 (3) The tax credit under this section is the amount listed as the tax credit amount on the
 521 tax credit certificate that the office issues to the business entity for the taxable year.

522 (4) (a) In accordance with any rules prescribed by the commission under Subsection
 523 (4)(b), the commission shall make a refund to a business entity that claims a tax credit under

524 this section if the amount of the tax credit exceeds the business entity's tax liability for a
525 taxable year.

526 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
527 commission may make rules providing procedures for making a refund to a business entity as
528 required by Subsection (4)(a).

529 (5) (a) On or before October 1, 2013, and every five years after October 1, 2013, the
530 Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and
531 make recommendations to the Legislative Management Committee [~~and the Workforce~~
532 ~~Services and Community and Economic Development Interim Committee~~] concerning whether
533 the tax credit should be continued, modified, or repealed.

534 (b) For purposes of the study required by this Subsection (5), the office shall provide
535 the following information to the Revenue and Taxation Interim Committee:

536 (i) the amount of tax credit the office grants to each taxpayer for each calendar year;

537 (ii) the criteria the office uses in granting a tax credit;

538 (iii) the new state revenues generated by each taxpayer for each calendar year;

539 (iv) the information contained in the office's latest report to the Legislature under

540 Section 63M-1-2406 or 63M-1-2806; and

541 (v) any other information that the Revenue and Taxation Interim Committee requests.

542 (c) The Revenue and Taxation Interim Committee shall ensure that its

543 recommendations under Subsection (5)(a) include an evaluation of:

544 (i) the cost of the tax credit to the state;

545 (ii) the purpose and effectiveness of the tax credit; and

546 (iii) the extent to which the state benefits from the tax credit.

547 Section 13. Section **59-10-1108** is amended to read:

548 **59-10-1108. Refundable motion picture tax credit.**

549 (1) As used in this section:

550 (a) "Motion picture company" means a claimant, estate, or trust that meets the
551 definition of a motion picture company under Section 63M-1-1802.

552 (b) "Office" means the Governor's Office of Economic Development.

553 (c) "State-approved production" has the same meaning as defined in [~~Subsection~~

554 Section 63M-1-1802~~(10)~~].

555 (2) For taxable years beginning on or after January 1, 2009, a motion picture company
556 may claim a refundable tax credit for a state-approved production.

557 (3) The tax credit under this section is the amount listed as the tax credit amount on the
558 tax credit certificate that the office issues to a motion picture company under Section
559 63M-1-1803 for the taxable year.

560 (4) (a) In accordance with any rules prescribed by the commission under Subsection
561 (4)(b), the commission shall make a refund to a motion picture company that claims a tax
562 credit under this section if the amount of the tax credit exceeds the motion picture company's
563 tax liability for the taxable year.

564 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
565 commission may make rules providing procedures for making a refund to a motion picture
566 company as required by Subsection (4)(a).

567 (5) (a) On or before October 1, 2014, and every five years after October 1, 2014, the
568 Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and
569 make recommendations to the Legislative Management Committee [~~and the Workforce
570 Services and Community and Economic Development Interim Committee~~] concerning whether
571 the tax credit should be continued, modified, or repealed.

572 (b) For purposes of the study required by this Subsection (5), the office shall provide
573 the following information to the Revenue and Taxation Interim Committee:

574 (i) the amount of tax credit the office grants to each taxpayer for each calendar year;

575 (ii) the criteria the office uses in granting a tax credit;

576 (iii) the dollars left in the state, as defined in [~~Subsection~~] Section 63M-1-1802[~~(2)~~], by
577 each motion picture company for each calendar year;

578 (iv) the information contained in the office's latest report to the Legislature under
579 Section 63M-1-1805; and

580 (v) any other information requested by the Revenue and Taxation Interim Committee.

581 (c) The Revenue and Taxation Interim Committee shall ensure that its
582 recommendations under Subsection (5)(a) include an evaluation of:

583 (i) the cost of the tax credit to the state;

584 (ii) the effectiveness of the tax credit; and

585 (iii) the extent to which the state benefits from the tax credit.

586 Section 14. Section **63M-1-403** is amended to read:

587 **63M-1-403. Powers of the office.**

588 The office shall:

589 (1) monitor the implementation and operation of this part and conduct a continuing
590 evaluation of the progress made in the enterprise zones;

591 (2) evaluate an application for designation as an enterprise zone from a county
592 applicant or a municipal applicant and determine if the applicant qualifies for that designation;

593 (3) provide technical assistance to county applicants and municipal applicants in
594 developing applications for designation as enterprise zones;

595 (4) assist county applicants and municipal applicants designated as enterprise zones in
596 obtaining assistance from the federal government and agencies of the state;

597 (5) assist a qualified business entity in obtaining the benefits of an incentive or
598 inducement program authorized by this part; and

599 (6) prepare an annual evaluation based, in part, on data provided by the State Tax
600 Commission that:

601 (a) evaluates the effectiveness of the program and any suggestions for legislation; and

602 (b) is available upon request to the governor and to the Revenue and Taxation Interim
603 [~~and the Workforce Services and Economic Development Interim Committees~~] Committee of
604 the Legislature [by] before November 1 of each year.

605 Section 15. Section **63M-1-904** is amended to read:

606 **63M-1-904. Rural Fast Track Program -- Creation -- Funding -- Qualifications**
607 **for program participation -- Awards -- Reports.**

608 (1) (a) There is created the Rural Fast Track Program, hereafter referred to in this
609 section as "the program."

610 (b) The program is a funded component of the economically disadvantaged rural areas
611 designation in Subsection 63M-1-903(1)(a).

612 (2) (a) The purpose of the program is to:

613 (i) provide an efficient way for small companies in rural Utah to receive incentives for
614 creating high paying jobs in the rural areas of the state; and

615 (ii) use the Business Expansion and Retention Initiative to further promote business
616 and economic development in rural Utah.

617 (b) The Office of Rural Development shall administer the Business Expansion and
618 Retention Initiative for the rural areas of the state.

619 (3) (a) Twenty percent of the money in the Industrial Assistance Account at the
620 beginning of each fiscal year shall be used to fund the program.

621 (b) The 20% referred to in Subsection (3)(a) is not in addition to but is a part of the up
622 to 50% designation for economically disadvantaged rural areas referred to in Subsection
623 63M-1-903(1)(a).

624 (c) If any of the 20% allocation referred to in Subsection (3)(a) has not been used in the
625 program by the end of the third quarter of each fiscal year, that money may be used for any
626 other loan, grant, or assistance program offered through the Industrial Assistance Account
627 during the fiscal year.

628 (4) (a) To qualify for participation in the program a company shall:

629 (i) complete and file with the office an application for participation in the program,
630 signed by an officer of the company;

631 (ii) be located and conduct its business operations in a county in the state that has:

632 (A) a population of less than 30,000; and

633 (B) an average household income of less than \$60,000 as reflected in the most recently
634 available data collected and reported by the United States Census Bureau;

635 (iii) have been in business in the state for at least two years; and

636 (iv) have at least two employees.

637 (b) (i) Office staff shall verify an applicant's qualifications under Subsection (4)(a).

638 (ii) The application must be approved by the administrator in order for a company to
639 receive an incentive or other assistance under this section.

640 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
641 administrator may make rules governing:

642 (i) the content of the application form referred to in Subsection (4)(a)(i);

643 (ii) who qualifies as an employee under Subsection (4)(a)(iv); and

644 (iii) the verification procedure referred to in Subsection (4)(b).

645 (5) (a) The administrator shall make incentive cash awards to small companies under
646 this section based on the following criteria:

647 (i) \$1,000 for each new incremental job that pays over 110% of the county's average

648 annual wage;

649 (ii) \$1,250 for each incremental job that pays over 115% of the county's average annual
650 wage; and

651 (iii) \$1,500 for each incremental job that pays over 125% of the county's average
652 annual wage.

653 (b) The administrator shall make a cash award under Subsection (5)(a) when a new
654 incremental job has been in place for at least 12 months.

655 (c) The creation of a new incremental job by a company is based on the number of
656 employees at the company during the previous 24 months.

657 (d) (i) A small company may also apply for grants, loans, or other financial assistance
658 under the program to help develop its business in rural Utah and may receive up to \$50,000
659 under the program if approved by the administrator.

660 (ii) The board must approve a distribution that exceeds the \$50,000 cap under
661 Subsection (5)(d)(i).

662 (6) The administrator shall make a quarterly report to the board of the awards made by
663 the administrator under this section and ~~[an annual]~~ submit an annual written report to the
664 ~~[Legislative Workforce Services and Community and]~~ Economic Development and Workforce
665 Services Interim Committee before November 1 ~~[as to]~~ on the awards and their impact on
666 economic development in the state's rural areas.

667 Section 16. Section **63M-1-1103** is amended to read:

668 **63M-1-1103. Duties of the office.**

669 The office shall:

670 (1) facilitate recycling development zones through state support of county incentives
671 which encourage development of manufacturing enterprises that use recycling materials
672 currently collected;

673 (2) evaluate an application from a county or municipality executive authority to be
674 designated as a recycling market development zone and determine if the county or municipality
675 qualifies for that designation;

676 (3) provide technical assistance to municipalities and counties in developing
677 applications for designation as a recycling market development zone;

678 (4) assist counties and municipalities designated as recycling market development

679 zones in obtaining assistance from the federal government and agencies of the state;

680 (5) assist a qualified business in obtaining the benefits of an incentive or inducement
681 program authorized by this part;

682 (6) monitor the implementation and operation of this part and conduct a continuing
683 evaluation of the progress made in the recycling market development zone; and

684 (7) submit an annual written report evaluating the effectiveness of the program and
685 providing recommendations for legislation to the [~~Workforce Services and Community and~~
686 ~~Economic Development Interim Committee and~~] Natural Resources, Agriculture, and
687 Environment Interim Committee [~~not later than~~] before November 1 [~~of each year~~].

688 Section 17. Section **63M-1-1304** is amended to read:

689 **63M-1-1304. Council powers and duties.**

690 (1) The council shall:

691 (a) coordinate and advise on policies and objectives related to economic development
692 and growth within the state;

693 (b) coordinate with state and private entities, including private venture capital and seed
694 capital firms, to avoid duplication of programs and to increase the availability of venture and
695 seed capital for research and for the development and growth of new and existing businesses in
696 the state;

697 (c) focus on technologies, industries, and geographical areas of the state in which the
698 state can expand investment and entrepreneurship and stimulate job growth;

699 (d) coordinate ideas and strategies to increase national and international business
700 activities for both the urban and rural areas of the state; and

701 (e) plan, coordinate, advise, or recommend any other action that would better the state's
702 economy.

703 (2) The council shall [~~prepare and present an annual~~] submit an annual written report
704 of its activities to the governor and to the [~~Legislature's Workforce Services and Community~~
705 ~~and~~] Economic Development and Workforce Services Interim Committee by November 1.

706 Section 18. Section **63M-1-1404** is amended to read:

707 **63M-1-1404. Powers and duties of office related to tourism development plan --**
708 **Annual report and survey.**

709 (1) The office shall:

- 710 (a) be the tourism development authority of the state;
- 711 (b) develop a tourism advertising, marketing, and branding program for the state;
- 712 (c) receive approval from the Board of Tourism Development under Subsection
- 713 63M-1-1403(1)(a) before implementing the out-of-state advertising, marketing, and branding
- 714 campaign;
- 715 (d) develop a plan to increase the economic contribution by tourists visiting the state;
- 716 (e) plan and conduct a program of information, advertising, and publicity relating to the
- 717 recreational, scenic, historic, and tourist advantages and attractions of the state at large; and
- 718 (f) encourage and assist in the coordination of the activities of persons, firms,
- 719 associations, corporations, travel regions, counties, and governmental agencies engaged in
- 720 publicizing, developing, and promoting the scenic attractions and tourist advantages of the
- 721 state.

722 (2) Any plan provided for under Subsection (1) shall address, but not be limited to,

723 enhancing the state's image, promoting Utah as a year-round destination, encouraging

724 expenditures by visitors to the state, and expanding the markets where the state is promoted.

725 (3) The office shall conduct a regular and ongoing research program to identify

726 statewide economic trends and conditions in the tourism sector of the economy and to provide

727 an annual written evaluation of the economic efficiency of the advertising and branding

728 campaigns conducted under this part to the [~~Legislature's Workforce Services and Community~~

729 ~~and~~] Economic Development and Workforce Services Interim Committee and the Business,

730 Economic Development, and [~~Human Resources~~] Labor Appropriations Subcommittee by

731 November 1.

732 Section 19. Section **63M-1-1805** is amended to read:

733 **63M-1-1805. Annual report.**

734 The office shall [~~report annually to the Legislature's Workforce Services and~~

735 ~~Community and~~] submit an annual written report to the Economic Development and

736 Workforce Services Interim Committee describing:

- 737 (1) its success in attracting within-the-state production of television series,
- 738 made-for-television movies, and motion pictures, including feature films and independent
- 739 films;
- 740 (2) the amount of incentive commitments made by the office under this part and the

741 period of time over which the incentives will be paid; and

742 (3) the economic impact on the state related to:

743 (a) dollars left in the state; and

744 (b) providing motion picture incentives under this part.

745 Section 20. Section **63M-1-1901** is amended to read:

746 **63M-1-1901. Military installation projects for economic development -- Funding**
747 **-- Criteria -- Dispersal -- Report.**

748 (1) The Legislature recognizes that significant growth in the state's economy can be
749 achieved by state and local support of the continuing expansion and development of federal
750 military installations throughout the state.

751 (2) The office, through its director, may receive and distribute legislative
752 appropriations and public and private grants and donations for military installation projects
753 that:

754 (a) have a strong probability of increasing the growth and development of a military
755 facility within the state, thereby providing significant economic benefits to the state;

756 (b) will provide a significant number of new jobs within the state that should remain
757 within the state for a period of several years; and

758 (c) involve a partnership between the military and private industry or local government
759 or the military and private industry and local government.

760 (3) (a) The director may distribute money under this section to:

761 (i) a regional or statewide nonprofit economic development organization; or

762 (ii) a federal military partnership that has the mission of promoting the economic
763 growth of a military installation.

764 (b) The director shall make a distribution under this section upon:

765 (i) receipt of an application on a form prescribed by the office that lists:

766 (A) the particulars of the proposed use of the money requested, such as needed
767 equipment purchases and anticipated training costs;

768 (B) the estimated number of new jobs that will be created by the proposed project;

769 (C) pending contracts related to the project that are to be finalized from funding
770 anticipated under this section; and

771 (D) a projected date on which the applicant shall provide the director with a report on

772 the implementation and performance of the project, including the creation of new jobs; and

773 (ii) a determination by the director that the project satisfies the requirements listed in
774 Subsection (2).

775 (c) (i) The office shall monitor the activities of a recipient of money under this section
776 to ensure that there is compliance with the terms and conditions imposed on the recipient under
777 this part.

778 (ii) The office shall submit an annual written report to the [~~Workforce Services and~~
779 ~~Community and~~] Economic Development and Workforce Services Interim Committee and the
780 Business, Economic Development, and [Revenue] Labor Appropriations Subcommittee by
781 November 1 on the use and impact of the money distributed under this section[~~, with the first~~
782 ~~report to occur not later than September 1, 2005~~].

783 Section 21. Section **63M-1-2006** is amended to read:

784 **63M-1-2006. Report to Economic Development and Workforce Services Interim**
785 **Committee.**

786 The board shall [~~annually~~] submit an annual written report to the [~~Workforce Services~~
787 ~~and Community and~~] Economic Development and Workforce Services Interim Committee [~~on~~
788 ~~or before the November interim meeting~~] before November 1 on:

789 (1) the total amount of grants and loans the board awarded to eligible counties under
790 this part during the fiscal year that ended on the June 30 immediately preceding the November
791 interim meeting;

792 (2) a description of the projects with respect to which the board awarded a grant or loan
793 under this part;

794 (3) the total amount of outstanding debt service that is being repaid by a grant or loan
795 awarded under this part;

796 (4) on whether the grants and loans awarded under this part have resulted in economic
797 development within project areas;

798 (5) on whether the board recommends:

799 (a) that the grants and loans authorized by this part should be continued; or

800 (b) any modifications to this part; and

801 (6) on any other issue relating to this part as determined by the [~~Workforce Services~~
802 ~~and Community and~~] Economic Development and Workforce Services Interim Committee.

803 Section 22. Section **63M-1-2406** is amended to read:

804 **63M-1-2406. Report to the Legislature.**

805 The office shall [~~report annually~~] submit an annual written report to the [~~Legislature's~~
806 ~~Workforce Services and Community and~~ Economic Development and Workforce Services
807 Interim Committee describing:

808 (1) its success in attracting new commercial projects to development zones under this
809 part and the corresponding increase in new incremental jobs;

810 (2) the estimated amount of tax credit commitments made by the office and the period
811 of time over which tax credits will be paid; and

812 (3) the economic impact on the state related to generating new state revenues and
813 providing tax credits under this part.

814 Section 23. Section **63M-1-2704** is amended to read:

815 **63M-1-2704. Establishment and administration of business resource centers --**
816 **Components.**

817 (1) The Governor's Office of Economic Development, hereafter referred to in this part
818 as "the office," shall establish business resource centers in at least four different geographical
819 regions of the state where host institutions are located and the host institutions agree to enter
820 into a business resource center partnership with the office.

821 (2) The office, in partnership with a host institution, shall provide methodology and
822 oversight for a business resource center.

823 (3) A host institution shall contribute 50% of a business resource center's operating
824 costs through cash or in-kind contributions, unless otherwise provided under Subsection
825 63M-1-2707(7).

826 (4) The office shall work with the Utah Business Assistance Advisory Board
827 established under Section 63M-1-2706, hereafter referred to in this part as "the board," to
828 provide operational oversight and coordination of the business resource centers established
829 under this part.

830 (5) (a) A business resource center shall work with state agencies in creating methods to
831 coordinate functions and measure the impact of the efforts provided by the state agencies and
832 the center.

833 (b) The host institution, state, local and federal governmental entities,

834 quasi-governmental entities, and private entities may:

835 (i) participate in the activities offered by or through a business resource center; and

836 (ii) provide personnel or other appropriate links to the center.

837 (c) (i) Other entities that are not initially involved in the establishment of a business
838 resource center and that are capable of providing supportive services to Utah businesses may
839 apply to the center to become a provider of services at the center.

840 (ii) Entities identified in Subsections (5)(a) and (b) shall provide the board with a
841 service plan, to include funding, which would be made available or supplied to cover the
842 expenses of their services offered at a business resource center.

843 (iii) The board shall review each application made under Subsection (5)(c)(i) and make
844 a recommendation for approval by the office as a precondition for providing the service being
845 offered.

846 (6) A business resource center may:

847 (a) partner with the Governor's Office of Economic Development, other host
848 institutions, and other entities to develop and establish web-based access to virtual business
849 resource center services over the Internet to assist in establishing and growing businesses in the
850 state, particularly in those situations where traveling to a business resource center site is not
851 practical;

852 (b) develop a data base and software for:

853 (i) tracking clients and their progress; and

854 (ii) tracking responses and services provided by state agencies and evaluating their
855 effectiveness; and

856 (c) develop outreach programs and services targeted to business clients in rural areas of
857 the state.

858 (7) The Governor's Office of Economic Development shall ~~[make a report by~~
859 ~~November 1 of each year to the Workforce Services and Community and Economic~~
860 ~~Development and Business and Labor Interim Committees]~~ submit an annual written report to
861 the Economic Development and Workforce Services Interim Committee before November 1 on
862 measured performance of economic development programs offered by or through established
863 business resource centers.

864 Section 24. Section **63M-1-2806** is amended to read:

865 **63M-1-2806. Report to the Legislature.**

866 The office shall [~~report annually~~] submit an annual written report to the [~~Legislature's~~
867 ~~Workforce Services and Community and~~] Economic Development and Workforce Services
868 Interim Committee describing:

- 869 (1) its success in attracting alternative energy projects to alternative energy
870 development zones under this part and the corresponding increase in new increment jobs;
- 871 (2) the amount of tax credits promised and the period of time over which the tax credits
872 will be paid; and
- 873 (3) the economic impact on the state related to generating new state revenues and
874 providing tax credits under this part.

875 Section 25. Section **63M-1-2910** is amended to read:

876 **63M-1-2910. Report to the Legislature -- Study by legislative committees.**

877 (1) The office shall [~~annually~~] submit an annual written report to the [~~Workforce~~
878 ~~Services and Community and Economic Development Interim Committee and~~] Revenue and
879 Taxation Interim Committee before November 1 describing:

- 880 (a) the total amount listed on tax credit certificates the office issues under this part;
- 881 (b) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax
882 credit applicants under this part; and
- 883 (c) the economic impact on the state related to providing tax credits under this part.

884 (2) (a) On or before November 1, 2011, and every five years after November 1, 2011,
885 the [~~Workforce Services and Community and Economic Development Interim Committee and~~]
886 Revenue and Taxation Interim Committee shall:

- 887 (i) study the tax credits allowed under Sections 59-7-614.6, 59-10-1025, 59-10-1026,
888 and 59-10-1109; and
- 889 (ii) make recommendations concerning whether the tax credits should be continued,
890 modified, or repealed.

891 (b) The study under Subsection (2)(a) shall include an evaluation of:

- 892 (i) the cost of the tax credits under Sections 59-7-614.6, 59-10-1025, 59-10-1026, and
893 59-10-1109;
- 894 (ii) the purposes and effectiveness of the tax credits; and
- 895 (iii) the extent to which the state benefits from the tax credits.

Legislative Review Note
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Office of Legislative Research and General Counsel