

**AGENCY REPORTING PROVISIONS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jim Bird**

Senate Sponsor: Aaron Osmond

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**LONG TITLE**

**General Description:**

This bill modifies reporting provisions for submitting certain reports to the Legislature and to legislative committees.

**Highlighted Provisions:**

This bill:

► provides uniform language for the Department of Heritage and Arts, the Department of Workforce Services, and the Governor's Office of Economic Development to submit required annual written reports to the Legislature or to legislative

committees before November 1; and

► makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**9-1-201**, as last amended by Laws of Utah 2012, Chapter 212

**9-9-107**, as last amended by Laws of Utah 1997, Chapter 35

**9-9-405**, as last amended by Laws of Utah 2010, Chapter 286

**35A-1-201**, as last amended by Laws of Utah 2011, Chapter 188

**35A-1-206**, as last amended by Laws of Utah 2011, Chapter 188

**35A-4-401**, as last amended by Laws of Utah 2012, Chapter 246

30           **35A-8-307**, as last amended by Laws of Utah 2012, Chapter 9 and renumbered and  
31 amended by Laws of Utah 2012, Chapter 212 and last amended by Coordination  
32 Clause, Laws of Utah 2012, Chapter 212

33           **35A-8-721**, as renumbered and amended by Laws of Utah 2012, Chapter 212

34           **35A-8-1607**, as renumbered and amended by Laws of Utah 2012, Chapter 212

35           **35A-8-1708**, as renumbered and amended by Laws of Utah 2012, Chapter 212

36           **35A-9-201**, as enacted by Laws of Utah 2012, Chapter 185

37           **63M-1-201**, as last amended by Laws of Utah 2011, Chapter 370

38           **63M-1-605**, as renumbered and amended by Laws of Utah 2008, Chapter 382

39           **63M-1-1304**, as last amended by Laws of Utah 2012, Chapter 246

40           **63M-1-1404**, as last amended by Laws of Utah 2012, Chapters 242 and 246

41           **63M-1-1505**, as renumbered and amended by Laws of Utah 2008, Chapter 382

42           **63M-1-1606**, as renumbered and amended by Laws of Utah 2008, Chapter 382

43           **63M-1-1805**, as last amended by Laws of Utah 2012, Chapter 246

44           **63M-1-1901**, as last amended by Laws of Utah 2012, Chapters 242 and 246

45           **63M-1-2406**, as last amended by Laws of Utah 2012, Chapter 246

46           **63M-1-2504**, as last amended by Laws of Utah 2012, Chapter 279

47           **63M-1-3105**, as enacted by Laws of Utah 2012, Chapter 410

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

50           Section 1. Section **9-1-201** is amended to read:

51           **9-1-201. Department of Heritage and Arts -- Creation -- Powers and duties.**

52           (1) There is created the Department of Heritage and Arts.

53           (2) The department shall:

54           (a) be responsible for preserving and promoting the heritage of the state, the arts in the  
55 state, and cultural development within the state;

56           (b) perform heritage, arts, and cultural development planning for the state;

57           (c) coordinate the program plans of the various divisions within the department;

58 (d) administer and coordinate all state or federal grant programs which are, or become,  
59 available for heritage, arts, and cultural development;

60 (e) administer any other programs over which the department is given administrative  
61 supervision by the governor;

62 (f) [~~annually~~] submit [a], before November 1, an annual written report to the governor  
63 and the Legislature; and

64 (g) perform any other duties as provided by the Legislature.

65 (3) The department may solicit and accept contributions of money, services, and  
66 facilities from any other sources, public or private, but may not use those contributions for  
67 publicizing the exclusive interest of the donor.

68 (4) Money received under Subsection (3) shall be deposited in the General Fund as  
69 restricted revenues of the department.

70 Section 2. Section **9-9-107** is amended to read:

71 **9-9-107. Annual report.**

72 The division shall submit, before November 1, an annual written report of its operations  
73 and recommendations to:

74 (1) the department;

75 (2) the governor; and

76 (3) the Native American Legislative Liaison Committee created in Section 36-22-1.

77 Section 3. Section **9-9-405** is amended to read:

78 **9-9-405. Review committee.**

79 (1) There is created a Native American Remains Review Committee.

80 (2) (a) The review committee shall be composed of seven members as follows:

81 (i) four shall be appointed by the director from nominations submitted by Indian tribes;

82 and

83 (ii) three shall be appointed by the director from nominations submitted by

84 representatives of repositories.

85 (b) Except as required by Subsection (2)(c), as terms of current committee members

86 expire, the director shall appoint each new member or reappointed member to a four-year term.

87 (c) Notwithstanding the requirements of Subsection (2)(b), the director shall, at the  
88 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
89 committee members are staggered so that approximately half of the review committee is  
90 appointed every two years.

91 (d) When a vacancy occurs in the membership for any reason, the director shall appoint  
92 a replacement for the unexpired term.

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

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

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

97 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
98 63A-3-107.

99 (f) The review committee shall designate one of its members as chair.

100 (3) The review committee shall:

101 (a) monitor the identification process conducted under Section 9-9-403 to ensure a fair  
102 and objective consideration and assessment of all available relevant information and evidence;

103 (b) review a finding relating to the following, subject to the rules made by the division  
104 under Subsection 9-9-403(6):

105 (i) the identity or cultural affiliation of Native American remains; or

106 (ii) the return of Native American remains;

107 (c) facilitate the resolution of a dispute among Indian tribes or lineal descendants and  
108 state agencies relating to the return of Native American remains, including convening the  
109 parties to the dispute if considered desirable;

110 (d) consult with Indian tribes on matters within the scope of the work of the review  
111 committee affecting these tribes;

112 (e) consult with the division in the development of rules to carry out this part;

113 (f) perform other related functions as the division may assign to the review committee;

114 and

115 (g) make recommendations, if appropriate, regarding care of Native American remains  
116 that are to be repatriated.

117 (4) A record or finding made by the review committee relating to the identity of or  
118 cultural affiliation of Native American remains and the return of Native American remains may  
119 be admissible in any action brought under this part.

120 (5) The appropriate state agency having primary authority over the lands as provided in  
121 Chapter 8, Part 3, Antiquities, shall ensure that the review committee has reasonable access to:

122 (a) Native American remains under review; and

123 (b) associated scientific and historical documents.

124 (6) The division shall provide reasonable administrative and staff support necessary for  
125 the deliberations of the review committee.

126 (7) The review committee shall submit, before November 1, an annual written report to  
127 the Native American Legislative Liaison Committee, created in Section 36-22-1, on the  
128 progress made, and any barriers encountered, in implementing this section during the previous  
129 year.

130 Section 4. Section **35A-1-201** is amended to read:

131 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**  
132 **Qualifications -- Responsibilities -- Deputy directors -- Reports.**

133 (1) (a) The chief administrative officer of the department is the executive director, who  
134 is appointed by the governor with the consent of the Senate.

135 (b) The executive director serves at the pleasure of the governor.

136 (c) The executive director shall receive a salary established by the governor within the  
137 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

138 (d) The executive director shall be experienced in administration, management, and  
139 coordination of complex organizations.

140 (2) The executive director shall:

141 (a) administer and supervise the department in compliance with Title 67, Chapter 19,

142 Utah State Personnel Management Act;

143 (b) supervise and coordinate between the economic service areas and directors created  
144 under Chapter 2, Economic Service Areas;

145 (c) coordinate policies and program activities conducted through the divisions and  
146 economic service areas of the department;

147 (d) approve the proposed budget of each division, the Workforce Appeals Board, and  
148 each economic service area within the department;

149 (e) approve all applications for federal grants or assistance in support of any  
150 department program; and

151 (f) fulfill such other duties as assigned by the Legislature or as assigned by the  
152 governor that are not inconsistent with this title.

153 (3) The executive director may appoint deputy or assistant directors to assist the  
154 executive director in carrying out the department's responsibilities.

155 (4) (a) The executive director shall submit, before November 1, an annual written  
156 report [~~annually~~] to the [~~Legislature and the~~] governor and the Legislature concerning the  
157 operations of the department and the programs that the department administers.

158 (b) If federal law requires that a report to the governor or Legislature be given  
159 concerning the department or a program administered by the department, the executive director  
160 or the executive director's designee shall make that report.

161 (5) The executive director shall at least annually provide for the sharing of information  
162 between the advisory councils established under this title.

163 Section 5. Section **35A-1-206** is amended to read:

164 **35A-1-206. State Council on Workforce Services -- Appointment -- Membership**  
165 **-- Terms of members -- Compensation.**

166 (1) There is created a State Council on Workforce Services that shall:

167 (a) perform the activities described in Subsection (8);

168 (b) advise on issues requested by the department and the Legislature; and

169 (c) make recommendations to the department regarding:

170 (i) the implementation of Chapters 2, Economic Service Areas, 3, Employment  
171 Support Act, and 5, Training and Workforce Improvement Act; and  
172 (ii) the coordination of apprenticeship training.

173 (2) (a) The council shall consist of the following voting members:  
174 (i) a private sector representative from each economic service area as designated by the  
175 economic service area director;  
176 (ii) the superintendent of public instruction or the superintendent's designee;  
177 (iii) the commissioner of higher education or the commissioner's designee; and  
178 (iv) the following members appointed by the governor in consultation with the  
179 executive director:

180 (A) four representatives of small employers as defined by rule by the department;  
181 (B) four representatives of large employers as defined by rule by the department;  
182 (C) four representatives of employees or employee organizations, including at least one  
183 representative from nominees suggested by public employees organizations;  
184 (D) two representatives of the clients served under this title including  
185 community-based organizations;  
186 (E) a representative of veterans in the state;  
187 (F) the executive director of the Utah State Office of Rehabilitation; and  
188 (G) the Applied Technology College president.

189 (b) The following shall serve as nonvoting ex officio members of the council:  
190 (i) the executive director or the executive director's designee;  
191 (ii) a legislator appointed by the governor from nominations of the speaker of the  
192 House of Representatives and president of the Senate;  
193 (iii) the executive director of the Department of Human Services;  
194 (iv) the director of the Governor's Office of Economic Development or the director's  
195 designee; and  
196 (v) the executive director of the Department of Health.

197 (3) (a) The governor shall appoint one nongovernmental member from the council as

198 the chair of the council.

199 (b) The chair shall serve at the pleasure of the governor.

200 (4) (a) A member appointed by the governor shall serve a term of four years and may  
201 be reappointed to one additional term.

202 (b) A member shall continue to serve until the member's successor has been appointed  
203 and qualified.

204 (c) Except as provided in Subsection (4)(d), as terms of council members expire, the  
205 governor shall appoint each new member or reappointed member to a four-year term.

206 (d) Notwithstanding the requirements of Subsection (4)(c), the governor shall, at the  
207 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
208 council members are staggered so that approximately one half of the council is appointed every  
209 two years.

210 (e) When a vacancy occurs in the membership for any reason, the replacement shall be  
211 appointed for the unexpired term.

212 (5) A majority of the voting members constitutes a quorum for the transaction of  
213 business.

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

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

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

218 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
219 63A-3-107.

220 (7) The department shall provide staff and administrative support to the council at the  
221 direction of the executive director.

222 (8) The council shall:

223 (a) develop a state workforce services plan in accordance with Section 35A-1-207;

224 (b) review economic service area plans to certify consistency with state policy  
225 guidelines;



226 (c) improve the understanding and visibility of state workforce services efforts through  
227 external and internal marketing strategies;

228 (d) ~~[make an annual]~~ submit, before November 1, an annual written report ~~[of~~  
229 accomplishments] to the governor and the Legislature on accomplishments related to the  
230 activities of the department;

231 (e) issue other studies, reports, or documents the council considers advisable that are  
232 not required under Subsection (8)(d);

233 (f) coordinate the planning and delivery of workforce development services with public  
234 education, higher education, vocational rehabilitation, and human services; and

235 (g) perform other responsibilities within the scope of workforce services as requested  
236 by:

- 237 (i) the Legislature;
- 238 (ii) the governor; or
- 239 (iii) the executive director.

240 Section 6. Section **35A-4-401** is amended to read:

241 **35A-4-401. Benefits -- Weekly benefit amount -- Computation of benefits --**  
242 **Department to prescribe rules -- Notification of benefits -- Bonuses.**

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

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

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

252 (ii) With respect to an individual whose benefit year begins after the termination of any  
253 payable week under Pub. L. No. 111-5, Sec. 2002 as amended, an individual's weekly benefit

254 amount is an amount equal to 1/26th minus \$5, disregarding any fraction of \$1, of the  
255 individual's total wages for insured work paid during that quarter of the base period in which  
256 the total wages were highest.

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

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

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

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

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

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

282 individual who, subsequent to the commencement of the individual's benefit year, becomes or  
283 is determined to be eligible to receive retirement benefits or increased retirement benefits, shall  
284 be recomputed effective with the first calendar week during the individual's benefit year with  
285 respect to which the individual is eligible to receive retirement benefits or increased retirement  
286 benefits.

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

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

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

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

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

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

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

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

308 (i) that the existence of unemployment, eligibility for benefits, and the amount of  
309 benefits payable shall be determined in the case of an otherwise eligible individual who, within

310 a week or other period of unemployment, is separated from or secures work on a regular  
311 attachment basis for that portion of the week or other period of unemployment occurring before  
312 or after separation from or securing of work; and

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

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

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

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

325 ~~[(8)(a) The director of the division or the director's designee shall submit an annual~~  
326 ~~written report to the Workforce Employment Advisory Council and to the Economic~~  
327 ~~Development and Workforce Services Interim Committee before November 1, 2012,~~  
328 ~~concerning the impact of individuals applying for unemployment compensation and the~~  
329 ~~unemployment trust fund as a result of the amendments made to Subsection 35A-4-401(2)~~  
330 ~~during the Legislature's 2010 General Session.]~~

331 ~~[(b) The report shall include a recommendation for a potential adjustment in the~~  
332 ~~weekly benefit amounts established in Subsections 35A-4-401(2)(a)(ii) and~~  
333 ~~35A-4-401(2)(b)(ii), taking into account the unemployment benefit costs associated with the~~  
334 ~~amendments made to Subsection 35A-4-401(2) during the Legislature's 2010 General Session.]~~

335 Section 7. Section **35A-8-307** is amended to read:

336 **35A-8-307. Impact fund administered by impact board -- Eligibility for**  
337 **assistance -- Review by board -- Administration costs -- Annual report.**

338 (1) (a) The impact board shall:  
339 (i) administer the impact fund in a manner that will keep a portion of the impact fund  
340 revolving;  
341 (ii) determine provisions for repayment of loans;  
342 (iii) establish criteria for determining eligibility for assistance under this part; and  
343 (iv) consider recommendations from the School and Institutional Trust Lands  
344 Administration when awarding a grant described in Subsection 35A-8-303(6).

345 (b) (i) The criteria for awarding loans or grants made from funds described in  
346 Subsection 35A-8-303(5) shall be consistent with the requirements of Subsection  
347 35A-8-303(5).

348 (ii) The criteria for awarding grants made from funds described in Subsection  
349 35A-8-303(2)(c) shall be consistent with the requirements of Subsection 35A-8-303(6).

350 (c) In order to receive assistance under this part, subdivisions and interlocal agencies  
351 shall submit formal applications containing the information that the impact board requires.

352 (2) In determining eligibility for loans and grants under this part [~~except for Subsection~~  
353 ~~35A-8-305(2)~~], the impact board shall consider the following:

- 354 (a) the subdivision's or interlocal agency's current mineral lease production;
- 355 (b) the feasibility of the actual development of a resource that may impact the  
356 subdivision or interlocal agency directly or indirectly;
- 357 (c) current taxes being paid by the subdivision's or interlocal agency's residents;
- 358 (d) the borrowing capacity of the subdivision or interlocal agency, including:
  - 359 (i) its ability and willingness to sell bonds or other securities in the open market; and
  - 360 (ii) its current and authorized indebtedness;
- 361 (e) all possible additional sources of state and local revenue, including utility user  
362 charges;
- 363 (f) the availability of federal assistance funds;
- 364 (g) probable growth of population due to actual or prospective natural resource  
365 development in an area;

366 (h) existing public facilities and services;

367 (i) the extent of the expected direct or indirect impact upon public facilities and  
368 services of the actual or prospective natural resource development in an area; and

369 (j) the extent of industry participation in an impact alleviation plan, either as specified  
370 in Title 63M, Chapter 5, Resource Development Act, or otherwise.

371 [~~(3)~~ Before the impact board may make a grant to a city under Subsection  
372 35A-8-305(2), the impact board shall find that the city is experiencing a substantial hardship in  
373 making payments on bonded indebtedness as a result of receiving a qualifying sales and use tax  
374 distribution reduction.]

375 [~~(4)~~ (3) The impact board may not fund an education project that could otherwise have  
376 reasonably been funded by a school district through a program of annual budgeting, capital  
377 budgeting, bonded indebtedness, or special assessments.

378 [~~(5)~~ (4) The impact board may restructure all or part of the agency's or subdivision's  
379 liability to repay loans for extenuating circumstances.

380 [~~(6)~~ (5) The impact board shall:

381 (a) review the proposed uses of the impact fund for loans or grants before approving  
382 them and may condition its approval on whatever assurances the impact board considers  
383 necessary to ensure that proceeds of the loan or grant will be used in accordance with the  
384 Leasing Act and this part; and

385 (b) ensure that each loan specifies the terms for repayment and is evidenced by general  
386 obligation, special assessment, or revenue bonds, notes, or other obligations of the appropriate  
387 subdivision or interlocal agency issued to the impact board under whatever authority for the  
388 issuance of those bonds, notes, or obligations exists at the time of the loan.

389 [~~(7)~~ (6) The impact board shall allocate from the impact fund to the department those  
390 funds that are appropriated by the Legislature for the administration of the impact fund, but this  
391 amount may not exceed 2% of the annual receipts to the impact fund.

392 [~~(8)~~ (7) The department shall ~~[make an annual]~~ submit, before November 1, an annual  
393 written report to the Legislature concerning the number and type of loans and grants made as

394 well as a list of subdivisions and interlocal agencies that received this assistance.

395 Section 8. Section **35A-8-721** is amended to read:

396 **35A-8-721. Annual report to governor and Legislature -- Contents -- Audits.**

397 (1) (a) The corporation shall, following the close of each fiscal year, submit, before  
398 November 1, an annual written report of its activities for the preceding year to the governor and  
399 the Legislature.

400 (b) Each report shall set forth a complete operating and financial statement of the  
401 corporation during the fiscal year it covers.

402 (c) At least once each year, an independent certified public accountant shall audit the  
403 books and accounts of the corporation.

404 (d) A complete copy of each annual audit report shall be:

405 (i) included in the report to the governor and the Legislature under Subsection (2); and

406 (ii) available for public inspection at the corporation's office.

407 (2) The corporation shall, each fiscal year, submit a budget of its operations to the  
408 Legislature and the governor.

409 (3) (a) The corporation shall form an audit committee consisting of no less than three  
410 trustees.

411 (b) The audit committee has exclusive authority to:

412 (i) select and engage the independent certified public accountant to audit the  
413 corporation; and

414 (ii) supervise the audit.

415 (4) The corporation shall provide additional information upon request by the governor,  
416 the Legislature, a legislative committee, the legislative auditor general, or the state auditor.

417 Section 9. Section **35A-8-1607** is amended to read:

418 **35A-8-1607. Division to distribute money -- Annual report -- Administration**  
419 **costs.**

420 (1) The division shall distribute loan and grant money if the loan or grant is approved  
421 by the board.

422 (2) The division shall ~~[make]~~ submit an annual written report, before November 1,  
423 concerning the number and type of loans and grants made as well as a list of recipients of this  
424 assistance to:

425 (a) the Native American Legislative Liaison Committee, created in Section 36-22-1;  
426 and

427 (b) the governor.

428 (3) The division, with board approval, may use fund money for the administration of  
429 the fund, but this amount may not exceed 2% of the annual receipts to the fund.

430 Section 10. Section **35A-8-1708** is amended to read:

431 **35A-8-1708. Annual report.**

432 The division shall ~~[report annually]~~ submit, before November 1, an annual written  
433 report to the Native American Legislative Liaison Committee and the governor concerning the  
434 number and type of loans and grants made as well as a list of recipients of this assistance.

435 Section 11. Section **35A-9-201** is amended to read:

436 **35A-9-201. Intergenerational poverty tracking system -- Data -- Analysis --**  
437 **Annual report.**

438 (1) The department shall establish and maintain a system to track intergenerational  
439 poverty.

440 (2) The system shall:

441 (a) identify groups that have a high risk of experiencing intergenerational poverty;

442 (b) identify incidents, patterns, and trends that explain or contribute to  
443 intergenerational poverty;

444 (c) assist case workers, social scientists, and government officials in the study and  
445 development of effective and efficient plans and programs to help individuals and families in  
446 the state to break the cycle of poverty; and

447 (d) gather and track available local, state, and national data on:

448 (i) official poverty rates;

449 (ii) child poverty rates;



- 450 (iii) years spent by individuals in childhood poverty;
  - 451 (iv) years spent by individuals in adult poverty; and
  - 452 (v) related poverty information.
  - 453 (3) The department shall:
  - 454 (a) use available data in the tracking system, including public assistance data, census
  - 455 data, and other data made available to the department;
  - 456 (b) develop and implement methods to integrate, compare, analyze, and validate the
  - 457 data for the purposes described in Subsection (2);
  - 458 (c) protect the privacy of individuals living in poverty by using and distributing data
  - 459 within the tracking system in compliance with:
  - 460 (i) federal requirements; and
  - 461 (ii) the provisions of Title 63G, Chapter 2, Government Records Access and
  - 462 Management Act; and
  - 463 (d) [~~no later than September 30 of each year, provide~~] submit, before November 1, an
  - 464 annual written report on the data, findings, and potential uses of the tracking system to:
  - 465 (i) the governor;
  - 466 (ii) the Legislative Management Committee; and
  - 467 (iii) the [~~Legislature's~~] Economic Development and Workforce Services Interim
  - 468 Committee.
- 469 Section 12. Section **63M-1-201** is amended to read:
- 470 **63M-1-201. Creation of office.**
- 471 (1) There is created the Governor's Office of Economic Development.
  - 472 (2) The office shall:
  - 473 (a) be responsible for economic development within the state;
  - 474 (b) perform economic development planning for the state;
  - 475 (c) administer and coordinate all state or federal grant programs which are, or become
  - 476 available, for economic development;
  - 477 (d) administer any other programs over which the office is given administrative

478 supervision by the governor;

479 (e) [~~annually~~] submit [~~a~~], before November 1, an annual written report to the  
480 Legislature [~~by October 1~~]; and

481 (f) perform any other duties as provided by the Legislature.

482 (3) The office may solicit and accept contributions of money, services, and facilities  
483 from any other source, public or private, but may not use the money for publicizing the  
484 exclusive interest of the donor.

485 (4) Money received under Subsection (3) shall be deposited in the General Fund as  
486 dedicated credits of the office.

487 (5) (a) The office is recognized as an issuing authority as defined in Subsection  
488 63M-1-3002(7), entitled to issue bonds from the Small Issue Bond Account created in  
489 Subsection 63M-1-3006(1)(c) as a part of the state's private activity bond volume cap  
490 authorized by the Internal Revenue Code of 1986 and computed under Section 146 of the code.

491 (b) To promote and encourage the issuance of bonds from the Small Issue Bond  
492 Account for manufacturing projects, the office may:

493 (i) develop campaigns and materials that inform qualified small manufacturing  
494 businesses about the existence of the program and the application process;

495 (ii) assist small businesses in applying for and qualifying for these bonds; or

496 (iii) develop strategies to lower the cost to small businesses of applying for and  
497 qualifying for these bonds, including making arrangements with financial advisors,

498 underwriters, bond counsel, and other professionals involved in the issuance process to provide  
499 their services at a reduced rate when the division can provide them with a high volume of  
500 applicants or issues.

501 Section 13. Section **63M-1-605** is amended to read:

502 **63M-1-605. Duties and powers.**

503 (1) The council shall:

504 (a) encourage the use of science and technology in the administration of state and local  
505 government;

506 (b) develop programs whereby state agencies and the several public and private  
507 institutions of higher education and technical colleges within the state may assist business and  
508 industry in the utilization of science and technology;

509 (c) further communication between agencies of federal, state, and local government  
510 who wish to utilize science and technology;

511 (d) develop programs of cooperation on matters of science and technology between:

512 (i) state and local government agencies;

513 (ii) the several public and private institutions of higher education and technical  
514 colleges within the state; and

515 (iii) business and industry within the state; or

516 (iv) ~~between~~ any combination of these;

517 (e) provide a means whereby government, business, industry, and higher education  
518 may be represented in the formulation and implementation of state policies and programs on  
519 matters of science and technology;

520 (f) review, catalog, and compile the research and development uses by the state  
521 universities of the revenue derived from mineral lease funds on state and federal lands;

522 (g) ~~[provide to the Legislature]~~ submit, before November 1, an annual [report] written  
523 report to the Legislature on the expenditure and utilization of these mineral lease funds;

524 (h) make recommendations to the Legislature on the further uses of these mineral lease  
525 funds in order to stimulate research and development directed toward the more effective  
526 utilization of the state's natural resources; and

527 (i) prepare and ~~[to be]~~ submit, before November 1, an annual written report [with] to  
528 the governor and [with] the Legislature.

529 (2) The council may:

530 (a) in accordance with Title 63J, Chapter 5, Federal Funds Procedures Act, apply for,  
531 receive, and disburse funds, contributions, or grants from whatever source for the purposes set  
532 forth in this part;

533 (b) employ, compensate, and prescribe the duties and powers of those individuals,

534 subject to the provisions of this part relating to the adviser, necessary to execute the duties and  
535 powers of the council; and

536 (c) enter into contracts for the purposes of this part.

537 Section 14. Section **63M-1-1304** is amended to read:

538 **63M-1-1304. Council powers and duties.**

539 (1) The council shall:

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

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

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

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

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

552 (2) The council shall submit, before November 1, an annual written report of its  
553 activities to the governor and [~~to~~] the Economic Development and Workforce Services Interim  
554 Committee [~~by November 1~~].

555 Section 15. Section **63M-1-1404** is amended to read:

556 **63M-1-1404. Powers and duties of office related to tourism development plan --**  
557 **Annual report and survey.**

558 (1) The office shall:

559 (a) be the tourism development authority of the state;

560 (b) develop a tourism advertising, marketing, and branding program for the state;

561 (c) receive approval from the Board of Tourism Development under Subsection

562 63M-1-1403(1)(a) before implementing the out-of-state advertising, marketing, and branding  
563 campaign;

564 (d) develop a plan to increase the economic contribution by tourists visiting the state;

565 (e) plan and conduct a program of information, advertising, and publicity relating to the  
566 recreational, scenic, historic, and tourist advantages and attractions of the state at large; and

567 (f) encourage and assist in the coordination of the activities of persons, firms,  
568 associations, corporations, travel regions, counties, and governmental agencies engaged in  
569 publicizing, developing, and promoting the scenic attractions and tourist advantages of the  
570 state.

571 (2) Any plan provided for under Subsection (1) shall address, but not be limited to,  
572 enhancing the state's image, promoting Utah as a year-round destination, encouraging  
573 expenditures by visitors to the state, and expanding the markets where the state is promoted.

574 (3) The office shall;

575 (a) conduct a regular and ongoing research program to identify statewide economic  
576 trends and conditions in the tourism sector of the economy; and ~~[to provide]~~

577 (b) submit, before November 1, an annual written [evaluation of the economic  
578 efficiency of the advertising and branding campaigns conducted under this part] report to the  
579 Economic Development and Workforce Services Interim Committee and the Business,  
580 Economic Development, and Labor Appropriations Subcommittee ~~[by November 1]~~ on the  
581 economic efficiency of the advertising and branding campaigns conducted under this part.

582 Section 16. Section **63M-1-1505** is amended to read:

583 **63M-1-1505. Criteria for participation -- Report.**

584 (1) The advisory board shall develop objective criteria including the following:

585 (a) a three year commitment by the applicant to provide a project manager with a travel  
586 and operating budget;

587 (b) evidence that both the business community and the local government support the  
588 Utah Pioneer Communities Program approach philosophically and financially;

589 (c) capacity for economic change as a result of being a participant in the program;

590 (d) geographic location, population, and economic base diversity;

591 (e) evidence of past preservation efforts; and

592 (f) a population of less than 50,000.

593 (2) The advisory board shall [~~provide~~], before November 1, submit to the governor and

594 [~~to~~] the presiding officer of each house of the Legislature an annual written report [~~on~~]

595 regarding the effects of the Utah Pioneer Communities Program.

596 Section 17. Section **63M-1-1606** is amended to read:

597 **63M-1-1606. Annual report.**

598 The office shall submit, before November 1, an annual written report of the program's  
599 operations and recommendations to:

600 (1) the governor; [~~and~~]

601 (2) the Rural Development Legislative Liaison Committee created in Section  
602 36-25-102[~~;~~]; and

603 (3) the Economic Development and Workforce Services Interim Committee.

604 Section 18. Section **63M-1-1805** is amended to read:

605 **63M-1-1805. Annual report.**

606 The office shall submit, before November 1, an annual written report to the Economic  
607 Development and Workforce Services Interim Committee describing:

608 (1) [~~its~~] the office's success in attracting within-the-state production of television  
609 series, made-for-television movies, and motion pictures, including feature films and  
610 independent films;

611 (2) the amount of incentive commitments made by the office under this part and the  
612 period of time over which the incentives will be paid; and

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

614 (a) dollars left in the state; and

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

616 Section 19. Section **63M-1-1901** is amended to read:

617 **63M-1-1901. Military installation projects for economic development -- Funding**

618 -- **Criteria -- Dispersal -- Report.**

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

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

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

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

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

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

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

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

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

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

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

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

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

642 (D) a projected date on which the applicant shall provide the director with a report on  
643 the implementation and performance of the project, including the creation of new jobs; and

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

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

649 (ii) The office shall submit, before November 1, an annual written report to the  
650 Economic Development and Workforce Services Interim Committee and the Business,  
651 Economic Development, and Labor Appropriations Subcommittee [~~by November 1 on~~]  
652 regarding the use and impact of the money distributed under this section.

653 Section 20. Section **63M-1-2406** is amended to read:

654 **63M-1-2406. Report to the Economic Development and Workforce Services**  
655 **Interim Committee.**

656 The office shall submit, before November 1, an annual written report to the Economic  
657 Development and Workforce Services Interim Committee describing:

658 (1) [~~its~~] the office's success in attracting new commercial projects to development  
659 zones under this part and the corresponding increase in new incremental jobs;

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

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

664 Section 21. Section **63M-1-2504** is amended to read:

665 **63M-1-2504. Creation of Office of Consumer Health Services -- Duties.**

666 (1) There is created within the Governor's Office of Economic Development the Office  
667 of Consumer Health Services.

668 (2) The office shall:

669 (a) in cooperation with the Insurance Department, the Department of Health, and the  
670 Department of Workforce Services, and in accordance with the electronic standards developed  
671 under Sections 31A-22-635 and 63M-1-2506, create a Health Insurance Exchange that:

672 (i) provides information to consumers about private and public health programs for  
673 which the consumer may qualify;



674 (ii) provides a consumer comparison of and enrollment in a health benefit plan posted  
675 on the Health Insurance Exchange; and

676 (iii) includes information and a link to enrollment in premium assistance programs and  
677 other government assistance programs;

678 (b) contract with one or more private vendors for:

679 (i) administration of the enrollment process on the Health Insurance Exchange,  
680 including establishing a mechanism for consumers to compare health benefit plan features on  
681 the exchange and filter the plans based on consumer preferences;

682 (ii) the collection of health insurance premium payments made for a single policy by  
683 multiple payers, including the policyholder, one or more employers of one or more individuals  
684 covered by the policy, government programs, and others; and

685 (iii) establishing a call center in accordance with Subsection (3);

686 (c) assist employers with a free or low cost method for establishing mechanisms for the  
687 purchase of health insurance by employees using pre-tax dollars;

688 (d) establish a list on the Health Insurance Exchange of insurance producers who, in  
689 accordance with Section 31A-30-209, are appointed producers for the Health Insurance  
690 Exchange; and

691 (e) submit, before November 1, an annual written report to the Business and Labor  
692 Interim Committee and the Health System Reform Task Force [~~prior to the Legislative interim~~  
693 ~~day in November of each year~~] regarding the operations of the Health Insurance Exchange  
694 required by this chapter.

695 (3) A call center established by the office:

696 (a) shall provide unbiased answers to questions concerning exchange operations, and  
697 plan information, to the extent the plan information is posted on the exchange by the insurer;  
698 and

699 (b) may not:

700 (i) sell, solicit, or negotiate a health benefit plan on the Health Insurance Exchange;

701 (ii) receive producer compensation through the Health Insurance Exchange; and

702 (iii) be designated as the default producer for an employer group that enters the Health  
703 Insurance Exchange without a producer.

704 (4) The office:

705 (a) may not:

706 (i) regulate health insurers, health insurance plans, health insurance producers, or  
707 health insurance premiums charged in the exchange;

708 (ii) adopt administrative rules, except as provided in Section 63M-1-2506; or

709 (iii) act as an appeals entity for resolving disputes between a health insurer and an  
710 insured;

711 (b) may establish and collect a fee for the cost of the exchange transaction in  
712 accordance with Section 63J-1-504 for:

713 (i) processing an application for a health benefit plan;

714 (ii) accepting, processing, and submitting multiple premium payment sources;

715 (iii) providing a mechanism for consumers to filter and compare health benefit plans in  
716 the exchange based on consumer preferences; and

717 (iv) funding the call center; and

718 (c) shall separately itemize the fee established under Subsection (4)(b) as part of the  
719 cost displayed for the employer selecting coverage on the exchange.

720 Section 22. Section **63M-1-3105** is amended to read:

721 **63M-1-3105. Report to the legislative committees.**

722 The office shall ~~report annually~~ submit, before November 1, an annual written report  
723 to the ~~[Workforce Services and Community and]~~ Economic Development and Workforce  
724 Services Interim Committee and the Revenue and Taxation Interim Committee describing:

725 (1) ~~[its]~~ the office's success in attracting alternative energy manufacturing projects to  
726 the state and the resulting increase in new state revenues under this part;

727 (2) the amount of tax credits the office has granted or will grant and the time period  
728 during which the tax credits have been or will be granted; and

729 (3) the economic impact on the state by comparing new state revenues to tax credits

730 that have been or will be granted under this part.