

**ECONOMIC DEVELOPMENT AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Timothy D. Hawkes**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to economic development.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ renames the Governor's Office of Economic Development as the Governor's Office of Economic Opportunity (GO Utah office);
- ▶ extends the deadline by which the GO Utah office must create a database to track certain information related to community reinvestment agencies;
- ▶ modifies Utah Futures by renaming the program, moving the program under the Utah Board of Higher Education, and modifying certain requirements;
- ▶ establishes the Unified Economic Opportunity Commission (commission) to develop, direct, and coordinate a statewide economic development strategy;
- ▶ modifies the duties of the GO Utah office to include implementing the statewide economic development strategy developed by the commission;
- ▶ provides the commission authority to create one or more subcommittees related to specified issues;
- ▶ creates the following commission subcommittees:
  - the Business and Economic Development Subcommittee, formerly called the Board of Business and Economic Development; and
  - the Talent, Education, and Industry Alignment Subcommittee, formerly the Talent Ready Utah Board;

- 30           ▶ modifies provisions related to economic development tax increment financing;
- 31           ▶ requires the GO Utah office to submit an annual report to certain state entities that
- 32 gives an overview of the implementation and efficacy of the statewide economic
- 33 development strategy;
- 34           ▶ creates a talent development grant program for businesses that create new
- 35 incremental high paying jobs in the state;
- 36           ▶ directs the Utah Office of Outdoor Recreation to promote all forms of outdoor
- 37 recreation, including vehicular and non-vehicular;
- 38           ▶ creates the Utah Broadband Center and addresses its operations and duties;
- 39           ▶ establishes the Broadband Access Grant Program;
- 40           ▶ repeals the Governor's Rural Partnership Board;
- 41           ▶ repeals the Governor's Economic Development Coordinating Council;
- 42           ▶ repeals the Technology Commercialization and Innovation Act;
- 43           ▶ repeals the Utah Business Resource Centers Act; and
- 44           ▶ makes technical and conforming changes.

**45 Money Appropriated in this Bill:**

46           This bill appropriates in fiscal year 2022:

- 47           ▶ to Economic Development - Business Development - Corporate Recruitment and
- 48 Business Services as an ongoing appropriation:
  - 49           • from the General Fund, \$767,100;
- 50           ▶ to Economic Development - Business Development - Outreach and International
- 51 Trade as an ongoing appropriation:
  - 52           • from the General Fund, \$75,000;
- 53           ▶ to Economic Development - Administration - Administration as an ongoing
- 54 appropriation:
  - 55           • from the General Fund, \$75,000;
- 56           ▶ to the Legislature - Senate - Administration as an ongoing appropriation:
  - 57           • from the General Fund, \$3,200; and

58           ▶ to the Legislature - House of Representatives - Administration as an ongoing  
59 appropriation:

- 60           • from the General Fund, \$3,200.

61 **Other Special Clauses:**

62           This bill provides a special effective date.

63           This bill provides revisor instructions.

64           This bill provides a coordination clause.

65 **Utah Code Sections Affected:**

66 AMENDS:

67           **9-6-903**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

68           **9-9-104.6**, as last amended by Laws of Utah 2020, Chapters 236 and 365

69           **9-22-102**, as renumbered and amended by Laws of Utah 2019, Chapter 487

70           **11-17-18**, as last amended by Laws of Utah 2005, Chapter 148

71           **11-58-901**, as enacted by Laws of Utah 2018, Chapter 179

72           **11-59-302**, as last amended by Laws of Utah 2020, Chapters 152 and 365

73           **11-59-304**, as last amended by Laws of Utah 2020, Chapter 152

74           **11-59-501**, as last amended by Laws of Utah 2020, Chapter 152

75           **17-31-5.5**, as last amended by Laws of Utah 2020, Chapter 315

76           **17-31-9**, as last amended by Laws of Utah 2015, Chapter 283

77           **17-54-102**, as enacted by Laws of Utah 2020, Chapter 360

78           **17-54-103**, as enacted by Laws of Utah 2020, Chapter 360

79           **17C-1-603**, as last amended by Laws of Utah 2019, Chapter 21

80           **17D-1-507**, as enacted by Laws of Utah 2008, Chapter 360

81           **35A-1-104.5**, as last amended by Laws of Utah 2020, Chapter 354

82           **35A-1-109**, as last amended by Laws of Utah 2018, Chapter 423

83           **35A-1-201**, as last amended by Laws of Utah 2020, Chapter 352

84           **35A-6-105**, as last amended by Laws of Utah 2020, Chapter 365

85           **41-6a-1626**, as last amended by Laws of Utah 2019, Chapter 461

86           **49-11-406**, as last amended by Laws of Utah 2020, Chapter 24  
87           **53B-1-114**, as last amended by Laws of Utah 2020, Chapter 365  
88           **53B-1-301**, as last amended by Laws of Utah 2020, Chapters 365 and 403  
89           **53B-7-702**, as last amended by Laws of Utah 2020, Chapter 365  
90           **53B-7-704**, as enacted by Laws of Utah 2017, Chapter 365  
91           **53B-8-304**, as enacted by Laws of Utah 2019, Chapter 444  
92           **53B-10-201**, as last amended by Laws of Utah 2020, Chapter 365  
93           **53B-10-203**, as enacted by Laws of Utah 2018, Chapter 402  
94           **53B-26-102**, as last amended by Laws of Utah 2019, Chapters 136 and 357  
95           **53B-26-103**, as last amended by Laws of Utah 2020, Chapter 365  
96           **53B-26-303**, as enacted by Laws of Utah 2020, Chapter 361  
97           **54-4-41**, as enacted by Laws of Utah 2020, Chapter 217  
98           **59-1-403**, as last amended by Laws of Utah 2020, Chapter 294  
99           **59-7-159**, as last amended by Laws of Utah 2019, Chapters 247 and 465  
100          **59-7-614.2**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1  
101          **59-7-614.5**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1  
102          **59-7-614.10**, as last amended by Laws of Utah 2020, Chapter 354  
103          **59-7-621**, as enacted by Laws of Utah 2017, Chapter 274  
104          **59-7-624**, as last amended by Laws of Utah 2020, Chapter 354  
105          **59-10-137**, as last amended by Laws of Utah 2019, Chapters 247 and 465  
106          **59-10-1037**, as last amended by Laws of Utah 2020, Chapter 354  
107          **59-10-1038**, as enacted by Laws of Utah 2017, Chapter 274  
108          **59-10-1107**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1  
109          **59-10-1108**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1  
110          **59-10-1112**, as last amended by Laws of Utah 2020, Chapter 354  
111          **63A-3-111**, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12  
112          **63B-18-401**, as last amended by Laws of Utah 2019, Chapters 327, 479, and 497  
113          **63B-24-201**, as last amended by Laws of Utah 2018, Chapter 406

- 114            **63C-17-103**, as enacted by Laws of Utah 2016, Chapter 156
- 115            **63C-17-105**, as enacted by Laws of Utah 2016, Chapter 156
- 116            **63G-21-102**, as last amended by Laws of Utah 2018, Chapter 281
- 117            **63G-21-201**, as last amended by Laws of Utah 2018, Chapter 261
- 118            **63H-1-801**, as last amended by Laws of Utah 2009, Chapters 92 and 388
- 119            **63H-2-204**, as last amended by Laws of Utah 2012, Chapter 37
- 120            **63I-1-235**, as last amended by Laws of Utah 2020, Chapters 154 and 417
- 121            **63I-1-263**, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,
- 122 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws
- 123 of Utah 2020, Chapter 360
- 124            **63I-2-263**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12
- 125            **63J-4-301**, as last amended by Laws of Utah 2018, Chapters 423 and 469
- 126            **63J-4-708**, as last amended by Laws of Utah 2018, Chapter 423
- 127            **63L-2-301**, as last amended by Laws of Utah 2020, Chapter 168
- 128            **63M-5-306**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 129            **63M-6-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 130            **63M-6-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 131            **63M-6-203**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 132            **63M-11-201**, as last amended by Laws of Utah 2019, Chapter 246
- 133            **63N-2-103**, as last amended by Laws of Utah 2019, Chapters 399, 465, 498 and last
- 134 amended by Coordination Clause, Laws of Utah 2019, Chapter 465
- 135            **63N-2-104**, as last amended by Laws of Utah 2018, Chapter 281
- 136            **63N-2-105**, as last amended by Laws of Utah 2016, Chapter 350
- 137            **63N-2-106**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
- 138            **63N-2-107**, as last amended by Laws of Utah 2016, Chapter 350
- 139            **63N-2-203**, as last amended by Laws of Utah 2020, Chapter 360
- 140            **63N-2-213**, as last amended by Laws of Utah 2020, Chapter 360
- 141            **63N-2-303**, as last amended by Laws of Utah 2017, Chapter 352

- 142            **63N-2-503**, as last amended by Laws of Utah 2019, Chapter 136
- 143            **63N-2-504**, as last amended by Laws of Utah 2019, Chapter 136
- 144            **63N-2-510**, as last amended by Laws of Utah 2015, Chapter 417 and renumbered and
- 145 amended by Laws of Utah 2015, Chapter 283
- 146            **63N-2-512**, as last amended by Laws of Utah 2016, Chapter 291
- 147            **63N-2-808**, as last amended by Laws of Utah 2016, Chapter 354
- 148            **63N-2-810**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
- 149            **63N-3-102**, as last amended by Laws of Utah 2018, Chapter 428
- 150            **63N-3-103**, as last amended by Laws of Utah 2018, Chapters 204 and 428
- 151            **63N-3-105**, as last amended by Laws of Utah 2019, Chapter 325
- 152            **63N-3-106**, as last amended by Laws of Utah 2016, Chapters 34 and 183
- 153            **63N-3-109**, as last amended by Laws of Utah 2020, Chapter 265
- 154            **63N-3-111**, as last amended by Laws of Utah 2018, Chapter 182
- 155            **63N-3-204**, as last amended by Laws of Utah 2018, Chapter 453
- 156            **63N-4-101**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 157            **63N-4-102**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 158            **63N-4-103**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 159            **63N-4-104**, as last amended by Laws of Utah 2020, Chapter 360
- 160            **63N-4-105**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 161            **63N-4-106**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 162            **63N-4-205**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 163            **63N-4-403**, as enacted by Laws of Utah 2018, Chapter 340
- 164            **63N-4-704**, as enacted by Laws of Utah 2020, Chapter 360
- 165            **63N-7-201**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 166            **63N-8-102**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 167            **63N-8-103**, as last amended by Laws of Utah 2019, First Special Session, Chapter 3
- 168            **63N-8-104**, as last amended by Laws of Utah 2020, Chapter 357
- 169            **63N-8-105**, as renumbered and amended by Laws of Utah 2015, Chapter 283

- 170 **63N-9-104**, as last amended by Laws of Utah 2016, Chapter 88
- 171 **63N-9-106**, as last amended by Laws of Utah 2019, Chapter 506
- 172 **63N-9-203**, as last amended by Laws of Utah 2017, Chapter 166
- 173 **63N-9-403**, as enacted by Laws of Utah 2019, Chapter 506
- 174 **63N-13-101**, as renumbered and amended by Laws of Utah 2015, Chapter 283
- 175 **63N-15-103**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 19
- 176 **72-1-209**, as last amended by Laws of Utah 2005, Chapter 148
- 177 **72-4-302**, as last amended by Laws of Utah 2019, Chapter 246
- 178 **72-7-504**, as last amended by Laws of Utah 2017, Chapter 260
- 179 **79-4-1103**, as last amended by Laws of Utah 2015, Chapter 283

180 ENACTS:

- 181 **53B-30-101**, Utah Code Annotated 1953
- 182 **53B-30-102**, Utah Code Annotated 1953
- 183 **63N-1a-103**, Utah Code Annotated 1953
- 184 **63N-1a-201**, Utah Code Annotated 1953
- 185 **63N-1a-202**, Utah Code Annotated 1953
- 186 **63N-1b-101**, Utah Code Annotated 1953
- 187 **63N-1b-102**, Utah Code Annotated 1953
- 188 **63N-3-112**, Utah Code Annotated 1953
- 189 **63N-16-101**, Utah Code Annotated 1953
- 190 **63N-16-102**, Utah Code Annotated 1953
- 191 **63N-16-201**, Utah Code Annotated 1953
- 192 **63N-16-301**, Utah Code Annotated 1953
- 193 **63N-16-302**, Utah Code Annotated 1953

194 RENUMBERS AND AMENDS:

- 195 **53B-30-201**, (Renumbered from 63N-12-509, as renumbered and amended by Laws of
- 196 Utah 2019, Chapter 246)
- 197 **63N-1a-101**, (Renumbered from 63N-1-101, as renumbered and amended by Laws of

198 Utah 2015, Chapter 283)  
199 **63N-1a-102**, (Renumbered from 63N-1-102, as last amended by Laws of Utah 2019,  
200 Chapter 465)  
201 **63N-1a-301**, (Renumbered from 63N-1-201, as last amended by Laws of Utah 2019,  
202 Chapter 246)  
203 **63N-1a-302**, (Renumbered from 63N-1-202, as last amended by Laws of Utah 2020,  
204 Chapter 352)  
205 **63N-1a-303**, (Renumbered from 63N-1-203, as last amended by Laws of Utah 2018,  
206 Chapter 423)  
207 **63N-1a-304**, (Renumbered from 63N-1-204, as renumbered and amended by Laws of  
208 Utah 2015, Chapter 283)  
209 **63N-1a-305**, (Renumbered from 63N-1-205, as enacted by Laws of Utah 2020, Chapter  
210 154)  
211 **63N-1a-306**, (Renumbered from 63N-1-301, as last amended by Laws of Utah 2020,  
212 Chapter 365)  
213 **63N-1b-201**, (Renumbered from 63N-1-401, as last amended by Laws of Utah 2020,  
214 Chapters 352 and 373)  
215 **63N-1b-202**, (Renumbered from 63N-1-402, as renumbered and amended by Laws of  
216 Utah 2015, Chapter 283)  
217 **63N-1b-301**, (Renumbered from 63N-12-503, as last amended by Laws of Utah 2020,  
218 Chapter 365)  
219 **63N-1b-302**, (Renumbered from 63N-12-502, as enacted by Laws of Utah 2018,  
220 Chapter 423)  
221 **63N-1b-303**, (Renumbered from 63N-12-504, as last amended by Laws of Utah 2019,  
222 Chapter 427)  
223 **63N-1b-304**, (Renumbered from 63N-12-505, as last amended by Laws of Utah 2020,  
224 Chapter 164 and last amended by Coordination Clause, Laws of Utah 2020, Chapter  
225 365)



226           **63N-1b-305**, (Renumbered from 63N-12-506, as last amended by Laws of Utah 2020,  
227 Sixth Special Session, Chapter 19)

228           **63N-1b-306**, (Renumbered from 63N-12-507, as last amended by Laws of Utah 2020,  
229 Chapter 164 and last amended by Coordination Clause, Laws of Utah 2020, Chapter  
230 365)

231           **63N-1b-307**, (Renumbered from 63N-12-508, as last amended by Laws of Utah 2020,  
232 Sixth Special Session, Chapter 19)

233           **63N-16-202**, (Renumbered from 63N-3-501, as enacted by Laws of Utah 2018, Chapter  
234 182)

235 REPEALS:

236           **63C-10-101**, as enacted by Laws of Utah 2004, Chapter 73

237           **63C-10-102**, as last amended by Laws of Utah 2014, Chapter 259

238           **63C-10-103**, as last amended by Laws of Utah 2020, Chapter 360

239           **63N-1-501**, as last amended by Laws of Utah 2020, Chapters 352, 354, and 360

240           **63N-1-502**, as renumbered and amended by Laws of Utah 2015, Chapter 283

241           **63N-3-108**, as renumbered and amended by Laws of Utah 2015, Chapter 283

242           **63N-3-109.5**, as enacted by Laws of Utah 2016, Chapter 34

243           **63N-3-201**, as renumbered and amended by Laws of Utah 2015, Chapter 283

244           **63N-3-202**, as renumbered and amended by Laws of Utah 2015, Chapter 283

245           **63N-3-203**, as renumbered and amended by Laws of Utah 2015, Chapter 283

246           **63N-3-205**, as renumbered and amended by Laws of Utah 2015, Chapter 283

247           **63N-3-301**, as renumbered and amended by Laws of Utah 2015, Chapter 283

248           **63N-3-302**, as renumbered and amended by Laws of Utah 2015, Chapter 283

249           **63N-3-303**, as renumbered and amended by Laws of Utah 2015, Chapter 283

250           **63N-3-304**, as last amended by Laws of Utah 2016, Chapter 253

251           **63N-3-305**, as last amended by Laws of Utah 2016, Chapter 253

252           **63N-3-306**, as last amended by Laws of Utah 2016, Chapter 253

253           **63N-3-307**, as last amended by Laws of Utah 2016, Chapter 253

254 **63N-12-501**, as last amended by Laws of Utah 2020, Chapter 164

255 **Utah Code Sections Affected by Coordination Clause:**

256 **63N-2-104**, as last amended by Laws of Utah 2018, Chapter 281

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

259 Section 1. Section **9-6-903** is amended to read:

260 **9-6-903. Duties of the division.**

261 (1) As soon as is practicable but on or before July 31, 2020, the division shall:

262 (a) establish an application process by which a qualified organization may apply for a  
263 grant under this part, which application shall include:

264 (i) a declaration, signed under penalty of perjury, that the application is complete, true,  
265 and correct and any estimates about the net costs to provide the cultural, artistic, botanical,  
266 recreational, or zoological activity are made in good faith;

267 (ii) an acknowledgment that the qualified organization is subject to audit; and

268 (iii) a plan for providing the activity described in Subsection **9-6-902(2)(a)**;

269 (b) establish a method for the office, in consultation with the Governor's Office of  
270 Economic [~~Development~~] Opportunity for recreational applicants, to determine which  
271 applicants are eligible to receive a grant;

272 (c) establish a formula to award grant funds; and

273 (d) report the information described in Subsections (1)(a) through (c) to the director of  
274 the Division of Finance.

275 (2) The division shall:

276 (a) participate in the presentation that the director of the Division of Finance provides  
277 to the legislative committee under Section **63A-3-111**; and

278 (b) consider any recommendations for adjustments to the grant program from the  
279 legislative committee.

280 (3) Subject to appropriation, beginning on August 5, 2020, the division shall:

281 (a) collect applications for grant funds from qualified organizations;

282 (b) determine, in consultation with the Governor's Office of Economic [Development]  
283 Opportunity for recreational applicants, which applicants meet the eligibility requirements for  
284 receiving a grant; and

285 (c) award the grant funds:

286 (i) (A) after an initial application period that ends on or before August 31, 2020; and

287 (B) if funds remain after the initial application period, on a rolling basis until the  
288 earlier of funds being exhausted or December 30, 2020; and

289 (ii) in accordance with the process established under Subsection (1) and the limit  
290 described in Subsection 9-6-902(3).

291 (4) The division shall encourage any qualified organization that receives grant funds to  
292 commit to following best practices to protect the health and safety of the qualified  
293 organization's employees and customers.

294 (5) (a) The division may audit a qualified organization's reported net cost to provide a  
295 cultural, artistic, botanical, recreational, or zoological activity.

296 (b) The division may recapture grant funds if, after audit, the division determines that:

297 (i) if a qualified organization made representations about the qualified organization's  
298 actual net cost to provide the cultural, artistic, botanical, recreational, or zoological activity, the  
299 representations are not complete, true, and correct; or

300 (ii) if a qualified organization made representations about the qualified organization's  
301 estimated net cost to provide the cultural, artistic, botanical, recreational, or zoological activity,  
302 the representations are not made in good faith.

303 (c) (i) A qualified organization that is subject to recapture shall pay to the Division of  
304 Finance a penalty equal to the amount of the grant recaptured multiplied by the applicable  
305 income tax rate in Section 59-7-104 or 59-10-104.

306 (ii) The Division of Finance shall deposit the penalty into the Education Fund.

307 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
308 division may make rules to administer the grant program.

309 Section 2. Section 9-9-104.6 is amended to read:

310 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**

311 **Contact information.**

312 (1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the  
313 division shall coordinate with representatives of tribal governments and the entities listed in  
314 Subsection (2) to provide for the broadest participation possible in the joint meetings.

315 (2) The following may participate in all meetings described in Subsection (1):

316 (a) the chairs of the Native American Legislative Liaison Committee created in Section  
317 36-22-1;

318 (b) the governor or the governor's designee;

319 (c) the American Indian-Alaska Native Health Liaison appointed in accordance with  
320 Section 26-7-2.5;

321 (d) the American Indian-Alaska Native Public Education Liaison appointed in  
322 accordance with Section 53F-5-604; and

323 (e) a representative appointed by the chief administrative officer of the following:

324 (i) the Department of Human Services;

325 (ii) the Department of Natural Resources;

326 (iii) the Department of Workforce Services;

327 (iv) the Governor's Office of Economic [~~Development~~] Opportunity;

328 (v) the State Board of Education; and

329 (vi) the Utah Board of Higher Education.

330 (3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:

331 (i) designate the name of a contact person for that agency that can assist in coordinating  
332 the efforts of state and tribal governments in meeting the needs of the Native Americans  
333 residing in the state; and

334 (ii) notify the division:

335 (A) who is the designated contact person described in Subsection (3)(a)(i); and

336 (B) of any change in who is the designated contact person described in Subsection  
337 (3)(a)(i).

- 338 (b) This Subsection (3) applies to:
- 339 (i) the Department of Agriculture and Food;
- 340 (ii) the Department of Heritage and Arts;
- 341 (iii) the Department of Corrections;
- 342 (iv) the Department of Environmental Quality;
- 343 (v) the Department of Public Safety;
- 344 (vi) the Department of Transportation;
- 345 (vii) the Office of the Attorney General;
- 346 (viii) the State Tax Commission; and
- 347 (ix) any agency described in Subsections (2)(c) through (e).

348 (c) At the request of the division, a contact person listed in Subsection (3)(b) may  
349 participate in a meeting described in Subsection (1).

350 (4) (a) A participant under this section who is not a legislator may not receive  
351 compensation or benefits for the participant's service, but may receive per diem and travel  
352 expenses as allowed in:

- 353 (i) Section 63A-3-106;
- 354 (ii) Section 63A-3-107; and
- 355 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and  
356 63A-3-107.

357 (b) Compensation and expenses of a participant who is a legislator are governed by  
358 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

359 Section 3. Section 9-22-102 is amended to read:

360 **9-22-102. Definitions.**

361 As used in this chapter:

362 (1) "Computing partnerships" means a set of skills, knowledge, and aptitudes used in  
363 computer science, information technology, or computer engineering courses and career options.

364 (2) "Director" means the director appointed by the STEM board to oversee the  
365 administration of the STEM Action Center.

- 366 (3) "Educator" means the same as that term is defined in Section 53E-6-102.
- 367 (4) "Foundation" means a foundation established as described in Subsections  
368 9-22-104(3) and (4).
- 369 (5) "Fund" means the STEM Action Center Foundation Fund created in Section  
370 9-22-105.
- 371 (6) "Grant program" means the Computing Partnerships Grants program created in this  
372 part.
- 373 (7) "High quality professional development" means professional development that  
374 meets high quality standards developed by the State Board of Education.
- 375 (8) "Institution of higher education" means an institution listed in Section 53B-1-102.
- 376 (9) "K-16" means kindergarten through grade 12 and post-secondary education  
377 programs.
- 378 (10) "Provider" means a provider selected on behalf of the STEM board by the staff of  
379 the STEM board and the staff of the State Board of Education:
- 380 (a) through a request for proposals process; or  
381 (b) through a direct award or sole source procurement process for a pilot described in  
382 Section 9-22-107.
- 383 (11) "Review committee" means the committee established under Section 9-22-114.
- 384 (12) "Stacked credentials" means credentials that:
- 385 (a) an individual can build upon to access an advanced job or higher wage;  
386 (b) are part of a career pathway system;  
387 (c) provide a pathway culminating in the equivalent of an associate's or bachelor's  
388 degree;
- 389 (d) facilitate multiple exit and entry points; and  
390 (e) recognize sub-goals or momentum points.
- 391 (13) "STEM" means science, technology, engineering, and mathematics.
- 392 (14) "STEM Action Center" means the center described in Section 9-22-106.
- 393 (15) "STEM board" means the STEM Action Center Board created in Section

394 9-22-103.

395 (16) "Talent Ready [~~Utah~~] Program" means the Talent Ready Utah [~~Center~~] Program  
396 created in Section [~~63N-12-502~~] 63N-1b-302.

397 Section 4. Section 11-17-18 is amended to read:

398 **11-17-18. Powers of Governor's Office of Economic Opportunity.**

399 For purposes of this chapter and for the purposes of the Utah Interlocal Cooperation  
400 Act, the Governor's Office of Economic [~~Development~~] Opportunity has all the powers set out  
401 in this chapter of, and is subject to the same limitations as, a municipality as though the office  
402 were defined as a municipality for purposes of this chapter, but it shall have such powers with  
403 respect to economic development or new venture investment fund projects only. It is not  
404 authorized to exercise such powers in any manner which will create general obligations of the  
405 state or any agency, department, division, or political subdivision thereof.

406 Section 5. Section 11-58-901 is amended to read:

407 **11-58-901. Dissolution of port authority -- Restrictions -- Notice of dissolution --**  
408 **Disposition of port authority property -- Port authority records -- Dissolution expenses.**

409 (1) The authority may not be dissolved unless the authority has no outstanding bonded  
410 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual  
411 obligations with persons or entities other than the state.

412 (2) Upon the dissolution of the authority:

413 (a) the Governor's Office of Economic [~~Development~~] Opportunity shall publish a  
414 notice of dissolution:

415 (i) in a newspaper of general circulation in the county in which the dissolved authority  
416 is located; and

417 (ii) as required in Section 45-1-101; and

418 (b) all title to property owned by the authority vests in the state.

419 (3) The books, documents, records, papers, and seal of each dissolved authority shall  
420 be deposited for safekeeping and reference with the state auditor.

421 (4) The authority shall pay all expenses of the deactivation and dissolution.

422 Section 6. Section **11-59-302** is amended to read:

423 **11-59-302. Number of board members -- Appointment -- Vacancies -- Chairs.**

424 (1) The board shall consist of 11 members as provided in Subsection (2).

425 (2) (a) The president of the Senate shall appoint two members of the Senate to serve as  
426 members of the board.

427 (b) The speaker of the House of Representatives shall appoint two members of the  
428 House of Representatives to serve as members of the board.

429 (c) The governor shall appoint four individuals to serve as members of the board:

430 (i) one of whom shall be a member of the board of or employed by the Governor's  
431 Office of Economic [~~Development~~] Opportunity, created in Section [~~63N-1-201~~] [63N-1a-301](#);  
432 and

433 (ii) one of whom shall be an employee of the Division of Facilities Construction and  
434 Management, created in Section [63A-5b-301](#).

435 (d) The Salt Lake County mayor shall appoint one board member, who shall be an  
436 elected Salt Lake County government official.

437 (e) The mayor of Draper, or a member of the Draper city council that the mayor  
438 designates, shall serve as a board member.

439 (f) The commissioner of higher education, appointed under Section [53B-1-408](#), or the  
440 commissioner's designee, shall serve as a board member.

441 (3) (a) (i) Subject to Subsection (3)(a)(ii), a vacancy on the board shall be filled in the  
442 same manner under this section as the appointment of the member whose vacancy is being  
443 filled.

444 (ii) If the mayor of Draper or commissioner of higher education is removed as a board  
445 member under Subsection (5), the mayor of Draper or commissioner of higher education, as the  
446 case may be, shall designate an individual to serve as a member of the board, as provided in  
447 Subsection (2)(e) or (f), respectively.

448 (b) Each person appointed or designated to fill a vacancy shall serve the remaining  
449 unexpired term of the member whose vacancy the person is filling.



450 (4) A member of the board appointed by the governor, president of the Senate, or  
451 speaker of the House of Representatives serves at the pleasure of and may be removed and  
452 replaced at any time, with or without cause, by the governor, president of the Senate, or speaker  
453 of the House of Representatives, respectively.

454 (5) A member of the board may be removed by a vote of two-thirds of all members of  
455 the board.

456 (6) (a) The governor shall appoint one board member to serve as cochair of the board.

457 (b) The president of the Senate and speaker of the House of Representatives shall  
458 jointly appoint one legislative member of the board to serve as cochair of the board.

459 Section 7. Section **11-59-304** is amended to read:

460 **11-59-304. Staff and other support services -- Cooperation from state and local**  
461 **government entities.**

462 (1) As used in this section:

463 (a) "Division" means the Division of Facilities Construction and Management, created  
464 in Section [63A-5b-301](#).

465 (b) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity,  
466 created in Section ~~[63N-1-201]~~ [63N-1a-301](#).

467 (2) If and as requested by the board:

468 (a) the division shall:

469 (i) provide staff support to the board; and

470 (ii) make available to the board existing division resources and expertise to assist the  
471 board in the development, marketing, and disposition of the point of the mountain state land;  
472 and

473 (b) the office shall cooperate with and provide assistance to the board in the board's:

474 (i) formulation of a development plan for the point of the mountain state land; and

475 (ii) management and implementation of a development plan, including the marketing  
476 of property and recruitment of businesses and others to locate on the point of the mountain  
477 state land.

478 (3) A department, division, or other agency of the state and a political subdivision of  
479 the state shall cooperate with the authority and the board to the fullest extent possible to  
480 provide whatever support, information, or other assistance the board requests that is reasonably  
481 necessary to help the authority fulfill its duties and responsibilities under this chapter.

482 Section 8. Section **11-59-501** is amended to read:

483 **11-59-501. Dissolution of authority -- Restrictions -- Publishing notice of**  
484 **dissolution -- Authority records -- Dissolution expenses.**

485 (1) The authority may not be dissolved unless:

486 (a) the authority board first receives approval from the Legislative Management  
487 Committee of the Legislature to dissolve the authority; and

488 (b) the authority has no outstanding bonded indebtedness, other unpaid loans,  
489 indebtedness, or advances, and no legally binding contractual obligations with persons or  
490 entities other than the state.

491 (2) To dissolve the authority, the board shall:

492 (a) obtain the approval of the Legislative Management Committee of the Legislature;  
493 and

494 (b) adopt a resolution dissolving the authority, to become effective as provided in the  
495 resolution.

496 (3) Upon the dissolution of the authority:

497 (a) the Governor's Office of Economic [~~Development~~] Opportunity shall publish a  
498 notice of dissolution:

499 (i) in a newspaper of general circulation in the county in which the dissolved authority  
500 is located; and

501 (ii) as required in Section 45-1-101; and

502 (b) all title to property owned by the authority vests in the Division of Facilities  
503 Construction and Management, created in Section 63A-5b-301, for the benefit of the state.

504 (4) The board shall deposit all books, documents, records, papers, and seal of the  
505 dissolved authority with the state auditor for safekeeping and reference.

506 (5) The authority shall pay all expenses of the deactivation and dissolution.

507 Section 9. Section 17-31-5.5 is amended to read:

508 **17-31-5.5. Report to county legislative body -- Content.**

509 (1) The legislative body of each county that imposes a transient room tax under Section  
510 59-12-301 or a tourism, recreation, cultural, convention, and airport facilities tax under Section  
511 59-12-603 shall prepare annually a report in accordance with Subsection (2).

512 (2) The report described in Subsection (1) shall include a breakdown of expenditures  
513 into the following categories:

514 (a) for the transient room tax, identification of expenditures for:

515 (i) establishing and promoting:

516 (A) recreation;

517 (B) tourism;

518 (C) film production; and

519 (D) conventions;

520 (ii) acquiring, leasing, constructing, furnishing, or operating:

521 (A) convention meeting rooms;

522 (B) exhibit halls;

523 (C) visitor information centers;

524 (D) museums; and

525 (E) related facilities;

526 (iii) acquiring or leasing land required for or related to the purposes listed in  
527 Subsection (2)(a)(ii);

528 (iv) mitigation costs as identified in Subsection 17-31-2(2)(d); and

529 (v) making the annual payment of principal, interest, premiums, and necessary reserves  
530 for any or the aggregate of bonds issued to pay for costs referred to in Subsections

531 17-31-2(2)(e) and (5)(a); and

532 (b) for the tourism, recreation, cultural, convention, and airport facilities tax,  
533 identification of expenditures for:

534 (i) financing tourism promotion, which means an activity to develop, encourage,  
535 solicit, or market tourism that attracts transient guests to the county, including planning,  
536 product development, and advertising;

537 (ii) the development, operation, and maintenance of the following facilities as defined  
538 in Section 59-12-602:

539 (A) an airport facility;

540 (B) a convention facility;

541 (C) a cultural facility;

542 (D) a recreation facility; and

543 (E) a tourist facility; and

544 (iii) a pledge as security for evidences of indebtedness under Subsection 59-12-603(3).

545 (3) For the transient room tax, the report described in Subsection (1) shall include a  
546 breakdown of each expenditure described in Subsection (2)(a)(i), including:

547 (a) whether the expenditure was used for in-state and out-of-state promotion efforts;

548 (b) an explanation of how the expenditure targeted a cost created by tourism; and

549 (c) an accounting of the expenditure showing that the expenditure was used only for  
550 costs directly related to a cost created by tourism.

551 (4) A county legislative body shall provide a copy of the report described in Subsection  
552 (1) to:

553 (a) the Utah Office of Tourism within the Governor's Office of Economic  
554 [~~Development~~] Opportunity;

555 (b) its tourism tax advisory board; and

556 (c) the Office of the Legislative Fiscal Analyst.

557 Section 10. Section 17-31-9 is amended to read:

558 **17-31-9. Payment to Stay Another Day and Bounce Back Fund and Hotel Impact**  
559 **Mitigation Fund.**

560 A county in which a qualified hotel, as defined in Section 63N-2-502, is located shall:

561 (1) make an annual payment to the Division of Finance:

562 (a) for deposit into the Stay Another Day and Bounce Back Fund, established in  
563 Section 63N-2-511;

564 (b) for any year in which the Governor's Office of Economic [~~Development issues a tax~~  
565 ~~credit certificate~~] Opportunity provides a convention incentive, as defined in Section  
566 63N-2-502; and

567 (c) in the amount of 5% of the state portion, as defined in Section 63N-2-502; and

568 (2) make payments to the Division of Finance:

569 (a) for deposit into the Hotel Impact Mitigation Fund, created in Section 63N-2-512;

570 (b) for each year described in Subsection 63N-2-512(5)(a)(ii) during which the balance  
571 of the Hotel Impact Mitigation Fund, defined in Section 63N-2-512, is less than \$2,100,000  
572 before any payment for that year under Subsection 63N-2-512(5)(a); and

573 (c) in the amount of the difference between \$2,100,000 and the balance of the Hotel  
574 Impact Mitigation Fund, defined in Section 63N-2-512, before any payment for that year under  
575 Subsection 63N-2-512(5)(a).

576 Section 11. Section 17-54-102 is amended to read:

577 **17-54-102. Definitions.**

578 (1) "CED board" means a County Economic Development Advisory Board as  
579 described in Section 17-54-104.

580 (2) "Center for Rural Development" means the Center for Rural Development created  
581 in Section 63N-4-102.

582 (3) "GO Utah board" means the Business and Economic Development Subcommittee  
583 created in Section 63N-1b-202.

584 [~~(2)~~] (4) "Grant" means a grant available under the Rural County Grant Program  
585 created in Section 17-54-103.

586 [~~(3)~~] (5) "Grant program" means the Rural County Grant Program created in Section  
587 17-54-103.

588 [~~(4)~~] ~~"Office of Rural Development" means the Office of Rural Development created~~  
589 ~~within the Governor's Office of Economic Development in Section 63N-4-102.]~~

590           ~~[(5)]~~ (6) "Rural county" means a county of the third, fourth, fifth, or sixth class.

591           ~~[(6) "Rural partnership board" means the Governor's Rural Partnership Board created~~  
592 ~~in Section 63C-10-102.]~~

593           Section 12. Section ~~17-54-103~~ is amended to read:

594           **17-54-103. Rural County Grant Program.**

595           (1) There is created the Rural County Grant Program.

596           (2) The grant program shall be overseen by the ~~[rural partnership]~~ GO Utah board and  
597 administered by the ~~[Office of]~~ Center for Rural Development.

598           (3) (a) In overseeing the grant program, the ~~[rural partnership]~~ GO Utah board shall  
599 recommend the awarding of grants to rural counties to address the economic development  
600 needs of rural counties, in accordance with the provisions of this chapter, which needs may  
601 include:

602           (i) business recruitment, development, and expansion;

603           (ii) workforce training and development; and

604           (iii) infrastructure, industrial building development, and capital facilities improvements  
605 for business development.

606           (b) After reviewing the recommendations of the ~~[rural partnership]~~ GO Utah board, the  
607 executive director of the Governor's Office of Economic ~~[Development]~~ Opportunity shall  
608 award grants to rural counties in accordance with the provisions of this chapter.

609           (4) Subject to appropriations from the Legislature and subject to the reporting and  
610 other requirements of this chapter, grant money shall be distributed:

611           (a) equally between all rural counties that have created a CED board, in an amount up  
612 to and including \$200,000 annually per county; and

613           (b) for grant money that is available after \$200,000 has been provided annually to each  
614 eligible rural county, through the process described in Subsection (6).

615           (5) Beginning in 2021, a rural county may not receive an additional grant under this  
616 chapter unless the rural county:

617           (a) demonstrates a funding match, which may include a funding match provided by any

618 combination of a community reinvestment agency, redevelopment agency, community  
619 development and renewal agency, private-sector entity, nonprofit entity, federal matching  
620 grant, county or municipality general fund match, or in-kind match, and that totals:

- 621 (i) a 10% match for a county of the sixth class;
  - 622 (ii) a 20% match for a county of the fifth class;
  - 623 (iii) a 30% match for a county of the fourth class; and
  - 624 (iv) a 40% match for a county of the third class; and
- 625 (b) has complied with the reporting requirements required by the [~~rural partnership~~]  
626 GO Utah board and the reporting requirements described in Subsection (9) for all previous  
627 years that the county has received a grant.

628 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
629 [~~Office of~~] Center for Rural Development in collaboration with the [~~rural partnership~~] GO Utah  
630 board shall make rules establishing the eligibility and reporting criteria for a rural county to  
631 receive grant money under Subsection (4)(b), including:

- 632 (a) the form and process for a county to submit an application to the [~~rural partnership~~]  
633 GO Utah board for a grant;
- 634 (b) the method of scoring and prioritizing grant program applications from rural  
635 counties;
- 636 (c) the reporting, auditing, and post-performance requirements for a rural county that  
637 receives grant money; and
- 638 (d) any deadlines that shall be met by a rural county when applying for a grant.

639 (7) In determining the award of grant money under Subsection (4)(b), the [~~rural~~  
640 ~~partnership~~] GO Utah board may not recommend the awarding of more than \$800,000 annually  
641 to a rural county.

642 (8) In determining the recommended award of grant money under Subsection (4)(b),  
643 the [~~rural partnership~~] GO Utah board may prioritize applications that demonstrate any  
644 combination of the following:

- 645 (a) that the county has or is actively pursuing the creation of an effective strategic

646 economic development plan;

647 (b) consistency with local economic development priorities;

648 (c) economic need;

649 (d) utilization of local financial or in-kind resources in combination with a grant;

650 (e) evidence that jobs will be created; and

651 (f) evidence that there will be a positive return on investment.

652 (9) On or before September 1 of each year, a county that has received a grant under this  
653 chapter in the previous 12 months shall provide a written report to the ~~[rural partnership]~~ GO  
654 Utah board that describes:

655 (a) the amount of grant money the county has received;

656 (b) how grant money has been distributed by the county, including what companies or  
657 entities have utilized grant money, how much grant money each company or entity has  
658 received, and how each company or entity has used the money;

659 (c) an evaluation of the effectiveness of awarded grants in improving economic  
660 development in the county, including the number of jobs created, infrastructure that has been  
661 created, and capital improvements in the county;

662 (d) how much matching money has been utilized by the county and what entities have  
663 provided the matching money; and

664 (e) any other reporting, auditing, or post-performance requirements established by the  
665 ~~[Office of]~~ Center for Rural Development in collaboration with the ~~[rural partnership]~~ GO Utah  
666 board under Subsection (6).

667 (10) The ~~[Office of]~~ Center for Rural Development shall compile the reported  
668 information and provide a written report to the Governor's Office of Economic ~~[Development]~~  
669 Opportunity for inclusion in the Governor's Office of Economic ~~[Development's]~~ Opportunity's  
670 annual written report described in Section ~~[63N-1-301]~~ 63N-1a-306.

671 Section 13. Section **17C-1-603** is amended to read:

672 **17C-1-603. Reporting requirements -- Governor's Office of Economic**  
673 **Opportunity to maintain a database.**



- 674 (1) On or before [~~June 30, 2021~~] June 1, 2022, the Governor's Office of Economic  
675 [~~Development~~] Opportunity shall:
- 676 (a) create a database to track information for each agency located within the state; and  
677 (b) make the database publicly accessible from the office's website.
- 678 (2) (a) The Governor's Office of Economic [~~Development~~] Opportunity may:  
679 (i) contract with a third party to create and maintain the database described in  
680 Subsection (1); and  
681 (ii) charge a fee for a county, city, or agency to provide information to the database  
682 described in Subsection (1).
- 683 (b) The Governor's Office of Economic [~~Development~~] Opportunity shall make rules,  
684 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a  
685 fee schedule for the fee described in Subsection (2)(a)(ii).
- 686 (3) Beginning in [~~2021~~] 2022, on or before [~~December 31~~] June 30 of each calendar  
687 year, an agency shall, for each active project area for which the project area funds collection  
688 period has not expired, provide to the database described in Subsection (1) the following  
689 information:
- 690 (a) an assessment of the change in marginal value, including:  
691 (i) the base year;  
692 (ii) the base taxable value;  
693 (iii) the prior year's assessed value;  
694 (iv) the estimated current assessed value;  
695 (v) the percentage change in marginal value; and  
696 (vi) a narrative description of the relative growth in assessed value;
- 697 (b) the amount of project area funds the agency received for each year of the project  
698 area funds collection period, including:  
699 (i) a comparison of the actual project area funds received for each year to the amount of  
700 project area funds forecasted for each year when the project area was created, if available;  
701 (ii) (A) the agency's historical receipts of project area funds, including the tax year for

702 which the agency first received project area funds from the project area; or

703 (B) if the agency has not yet received project area funds from the project area, the year

704 in which the agency expects each project area funds collection period to begin;

705 (iii) a list of each taxing entity that levies or imposes a tax within the project area and a

706 description of the benefits that each taxing entity receives from the project area; and

707 (iv) the amount paid to other taxing entities under Section 17C-1-410, if applicable;

708 (c) a description of current and anticipated project area development, including:

709 (i) a narrative of any significant project area development, including infrastructure

710 development, site development, participation agreements, or vertical construction; and

711 (ii) other details of development within the project area, including:

712 (A) the total developed acreage;

713 (B) the total undeveloped acreage;

714 (C) the percentage of residential development; and

715 (D) the total number of housing units authorized, if applicable;

716 (d) the project area budget, if applicable, or other project area funds analyses,

717 including:

718 (i) each project area funds collection period, including:

719 (A) the start and end date of the project area funds collection period; and

720 (B) the number of years remaining in each project area funds collection period;

721 (ii) the amount of project area funds the agency is authorized to receive from the

722 project area cumulatively and from each taxing entity, including:

723 (A) the total dollar amount; and

724 (B) the percentage of the total amount of project area funds generated within the

725 project area;

726 (iii) the remaining amount of project area funds the agency is authorized to receive

727 from the project area cumulatively and from each taxing entity; and

728 (iv) the amount of project area funds the agency is authorized to use to pay for the

729 agency's administrative costs, as described in Subsection 17C-1-409(1), including:

- 730 (A) the total dollar amount; and
- 731 (B) the percentage of the total amount of all project area funds;
- 732 (e) the estimated amount of project area funds that the agency is authorized to receive
- 733 from the project area for the current calendar year;
- 734 (f) the estimated amount of project area funds to be paid to the agency for the next
- 735 calendar year;
- 736 (g) a map of the project area; and
- 737 (h) any other relevant information the agency elects to provide.

738 (4) (a) Until the Governor's Office of Economic [~~Development~~] Opportunity creates a

739 database as required in Subsection (1), an agency shall, on or before November 1 of each

740 calendar year, electronically submit a report to:

- 741 (i) the community in which the agency operates;
- 742 (ii) the county auditor;
- 743 (iii) the State Tax Commission;
- 744 (iv) the State Board of Education; and
- 745 (v) each taxing entity from which the agency receives project area funds.

746 (b) An agency shall ensure that the report described in Subsection (4)(a):

- 747 (i) contains the same information described in Subsection (3); and
- 748 (ii) is posted on the website of the community in which the agency operates.

749 (5) Any information an agency submits in accordance with this section:

- 750 (a) is for informational purposes only; and
- 751 (b) does not alter the amount of project area funds that an agency is authorized to
- 752 receive from a project area.

753 (6) The provisions of this section apply regardless of when the agency or project area is

754 created.

755 Section 14. Section **17D-1-507** is amended to read:

756 **17D-1-507. Guaranteed bonds.**

757 (1) Before a special service district may issue guaranteed bonds:

758 (a) the special service district shall:

759 (i) obtain a report:

760 (A) prepared by:

761 (I) a qualified, registered architect or engineer; or

762 (II) a person qualified by experience appropriate to the project proposed to be funded

763 by the proceeds from the guaranteed bonds;

764 (B) setting forth:

765 (I) a description of the project proposed to be funded by the proceeds from the

766 guaranteed bonds;

767 (II) the estimated or, if available, the actual cost of the project;

768 (III) the principal amount and date and amount of each stated maturity of:

769 (Aa) the guaranteed bonds to be issued; and

770 (Bb) any outstanding guaranteed bonds of the special service district;

771 (IV) the interest rate or rates of any outstanding guaranteed bonds of the special service

772 district;

773 (V) the amount of the annual debt service for each year during the life of all

774 outstanding guaranteed bonds issued by the special service district;

775 (VI) the estimated amount of the annual debt service for each year during the life of all

776 guaranteed bonds that the special service district intends to issue to finance all or any part of

777 the project; and

778 (VII) the date or estimated date that the project will be complete; and

779 (ii) submit to the Governor's Office of Economic [~~Development~~] Opportunity:

780 (A) the report described in Subsection (1)(a)(i);

781 (B) a copy of each proposed guarantee of the guaranteed bonds, certified by the special

782 service district;

783 (C) a legal opinion indicating that each guarantee, when executed, will be the legal and

784 binding obligation of the taxpayer executing the guarantee in accordance with the terms of the

785 guarantee; and

786 (D) evidence satisfactory to the Governor's Office of Economic [~~Development~~]  
787 Opportunity from each taxpayer executing a guarantee of the guaranteed bonds as to the  
788 financial ability of the taxpayer to perform under the guarantee;

789 (b) the Governor's Office of Economic [~~Development~~] Opportunity shall, if it approves  
790 the issuance of the guaranteed bonds, deliver to the special service district governing body a  
791 written statement of its approval; and

792 (c) the special service district governing body shall file the written approval statement  
793 under Subsection (1)(b) with the recorder of the county in which the special service district is  
794 located.

795 (2) The issuance of guaranteed bonds is conditioned upon the approval of special  
796 service district voters at an election held for that purpose as provided in Title 11, Chapter 14,  
797 Local Government Bonding Act.

798 (3) Guaranteed bonds that have been issued and remain outstanding shall be included  
799 in the determination of the debt limit under Subsection 17D-1-502(4) if the bonds by their  
800 terms no longer enjoy the benefit of the guarantee.

801 (4) On July 1 of each year, the governing body shall file with the department of  
802 community affairs a report certifying:

803 (a) the total amount of bonds issued by the special service district and other debt then  
804 outstanding and subject to the debt limit of Subsection 17D-1-502(4);

805 (b) the total amount of guaranteed bonds then outstanding and not subject to the debt  
806 limit of Subsection 17D-1-502(4); and

807 (c) the total amount of guaranteed bonds that, during the preceding 12 months,  
808 discontinued to enjoy the benefit of the guarantee.

809 Section 15. Section 35A-1-104.5 is amended to read:

810 **35A-1-104.5. Other department duties -- Strategic plan for health system reform**  
811 **-- Reporting suspected misuse of a Social Security number.**

812 (1) The department shall work with the Department of Health, the Insurance  
813 Department, the Governor's Office of Economic [~~Development~~] Opportunity, and the

814 Legislature to develop the health system reform.

815 (2) In the process of determining an individual's eligibility for a public benefit or  
816 service under this title or under federal law, if the department determines that a valid social  
817 security number is being used by an unauthorized individual, the department shall:

818 (a) inform the individual who the department determines to be the likely actual owner  
819 of the social security number or, if the likely actual owner is a minor, the minor's parent or  
820 guardian, of the suspected misuse; and

821 (b) subject to federal law, provide information of the suspected misuse to an  
822 appropriate law enforcement agency responsible for investigating identity fraud.

823 (3) If the department learns or determines that providing information under Subsection  
824 (2)(b) is prohibited by federal law, the department shall notify the Legislative Management  
825 Committee.

826 Section 16. Section **35A-1-109** is amended to read:

827 **35A-1-109. Annual report -- Content -- Format.**

828 (1) The department shall prepare and submit to the governor and the Legislature, by  
829 October 1 of each year, an annual written report of the operations, activities, programs, and  
830 services of the department, including its divisions, offices, boards, commissions, councils, and  
831 committees, for the preceding fiscal year.

832 (2) For each operation, activity, program, or service provided by the department, the  
833 annual report shall include:

834 (a) a description of the operation, activity, program, or service;

835 (b) data and metrics:

836 (i) selected and used by the department to measure progress, performance,  
837 effectiveness, and scope of the operation, activity, program, or service, including summary  
838 data; and

839 (ii) that are consistent and comparable for each state operation, activity, program, or  
840 service that primarily involves employment training or placement as determined by the  
841 executive directors of the department, the Governor's Office of Economic [Development]

842 Opportunity, and the Governor's Office of Management and Budget;

843 (c) budget data, including the amount and source of funding, expenses, and allocation

844 of full-time employees for the operation, activity, program, or service;

845 (d) historical data from previous years for comparison with data reported under

846 Subsections (2)(b) and (c);

847 (e) goals, challenges, and achievements related to the operation, activity, program, or

848 service;

849 (f) relevant federal and state statutory references and requirements;

850 (g) contact information of officials knowledgeable and responsible for each operation,

851 activity, program, or service; and

852 (h) other information determined by the department that:

853 (i) may be needed, useful, or of historical significance; or

854 (ii) promotes accountability and transparency for each operation, activity, program, or

855 service with the public and elected officials.

856 (3) The annual report shall be designed to provide clear, accurate, and accessible

857 information to the public, the governor, and the Legislature.

858 (4) The department shall:

859 (a) submit the annual report in accordance with Section [68-3-14](#);

860 (b) make the annual report, and previous annual reports, accessible to the public by

861 placing a link to the reports on the department's website; and

862 (c) provide the data and metrics described in Subsection (2)(b) to the [~~Talent Ready~~

863 ~~Utah Board created in Section [63N-12-503](#)]~~ Talent, Education, and Industry Alignment

864 Subcommittee created in Section [63N-1b-301](#).

865 Section 17. Section **35A-1-201** is amended to read:

866 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**

867 **Qualifications -- Responsibilities -- Deputy directors.**

868 (1) (a) The chief administrative officer of the department is the executive director, who

869 is appointed by the governor with the advice and consent of the Senate.

- 870 (b) The executive director serves at the pleasure of the governor.
- 871 (c) The executive director shall receive a salary established by the governor within the  
872 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- 873 (d) The executive director shall be experienced in administration, management, and  
874 coordination of complex organizations.
- 875 (2) The executive director shall:
- 876 (a) administer and supervise the department in compliance with Title 67, Chapter 19,  
877 Utah State Personnel Management Act;
- 878 (b) supervise and coordinate between the economic service areas and directors created  
879 under Chapter 2, Economic Service Areas;
- 880 (c) coordinate policies and program activities conducted through the divisions and  
881 economic service areas of the department;
- 882 (d) approve the proposed budget of each division, the Workforce Appeals Board, and  
883 each economic service area within the department;
- 884 (e) approve all applications for federal grants or assistance in support of any  
885 department program;
- 886 (f) coordinate with the executive directors of the Governor's Office of Economic  
887 ~~[Development]~~ Opportunity and the Governor's Office of Management and Budget to review  
888 data and metrics to be reported to the Legislature as described in Subsection 35A-1-109(2)(b);  
889 and
- 890 (g) fulfill such other duties as assigned by the Legislature or as assigned by the  
891 governor that are not inconsistent with this title.
- 892 (3) The executive director may appoint deputy or assistant directors to assist the  
893 executive director in carrying out the department's responsibilities.
- 894 (4) The executive director shall at least annually provide for the sharing of information  
895 between the advisory councils established under this title.
- 896 Section 18. Section 35A-6-105 is amended to read:
- 897 **35A-6-105. Commissioner of Apprenticeship Programs.**



898 (1) There is created the position of Commissioner of Apprenticeship Programs within  
899 the department.

900 (2) The commissioner shall be appointed by the executive director and chosen from  
901 one or more recommendations provided by a majority vote of the State Workforce  
902 Development Board.

903 (3) The commissioner may be terminated without cause by the executive director.

904 (4) The commissioner shall:

905 (a) promote and educate the public, including high school guidance counselors and  
906 potential participants in apprenticeship programs, about apprenticeship programs offered in the  
907 state, including apprenticeship programs offered by private sector businesses, trade groups,  
908 labor unions, partnerships with educational institutions, and other associations in the state;

909 (b) coordinate with the department and other stakeholders, including union and  
910 nonunion apprenticeship programs, the Office of Apprenticeship, the State Board of Education,  
911 the Utah system of higher education, the Department of Commerce, the Division of  
912 Occupational and Professional Licensing, and the Governor's Office of Economic  
913 ~~Development~~ Opportunity to improve and promote apprenticeship opportunities in the state;  
914 and

915 (c) provide an annual written report to:

916 (i) the department for inclusion in the department's annual written report described in  
917 Section [35A-1-109](#);

918 (ii) the Business, Economic Development, and Labor Appropriations Subcommittee;  
919 and

920 (iii) the Higher Education Appropriations Subcommittee.

921 (5) The annual written report described in Subsection (4)(c) shall provide information  
922 concerning:

923 (a) the number of available apprenticeship programs in the state;

924 (b) the number of apprentices participating in each program;

925 (c) the completion rate of each program;

- 926 (d) the cost of state funding for each program; and
- 927 (e) recommendations for improving apprenticeship programs.

928 Section 19. Section **41-6a-1626** is amended to read:

929 **41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution**  
930 **control devices.**

931 (1) (a) A vehicle shall be equipped, maintained, and operated to prevent excessive or  
932 unusual noise.

933 (b) A motor vehicle shall be equipped with a muffler or other effective noise  
934 suppressing system in good working order and in constant operation.

935 (c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.

936 (2) (a) Except while the engine is being warmed to the recommended operating  
937 temperature, the engine and power mechanism of a gasoline-powered motor vehicle may not  
938 emit visible contaminants during operation.

939 (b) (i) As used in this Subsection (2)(b), "heavy tow" means a tow that exceeds the  
940 vehicle's maximum tow weight.

941 (ii) A diesel engine manufactured on or after January 1, 2008, may not emit visible  
942 contaminants during operation:

943 (A) except while the engine is being warmed to the recommended operating  
944 temperature or under a heavy tow; or

945 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight  
946 rating in excess of 26,000 pounds.

947 (iii) A diesel engine manufactured before January 1, 2008, may not emit visible  
948 contaminants of a shade or density that obscures a contrasting background by more than 20%,  
949 for more than five consecutive seconds:

950 (A) except while the engine is being warmed to the recommended operating  
951 temperature or under a heavy tow; or

952 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight  
953 rating in excess of 26,000 pounds.

954 (c) A person who violates the provisions of Subsection (2)(a) is guilty of an infraction  
955 and shall be fined:

956 (i) not less than \$50 for a violation; or

957 (ii) not less than \$100 for a second or subsequent violation within three years of a  
958 previous violation of this section.

959 (d) A person who violates the provisions of Subsection (2)(b) is guilty of an infraction  
960 and shall be fined:

961 (i) not less than \$100 for a violation; or

962 (ii) not less than \$500 for a second or subsequent violation within three years of a  
963 previous violation of this section.

964 (e) (i) As used in this section:

965 (A) "Local health department" means the same as that term is defined in Section  
966 [26A-1-102](#).

967 (B) "Nonattainment area" means [~~the same as that term is defined in Section~~  
968 ~~[63N-3-102](#)~~] a part of the state where air quality is determined to exceed the National Ambient  
969 Air Quality Standards, as defined in the Clean Air Act Amendments of 1970, Pub. L. No.  
970 91-604, Sec. 109, for fine particulate matter (PM 2.5).

971 (ii) Within a nonattainment area, for a second or subsequent violation of Subsection  
972 (2)(a) or (2)(b), the court shall report the violations to the local health department at a regular  
973 interval.

974 (iii) If the local health department receives a notification as described in Subsection  
975 (2)(e)(ii), and the local health department determines that the registered vehicle is unable to  
976 meet state or local air emission standards, the local health department shall send notification to  
977 the Motor Vehicle Division.

978 (3) (a) If a motor vehicle is equipped by a manufacturer with air pollution control  
979 devices, the devices shall be maintained in good working order and in constant operation.

980 (b) For purposes of the first sale of a vehicle at retail, an air pollution control device  
981 may be substituted for the manufacturer's original device if the substituted device is at least as

982 effective in the reduction of emissions from the vehicle motor as the air pollution control  
983 device furnished by the manufacturer of the vehicle as standard equipment for the same vehicle  
984 class.

985 (c) A person who renders inoperable an air pollution control device on a motor vehicle  
986 is guilty of an infraction.

987 (4) Subsection (3) does not apply to a motor vehicle altered and modified to use clean  
988 fuel, as defined under Section 59-13-102, when the emissions from the modified or altered  
989 motor vehicle are at levels that comply with existing state or federal standards for the emission  
990 of pollutants from a motor vehicle of the same class.

991 (5) A violation of Subsection (1), (2), or (3) is an infraction.

992 Section 20. Section 49-11-406 is amended to read:

993 **49-11-406. Governor's appointed executives and senior staff -- Appointed**  
994 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**

995 (1) As used in this section:

996 (a) "Defined benefit balance" means the total amount of the contributions made on  
997 behalf of a member to a defined benefit system plus refund interest.

998 (b) "Senior staff" means an at-will employee who reports directly to an elected official,  
999 executive director, or director and includes a deputy director and other similar, at-will  
1000 employee positions designated by the governor, the speaker of the House, or the president of  
1001 the Senate and filed with the Department of Human Resource Management and the Utah State  
1002 Retirement Office.

1003 (2) In accordance with this section and subject to requirements under federal law and  
1004 rules made by the board, a member who has service credit from a system may elect to be  
1005 exempt from coverage under a defined benefit system and to have the member's defined benefit  
1006 balance transferred from the defined benefit system or plan to a defined contribution plan in the  
1007 member's own name if the member is:

1008 (a) the state auditor;

1009 (b) the state treasurer;

- 1010 (c) an appointed executive under Subsection [67-22-2\(1\)\(a\)](#);
- 1011 (d) an employee in the Governor's Office;
- 1012 (e) senior staff in the Governor's Office of Management and Budget;
- 1013 (f) senior staff in the Governor's Office of Economic ~~[Development]~~ Opportunity;
- 1014 (g) senior staff in the Commission on Criminal and Juvenile Justice;
- 1015 (h) a legislative employee appointed under Subsection [36-12-7\(3\)\(a\)](#); or
- 1016 (i) a legislative employee appointed by the speaker of the House of Representatives, the
- 1017 House of Representatives minority leader, the president of the Senate, or the Senate minority
- 1018 leader~~;~~or].
- 1019 ~~[(j) senior staff of the Utah Science Technology and Research Initiative created under~~
- 1020 ~~Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act.]~~
- 1021 (3) An election made under Subsection (2):
- 1022 (a) is final, and no right exists to make any further election;
- 1023 (b) is considered a request to be exempt from coverage under a defined benefits
- 1024 system; and
- 1025 (c) shall be made on forms provided by the office.
- 1026 (4) The board shall adopt rules to implement and administer this section.
- 1027 Section 21. Section **53B-1-114** is amended to read:
- 1028 **53B-1-114. Coordination for education.**
- 1029 (1) At least quarterly, in order to coordinate education services, the commissioner and
- 1030 the state superintendent of public instruction shall convene a meeting of individuals who have
- 1031 responsibilities related to Utah's education system, including:
- 1032 (a) the state superintendent of public instruction;
- 1033 (b) the commissioner;
- 1034 (c) the executive director of the Department of Workforce Services described in
- 1035 Section [35A-1-201](#);
- 1036 (d) the executive director of the Governor's Office of Economic ~~[Development]~~
- 1037 Opportunity described in Section ~~[[63N-1-202](#)]~~ [63N-1a-302](#);

1038 (e) the chair of the State Board of Education;

1039 (f) the chair of the Utah Board of Higher Education;

1040 (g) a member of the governor's staff; and

1041 (h) the chairs of the Education Interim Committee.

1042 (2) The coordinating group described in this section shall, for the State Board of  
1043 Education and the Utah Board of Higher Education:

1044 (a) coordinate strategic planning efforts;

1045 (b) encourage alignment of strategic plans; and

1046 (c) report on the State Board of Education's strategic plan to the Utah Board of Higher  
1047 Education and the Utah Board of Higher Education's strategic plan to the State Board of  
1048 Education.

1049 (3) A meeting described in Subsection (1) is not subject to Title 52, Chapter 4, Open  
1050 and Public Meetings Act.

1051 Section 22. Section **53B-1-301** is amended to read:

1052 **53B-1-301. Reports to and actions of the Higher Education Appropriations**  
1053 **Subcommittee.**

1054 (1) In accordance with applicable provisions and Section [68-3-14](#), the following  
1055 recurring reports are due to the Higher Education Appropriations Subcommittee:

1056 (a) the reports described in Sections [34A-2-202.5](#), [53B-17-804](#), and [59-9-102.5](#) by the  
1057 Rocky Mountain Center for Occupational and Environmental Health;

1058 (b) the report described in Section [53B-7-101](#) by the board on recommended  
1059 appropriations for higher education institutions, including the report described in Section  
1060 [53B-8-104](#) by the board on the effects of offering nonresident partial tuition scholarships;

1061 (c) the report described in Section [53B-7-704](#) by the Department of Workforce  
1062 Services and the Governor's Office of Economic [~~Development~~] Opportunity on targeted jobs;

1063 (d) the reports described in Section [53B-7-705](#) by the board on performance;

1064 (e) the report described in Section [53B-8-201](#) by the board on the Regents' Scholarship  
1065 Program;

- 1066 (f) the report described in Section 53B-8-303 by the board regarding Access Utah  
1067 promise scholarships;
- 1068 (g) the report described in Section 53B-8d-104 by the Division of Child and Family  
1069 Services on tuition waivers for wards of the state;
- 1070 (h) the report described in Section 53B-12-107 by the Utah Higher Education  
1071 Assistance Authority;
- 1072 (i) the report described in Section 53B-13a-104 by the board on the Success Stipend  
1073 Program;
- 1074 (j) the report described in Section 53B-17-201 by the University of Utah regarding the  
1075 Miners' Hospital for Disabled Miners;
- 1076 (k) the report described in Section 53B-26-103 by the Governor's Office of Economic  
1077 ~~[Development]~~ Opportunity on high demand technical jobs projected to support economic  
1078 growth;
- 1079 (l) the report described in Section 53B-26-202 by the Medical Education Council on  
1080 projected demand for nursing professionals; and
- 1081 (m) the report described in Section 53E-10-308 by the State Board of Education and  
1082 board on student participation in the concurrent enrollment program.
- 1083 (2) In accordance with applicable provisions and Section 68-3-14, the following  
1084 occasional reports are due to the Higher Education Appropriations Subcommittee:
- 1085 (a) upon request, the information described in Section 53B-8a-111 submitted by the  
1086 Utah Educational Savings Plan;
- 1087 (b) as described in Section 53B-26-103, a proposal by an eligible partnership related to  
1088 workforce needs for technical jobs projected to support economic growth;
- 1089 (c) a proposal described in Section 53B-26-202 by an eligible program to respond to  
1090 projected demand for nursing professionals;
- 1091 (d) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board  
1092 on the fire and rescue training program described in Section 53B-29-202; and
- 1093 (e) the reports described in Section 63C-19-202 by the Higher Education Strategic

1094 Planning Commission on the commission's progress.

1095 (3) In accordance with applicable provisions, the Higher Education Appropriations  
1096 Subcommittee shall complete the following:

1097 (a) as required by Section [53B-7-703](#), the review of performance funding described in  
1098 Section [53B-7-703](#);

1099 (b) the review described in Section [53B-7-705](#) of the implementation of performance  
1100 funding;

1101 (c) an appropriation recommendation described in Section [53B-26-103](#) to fund a  
1102 proposal responding to workforce needs of a strategic industry cluster;

1103 (d) an appropriation recommendation described in Section [53B-26-202](#) to fund a  
1104 proposal responding to projected demand for nursing professionals; and

1105 (e) review of the report described in Section [63B-10-301](#) by the University of Utah on  
1106 the status of a bond and bond payments specified in Section [63B-10-301](#).

1107 Section 23. Section **53B-7-702** is amended to read:

1108 **53B-7-702. Definitions.**

1109 As used in this part:

1110 (1) "Account" means the Performance Funding Restricted Account created in Section  
1111 [53B-7-703](#).

1112 (2) "Estimated revenue growth from targeted jobs" means the estimated increase in  
1113 individual income tax revenue generated by individuals employed in targeted jobs, determined  
1114 by the Department of Workforce Services in accordance with Section [53B-7-704](#).

1115 (3) "Full new performance funding amount" means the maximum amount of new  
1116 performance funding that a degree-granting institution or technical college may qualify for in a  
1117 fiscal year, determined by the Legislature in accordance with Section [53B-7-705](#).

1118 (4) "Full-time" means the number of credit hours the board determines is full-time  
1119 enrollment for a student.

1120 (5) [~~"GOED"~~] "GO Utah office" means the Governor's Office of Economic  
1121 [~~Development~~] Opportunity created in Section [~~63N-1-201~~] [63N-1a-301](#).



1122 (6) "Job" means an occupation determined by the Department of Workforce Services.

1123 (7) "Membership hour" means 60 minutes of scheduled instruction provided by a  
1124 technical college to a student enrolled in the technical college.

1125 (8) "New performance funding" means the difference between the total amount of  
1126 money in the account and the amount of money appropriated from the account for performance  
1127 funding in the current fiscal year.

1128 (9) "Performance" means total performance across the metrics described in:

1129 (a) Section 53B-7-706 for a degree-granting institution; or

1130 (b) Section 53B-7-707 for a technical college.

1131 (10) "Research university" means the University of Utah or Utah State University.

1132 (11) "Targeted job" means a job designated by the Department of Workforce Services  
1133 or ~~[GOED]~~ the GO Utah office in accordance with Section 53B-7-704.

1134 (12) "Technical college graduate" means an individual who:

1135 (a) has earned a certificate from an accredited program at a technical college; and

1136 (b) is no longer enrolled in the technical college.

1137 Section 24. Section 53B-7-704 is amended to read:

1138 **53B-7-704. Designation of targeted jobs -- Determination of estimated revenue**  
1139 **growth from targeted jobs -- Reporting.**

1140 (1) As used in this section, "baseline amount" means the average annual wages for  
1141 targeted jobs over calendar years 2014, 2015, and 2016, as determined by the Department of  
1142 Workforce Services using the best available information.

1143 (2) (a) The Department of Workforce Services shall designate, as a targeted job, a job  
1144 that:

1145 (i) has a base employment level of at least 100 individuals;

1146 (ii) ranks in the top 20% of jobs for outlook based on:

1147 (A) projected number of openings; and

1148 (B) projected rate of growth;

1149 (iii) ranks in the top 20% of jobs for median annual wage; and

1150 (iv) requires postsecondary training.

1151 (b) The Department of Workforce Services shall designate targeted jobs every other  
1152 year.

1153 (c) [~~GOED~~] The GO Utah office may, after consulting with the Department of  
1154 Workforce Services and industry representatives, designate a job that has significant industry  
1155 importance as a targeted job.

1156 (d) Annually, the Department of Workforce Services and [~~GOED~~] the GO Utah office  
1157 shall report to the Higher Education Appropriations Subcommittee on targeted jobs, including:

1158 (i) the method used to determine which jobs are targeted jobs;

1159 (ii) changes to which jobs are targeted jobs; and

1160 (iii) the reasons for each change described in Subsection (2)(d)(ii).

1161 (3) Based on the targeted jobs described in Subsection (2), the Department of  
1162 Workforce Services shall annually determine the estimated revenue growth from targeted jobs  
1163 by:

1164 (a) determining the total estimated wages for targeted jobs for the year:

1165 (i) based on the average wages for targeted jobs, calculated using the most recently  
1166 available wage data and data from each of the two years before the most recently available  
1167 data; and

1168 (ii) using the best available information;

1169 (b) determining the change in estimated wages for targeted jobs by subtracting the  
1170 baseline amount from the total wages for targeted jobs described in Subsection (3)(a); and

1171 (c) multiplying the change in estimated wages for targeted jobs described in Subsection  
1172 (3)(b) by 3.6%.

1173 (4) Annually, at least 30 days before the first day of the legislative general session, the  
1174 Department of Workforce Services shall report the estimated revenue growth from targeted  
1175 jobs to:

1176 (a) the Office of the Legislative Fiscal Analyst; and

1177 (b) the Division of Finance.

1178 Section 25. Section **53B-8-304** is amended to read:

1179 **53B-8-304. Utah promise partners.**

1180 (1) In consultation with the Talent Ready Utah [~~Center~~] Program created in Section  
1181 [~~63N-12-502~~] 63N-1b-302, and in accordance with Subsection (2), the board shall select  
1182 employers to be promise partners.

1183 (2) The board may select an employer as a promise partner if the employer:

1184 (a) applies to the board to be a promise partner; and

1185 (b) meets other requirements established by the board in the rules described in  
1186 Subsection (5).

1187 (3) An individual employed by a promise partner is eligible to receive a partner award  
1188 if the individual:

1189 (a) applies for a partner award;

1190 (b) is admitted to and enrolled in an institution;

1191 (c) is a Utah resident;

1192 (d) does not have an associate or higher postsecondary degree;

1193 (e) meets requirements established by the promise partner related to a partner award;

1194 and

1195 (f) maintains the eligibility requirements described in this Subsection (3) for the full  
1196 length of time the individual receives the partner award.

1197 (4) (a) Subject to legislative appropriations and Subsection (4)(b), the board shall  
1198 award a partner award to an individual who meets the requirements described in Subsection  
1199 (3).

1200 (b) The board may:

1201 (i) award a partner award for up to the portion of tuition and fees for a program at an  
1202 institution that is not covered by an employer reimbursement described in Subsection (5)(b);

1203 and

1204 (ii) prioritize awarding partner awards if an appropriation for partner awards is not  
1205 sufficient to provide a partner award to each individual who is eligible under Subsection (3).

1206 (c) The board may continue to award a partner award to a recipient who meets the  
1207 requirements described in Subsection (3) until the earliest of the following:

- 1208 (i) two years after the individual initially receives a partner award;
- 1209 (ii) the recipient uses a partner award to attend an institution for four semesters;
- 1210 (iii) the recipient completes the requirements for an associate degree; or
- 1211 (iv) if the recipient attends an institution that does not offer associate degrees, the  
1212 recipient has 60 earned credit hours.

1213 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1214 board shall make rules that establish:

- 1215 (a) requirements for an employer to seek and receive approval from the board for the  
1216 employer's employees to receive partner awards;
- 1217 (b) requirements related to an employer providing reimbursement to an employee who  
1218 receives a partner award for a portion of the employee's tuition and fees;
- 1219 (c) a process for an individual to apply for a partner award;
- 1220 (d) criteria for the board to prioritize awarding partner awards; and
- 1221 (e) a requirement that an institution shall, for a recipient of a partner award:
  - 1222 (i) evaluate the recipient's knowledge, skills, and competencies acquired through  
1223 formal or informal education outside the traditional postsecondary academic environment; and
  - 1224 (ii) award credit, as applicable, for the recipient's prior learning described in Subsection  
1225 (5)(e)(i).

1226 Section 26. Section **53B-10-201** is amended to read:

1227 **53B-10-201. Definitions.**

1228 As used in this part:

- 1229 (1) "Full-time" means the number of credit hours the board determines is full-time  
1230 enrollment for a student.
- 1231 (2) [~~"GOED"~~] "GO Utah office" means the Governor's Office of Economic  
1232 [~~Development~~] Opportunity created in Section [~~63N-1-201~~] [63N-1a-301](#).
- 1233 (3) "Incentive loan" means a loan described in Section [53B-10-202](#).

1234 (4) "Institution" means an institution of higher education described in Subsection  
1235 ~~53B-1-102~~(1)(a).

1236 (5) "Program" means the Talent Development Incentive Loan Program created in  
1237 Section ~~53B-10-202~~.

1238 (6) "Qualifying degree" means an associate's or a bachelor's degree that qualifies an  
1239 individual to work in a qualifying job, as determined by ~~[GOED]~~ the GO Utah office under  
1240 Section ~~53B-10-203~~.

1241 (7) "Qualifying job" means a job:

1242 (a) described in Section ~~53B-10-203~~ for which an individual may receive an incentive  
1243 loan for the current two-year period; or

1244 (b) (i) that was selected in accordance with Section ~~53B-10-203~~ at the time a recipient  
1245 received an incentive loan; and

1246 (ii) (A) for which the recipient is pursuing a qualifying degree;

1247 (B) for which the recipient completed a qualifying degree; or

1248 (C) in which the recipient is working.

1249 (8) "Recipient" means an individual who receives an incentive loan.

1250 Section 27. Section ~~53B-10-203~~ is amended to read:

1251 **~~53B-10-203~~. Selection of qualifying jobs and qualifying degrees.**

1252 (1) Every other year, ~~[GOED]~~ the GO Utah office shall select:

1253 (a) five qualifying jobs that:

1254 (i) have the highest demand for new employees; and

1255 (ii) offer high wages; and

1256 (b) the qualifying degrees for each qualifying job.

1257 (2) ~~[GOED]~~ The GO Utah office shall:

1258 (a) ensure that each qualifying job:

1259 (i) ranks in the top 40% of jobs based on an employment index that considers the job's  
1260 growth rate and total openings;

1261 (ii) ranks in the top 40% of jobs for wages; and

1262 (iii) requires an associate's degree or a bachelor's degree; and  
1263 (b) report the five qualifying jobs and qualifying degrees to the board.  
1264 Section 28. Section **53B-26-102** is amended to read:

1265 **53B-26-102. Definitions.**

1266 As used in this part:

1267 (1) "CTE" means career and technical education.

1268 (2) "CTE region" means an economic service area created in Section [35A-2-101](#).

1269 (3) "Eligible partnership" means:

1270 (a) a regional partnership; or

1271 (b) a statewide partnership.

1272 (4) "Employer" means a private employer, public employer, industry association, the  
1273 military, or a union.

1274 (5) "Industry advisory group" means:

1275 (a) a group of at least five employers that represent the workforce needs to which a  
1276 proposal submitted under Section [53B-26-103](#) responds; and

1277 (b) a representative of the Governor's Office of Economic ~~[Development]~~ Opportunity,  
1278 appointed by the executive director of the Governor's Office of Economic ~~[Development]~~  
1279 Opportunity.

1280 (6) "Institution of higher education" means the University of Utah, Utah State  
1281 University, Southern Utah University, Weber State University, Snow College, Dixie State  
1282 University, Utah Valley University, or Salt Lake Community College.

1283 (7) "Regional partnership" means a partnership that:

1284 (a) provides educational services within one CTE region; and

1285 (b) is between at least two of the following located in the CTE region:

1286 (i) a technical college;

1287 (ii) a school district or charter school; or

1288 (iii) an institution of higher education.

1289 (8) "Stackable sequence of credentials" means a sequence of credentials that:

- 1290 (a) an individual can build upon to access an advanced job or higher wage;
- 1291 (b) is part of a career pathway system;
- 1292 (c) provides a pathway culminating in the equivalent of an associate's or bachelor's
- 1293 degree;
- 1294 (d) facilitates multiple exit and entry points; and
- 1295 (e) recognizes sub-goals or momentum points.

1296 (9) "Statewide partnership" means a partnership between at least two regional

1297 partnerships.

1298 (10) "Technical college" means:

- 1299 (a) a college described in Section 53B-2a-105;
- 1300 (b) the School of Applied Technology at Salt Lake Community College established
- 1301 under Section 53B-16-209;
- 1302 (c) Utah State University Eastern established under Section 53B-18-1201;
- 1303 (d) Utah State University Blanding established under Section 53B-18-1202; or
- 1304 (e) the Snow College Richfield campus established under Section 53B-16-205.

1305 Section 29. Section 53B-26-103 is amended to read:

1306 **53B-26-103. GO Utah office reporting requirement -- Proposals -- Funding.**

1307 (1) Every other year, the Governor's Office of Economic [~~Development~~] Opportunity

1308 shall report to the Higher Education Appropriations Subcommittee and the board on the high

1309 demand technical jobs projected to support economic growth in the following high need

1310 strategic industry clusters:

- 1311 (a) aerospace and defense;
- 1312 (b) energy and natural resources;
- 1313 (c) financial services;
- 1314 (d) life sciences;
- 1315 (e) outdoor products;
- 1316 (f) software development and information technology; and
- 1317 (g) any other strategic industry cluster designated by the Governor's Office of

1318 Economic [~~Development~~] Opportunity.

1319           (2) To receive funding under this section, an eligible partnership shall submit a  
1320 proposal containing the elements described in Subsection (3) to the Higher Education  
1321 Appropriations Subcommittee on or before January 5 for fiscal year 2018 and any succeeding  
1322 fiscal year.

1323           (3) A proposal described in Subsection (2) shall include:

1324           (a) a program of instruction that:

1325           (i) is responsive to the workforce needs of a strategic industry cluster described in  
1326 Subsection (1):

1327           (A) in one CTE region, for a proposal submitted by a regional partnership; or

1328           (B) in at least two CTE regions, for a proposal submitted by a statewide partnership;

1329           (ii) leads to the attainment of a stackable sequence of credentials; and

1330           (iii) includes a non-duplicative progression of courses that include both academic and  
1331 CTE content;

1332           (b) expected student enrollment, attainment rates, and job placement rates;

1333           (c) evidence of input and support for the proposal from an industry advisory group;

1334           (d) a description of any financial or in-kind contributions for the program from an  
1335 industry advisory group;

1336           (e) a description of the job opportunities available at each exit point in the stackable  
1337 sequence of credentials;

1338           (f) evidence of an official action in support of the proposal from the board;

1339           (g) if the program of instruction described in Subsection (3)(a) requires board approval  
1340 under Section [53B-16-102](#), evidence of board approval of the program of instruction; and

1341           (h) a funding request, including justification for the request.

1342           (4) The Higher Education Appropriations Subcommittee shall:

1343           (a) review a proposal submitted under this section using the following criteria:

1344           (i) the proposal contains the elements described in Subsection (3);

1345           (ii) for a proposal from a regional partnership, support for the proposal is widespread



1346 within the CTE region; and  
1347 (iii) the proposal expands the capacity to meet state or regional workforce needs;  
1348 (b) determine the extent to which to fund the proposal; and  
1349 (c) make a recommendation to the Legislature for funding the proposal through the  
1350 appropriations process.  
1351 (5) An eligible partnership that receives funding under this section:  
1352 (a) shall use the money to deliver the program of instruction described in the eligible  
1353 partnership's proposal; and  
1354 (b) may not use the money for administration.  
1355 Section 30. Section **53B-26-303** is amended to read:  
1356 **53B-26-303. Deep Technology Talent Advisory Council.**  
1357 (1) There is created the Deep Technology Talent Advisory Council to make  
1358 recommendations to the board in the board's administration of the deep technology talent  
1359 initiative described in Section [53B-26-302](#).  
1360 (2) The advisory council shall consist of the following members:  
1361 (a) two members who have extensive experience in deep technology in the private  
1362 sector appointed by the president of the Senate;  
1363 (b) two members who have extensive experience in deep technology in the private  
1364 sector appointed by the speaker of the House of Representatives;  
1365 (c) a representative of the board appointed by the chair of the board;  
1366 (d) a representative of the Governor's Office of Economic ~~Development~~ Opportunity  
1367 appointed by the executive director of the Governor's Office of Economic ~~Development~~  
1368 Opportunity;  
1369 (e) one member of the Senate appointed by the president of the Senate;  
1370 (f) one member of the House of Representatives appointed by the speaker of the House  
1371 of Representatives; and  
1372 (g) other specialized industry experts who may be invited by a majority of the advisory  
1373 council to participate as needed as nonvoting members.

- 1374 (3) The board shall provide staff support for the advisory council.
- 1375 (4) (a) One of the advisory council members appointed under Subsection (2)(a) shall  
1376 serve an initial term of two years and one of the advisory council members appointed under  
1377 Subsection (2)(b) shall serve an initial term of two years.
- 1378 (b) Except as described in Subsection (4)(a), all other advisory council members shall  
1379 serve an initial term of four years.
- 1380 (c) Successor advisory council members upon appointment or reappointment shall each  
1381 serve a term of four years.
- 1382 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
1383 appointed by the initial appointing authority for the unexpired term.
- 1384 (e) An advisory council member may not serve more than two consecutive terms.
- 1385 (5) A vote of a majority of the advisory council members is necessary to take action on  
1386 behalf of the advisory council.
- 1387 (6) The duties of the advisory council include reviewing, prioritizing, and making  
1388 recommendations to the board regarding proposals for funding under the deep technology  
1389 talent initiative described in Section [53B-26-302](#).
- 1390 (7) A member may not receive compensation or benefits for the member's service, but  
1391 a member who is not a legislator may receive per diem and travel expenses in accordance with:
- 1392 (a) Sections [63A-3-106](#) and [63A-3-107](#); and
- 1393 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1394 [63A-3-107](#).

1395 Section 31. Section **53B-30-101** is enacted to read:

1396 **CHAPTER 30. CAREER READINESS ACT**

1397 **Part 3. General Provisions**

1398 **53B-30-101. Title.**

1399 This chapter is known as the "Career Readiness Act."

1400 Section 32. Section **53B-30-102** is enacted to read:

1401 **53B-30-102. Definitions.**

1402 As used in this chapter:

1403 (1) "Education provider" means:

1404 (a) an institution of higher education listed in Section [53B-2-101](#); or

1405 (b) a nonprofit Utah provider of postsecondary education.

1406 (2) "Student user" means:

1407 (a) a Utah student in kindergarten through grade 12;

1408 (b) a Utah postsecondary education student;

1409 (c) a parent or guardian of a Utah public education student; or

1410 (d) a Utah potential postsecondary education student.

1411 Section 33. Section **53B-30-201**, which is renumbered from Section 63N-12-509 is

1412 renumbered and amended to read:

1413 **Part 2. State Online Career Counseling**

1414 ~~[63N-12-509].~~ **53B-30-201. State online career counseling program.**

1415 ~~[(1) As used in this section:]~~

1416 ~~[(a) "Education provider" means:]~~

1417 ~~[(i) a Utah institution of higher education as defined in Section [53B-2-101](#); or]~~

1418 ~~[(ii) a nonprofit Utah provider of postsecondary education.]~~

1419 ~~[(b) "Student user" means:]~~

1420 ~~[(i) a Utah student in kindergarten through grade 12;]~~

1421 ~~[(ii) a Utah post secondary education student;]~~

1422 ~~[(iii) a parent or guardian of a Utah public education student; or]~~

1423 ~~[(iv) a Utah potential post secondary education student.]~~

1424 ~~[(c) "Utah Futures" means a career planning program developed and administered by~~  
1425 ~~the talent ready board.]~~

1426 (1) The board shall develop and administer a state online career counseling program in  
1427 accordance with this section.

1428 (2) The [talent ready] board shall ensure, as funding allows and is feasible, that [Utah  
1429 Futures will] the program:

- 1430 (a) ~~[allow]~~ allows a student user to:
- 1431 (i) access, subject to Subsection (3), information about an education provider or a
- 1432 scholarship provider;
- 1433 (ii) access information about different career opportunities and understand the related
- 1434 educational requirements to enter that career;
- 1435 (iii) access information about education providers;
- 1436 (iv) access up to date information about entrance requirements to education providers;
- 1437 and
- 1438 ~~[(v) apply for entrance to multiple schools without having to fully replicate the~~
- 1439 ~~application process;]~~
- 1440 ~~[(vi) apply for loans, scholarships, or grants from multiple education providers in one~~
- 1441 ~~location without having to fully replicate the application process for multiple education~~
- 1442 ~~providers; and]~~
- 1443 ~~[(vii)]~~ (v) research open jobs from different companies within the user's career interest
- 1444 and apply for those jobs without having to leave the website to do so;
- 1445 (b) ~~[allow]~~ allows all users to:
- 1446 (i) access information about different career opportunities and understand the related
- 1447 educational requirements to enter that career;
- 1448 (ii) access information about education providers; and
- 1449 (iii) access up-to-date information about entrance requirements to education providers;
- 1450 ~~[(iv) apply for entrance to multiple schools without having to fully replicate the~~
- 1451 ~~application process;]~~
- 1452 ~~[(v) apply for loans, scholarships, or grants from multiple education providers in one~~
- 1453 ~~location without having to fully replicate the application process for multiple education~~
- 1454 ~~providers; and]~~
- 1455 ~~[(vi) research open jobs from different companies within the user's career interest and~~
- 1456 ~~apply for those jobs without having to leave the website to do so;]~~
- 1457 (c) ~~[allow]~~ allows an education provider to:

1458 (i) request that [~~Utah Futures~~] the program send information to student users who are  
1459 interested in various educational opportunities;

1460 (ii) promote the education provider's programs and schools to student users; and

1461 (iii) connect with student users within the [~~Utah Futures~~] program's website;

1462 (d) [~~allow~~] allows a Utah business to:

1463 (i) request that [~~Utah Futures~~] the program send information to student users who are  
1464 pursuing educational opportunities that are consistent with jobs the Utah business is trying to  
1465 fill now or in the future; and

1466 (ii) market jobs and communicate with student users through the [~~Utah Futures~~]  
1467 program's website as allowed by law; and

1468 (e) provide analysis and reporting on student user interests and education paths within  
1469 the education system[~~; and~~].

1470 [~~(f) allow all users of the Utah Futures' system to communicate and interact through~~  
1471 ~~social networking tools within the Utah Futures website as allowed by law.~~]

1472 (3) A student may access information described in Subsection (2)(a)(i) only if [~~Utah~~  
1473 ~~Futures~~] the program obtains written consent:

1474 (a) of a student's parent or legal guardian through the student's school or LEA; or

1475 (b) for a student who is age 18 or older or an emancipated minor, from the student.

1476 (4) The [~~talent ready~~] board:

1477 (a) may charge a fee to a Utah business for services provided by [~~Utah Futures~~] the  
1478 program under this section; and

1479 (b) shall establish a fee described in Subsection (4)(a) in accordance with Section  
1480 [63J-1-504](#).

1481 Section 34. Section ~~54-4-41~~ is amended to read:

1482 **54-4-41. Recovery of investment in utility-owned vehicle charging infrastructure.**

1483 (1) As used in this section, "charging infrastructure program" means the program  
1484 described in Subsection (2).

1485 (2) The commission shall authorize a large-scale electric utility program that:

1486 (a) allows for funding from large-scale electric utility customers for a maximum of  
1487 \$50,000,000 for all costs and expenses associated with:

1488 (i) the deployment of utility-owned vehicle charging infrastructure; and

1489 (ii) utility vehicle charging service provided by the large-scale electric utility;

1490 (b) creates a new customer class, with a utility vehicle charging service rate structure  
1491 that:

1492 (i) is determined by the commission to be in the public interest;

1493 (ii) is a transitional rate structure expected to allow the large-scale electric utility to  
1494 recover, through charges to utility vehicle charging service customers, the large-scale electric  
1495 utility's full cost of service for utility-owned vehicle charging infrastructure and utility vehicle  
1496 charging service over a reasonable time frame determined by the commission; and

1497 (iii) may allow different rates for large-scale electric utility customers to reflect  
1498 contributions to investment; and

1499 (c) includes a transportation plan that promotes:

1500 (i) the deployment of utility-owned vehicle charging infrastructure in the public  
1501 interest; and

1502 (ii) the availability of utility vehicle charging service.

1503 (3) Before submitting a proposed charging infrastructure program to the commission  
1504 for commission approval under Subsection (2), a large-scale electric utility shall seek and  
1505 consider input from:

1506 (a) the Division of Public Utilities, established in Section [54-4a-1](#);

1507 (b) the Office of Consumer Services, created in Section [54-10a-201](#);

1508 (c) the Division of Air Quality, created in Section [19-1-105](#);

1509 (d) the Department of Transportation, created in Section [72-1-201](#);

1510 (e) the Governor's Office of Economic ~~Development~~ Opportunity, created in Section  
1511 ~~[63N-1-201]~~ [63N-1a-301](#);

1512 (f) the Office of Energy Development, created in Section [63M-4-401](#);

1513 (g) the board of the Utah Inland Port Authority, created in Section [11-58-201](#);

1514 (h) representatives of the Point of the Mountain State Land Development Authority,  
1515 created in Section 11-59-201;

1516 (i) third-party electric vehicle battery charging service operators; and  
1517 (j) any other person who files a request for notice with the commission.

1518 (4) The commission shall find a charging infrastructure program to be in the public  
1519 interest if the commission finds that the charging infrastructure program:

1520 (a) increases the availability of electric vehicle battery charging service in the state;

1521 (b) enables the significant deployment of infrastructure that supports electric vehicle  
1522 battery charging service and utility-owned vehicle charging infrastructure in a manner  
1523 reasonably expected to increase electric vehicle adoption;

1524 (c) includes an evaluation of investments in the areas of the authority jurisdictional  
1525 land, as defined in Section 11-58-102, and the point of the mountain state land, as defined in  
1526 Section 11-59-102;

1527 (d) enables competition, innovation, and customer choice in electric vehicle battery  
1528 charging services, while promoting low-cost services for electric vehicle battery charging  
1529 customers; and

1530 (e) provides for ongoing coordination with the Department of Transportation, created  
1531 in Section 72-1-201.

1532 (5) The commission may, consistent with Subsection (2), approve an amendment to the  
1533 charging infrastructure program if the large-scale electric utility demonstrates that the  
1534 amendment:

1535 (a) is prudent;

1536 (b) will provide net benefits to customers; and

1537 (c) is otherwise consistent with the requirements of Subsection (2).

1538 (6) The commission shall authorize recovery of a large-scale electric utility's  
1539 investment in utility-owned vehicle charging infrastructure through a balancing account or  
1540 other ratemaking treatment that reflects:

1541 (a) charging infrastructure program costs associated with prudent investment, including

1542 the large-scale electric utility's pre-tax average weighted cost of capital approved by the  
1543 commission in the large-scale electric utility's most recent general rate proceeding, and  
1544 associated revenue and prudently incurred expenses; and

1545 (b) a carrying charge.

1546 (7) A large-scale electric utility's investment in utility-owned vehicle charging  
1547 infrastructure is prudently made if the large-scale electric utility demonstrates in a formal  
1548 adjudicative proceeding before the commission that the investment can reasonably be  
1549 anticipated to:

1550 (a) result in one or more projects that are in the public interest of the large-scale  
1551 electric utility's customers to reduce transportation sector emissions over a reasonable time  
1552 period as determined by the commission;

1553 (b) provide the large-scale electric utility's customers significant benefits that may  
1554 include revenue from utility vehicle charging service that offsets the large-scale electric utility's  
1555 costs and expenses; and

1556 (c) facilitate any other measure that the commission determines:

1557 (i) promotes deployment of utility-owned vehicle charging infrastructure and utility  
1558 vehicle charging service; or

1559 (ii) creates significant benefits in the long term for customers of the large-scale electric  
1560 utility.

1561 (8) A large-scale electric utility that establishes and implements a charging  
1562 infrastructure program shall annually, on or before June 1, submit a written report to the Public  
1563 Utilities, Energy, and Technology Interim Committee of the Legislature about the charging  
1564 infrastructure program's activities during the previous calendar year, including information on:

1565 (a) the charging infrastructure program's status, operation, funding, and benefits;

1566 (b) the disposition of charging infrastructure program funds; and

1567 (c) the charging infrastructure program's impact on rates.

1568 Section 35. Section **59-1-403** is amended to read:

1569 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**



1570 (1) (a) Any of the following may not divulge or make known in any manner any  
1571 information gained by that person from any return filed with the commission:

- 1572 (i) a tax commissioner;
- 1573 (ii) an agent, clerk, or other officer or employee of the commission; or
- 1574 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or  
1575 town.

1576 (b) An official charged with the custody of a return filed with the commission is not  
1577 required to produce the return or evidence of anything contained in the return in any action or  
1578 proceeding in any court, except:

- 1579 (i) in accordance with judicial order;
- 1580 (ii) on behalf of the commission in any action or proceeding under:
  - 1581 (A) this title; or
  - 1582 (B) other law under which persons are required to file returns with the commission;
- 1583 (iii) on behalf of the commission in any action or proceeding to which the commission  
1584 is a party; or
- 1585 (iv) on behalf of any party to any action or proceeding under this title if the report or  
1586 facts shown by the return are directly involved in the action or proceeding.

1587 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may  
1588 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically  
1589 pertinent to the action or proceeding.

1590 (2) This section does not prohibit:

1591 (a) a person or that person's duly authorized representative from receiving a copy of  
1592 any return or report filed in connection with that person's own tax;

1593 (b) the publication of statistics as long as the statistics are classified to prevent the  
1594 identification of particular reports or returns; and

1595 (c) the inspection by the attorney general or other legal representative of the state of the  
1596 report or return of any taxpayer:

- 1597 (i) who brings action to set aside or review a tax based on the report or return;

1598           (ii) against whom an action or proceeding is contemplated or has been instituted under  
1599 this title; or

1600           (iii) against whom the state has an unsatisfied money judgment.

1601           (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the  
1602 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
1603 Rulemaking Act, provide for a reciprocal exchange of information with:

1604           (i) the United States Internal Revenue Service; or

1605           (ii) the revenue service of any other state.

1606           (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
1607 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,  
1608 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and  
1609 other written statements with the federal government, any other state, any of the political  
1610 subdivisions of another state, or any political subdivision of this state, except as limited by  
1611 Sections [59-12-209](#) and [59-12-210](#), if the political subdivision, other state, or the federal  
1612 government grant substantially similar privileges to this state.

1613           (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
1614 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,  
1615 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the  
1616 identity and other information of taxpayers who have failed to file tax returns or to pay any tax  
1617 due.

1618           (d) Notwithstanding Subsection (1), the commission shall provide to the director of the  
1619 Division of Environmental Response and Remediation, as defined in Section [19-6-402](#), as  
1620 requested by the director of the Division of Environmental Response and Remediation, any  
1621 records, returns, or other information filed with the commission under Chapter 13, Motor and  
1622 Special Fuel Tax Act, or Section [19-6-410.5](#) regarding the environmental assurance program  
1623 participation fee.

1624           (e) Notwithstanding Subsection (1), at the request of any person the commission shall  
1625 provide that person sales and purchase volume data reported to the commission on a report,

1626 return, or other information filed with the commission under:

1627       (i) Chapter 13, Part 2, Motor Fuel; or

1628       (ii) Chapter 13, Part 4, Aviation Fuel.

1629       (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,

1630 as defined in Section 59-22-202, the commission shall report to the manufacturer:

1631       (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the

1632 manufacturer and reported to the commission for the previous calendar year under Section

1633 59-14-407; and

1634       (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the

1635 manufacturer for which a tax refund was granted during the previous calendar year under

1636 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

1637       (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,

1638 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited

1639 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

1640       (h) Notwithstanding Subsection (1), the commission may:

1641       (i) provide to the Division of Consumer Protection within the Department of

1642 Commerce and the attorney general data:

1643       (A) reported to the commission under Section 59-14-212; or

1644       (B) related to a violation under Section 59-14-211; and

1645       (ii) upon request, provide to any person data reported to the commission under

1646 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

1647       (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee

1648 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of

1649 Management and Budget, provide to the committee or office the total amount of revenues

1650 collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the

1651 time period specified by the committee or office.

1652       (j) Notwithstanding Subsection (1), the commission shall make the directory required

1653 by Section 59-14-603 available for public inspection.

1654 (k) Notwithstanding Subsection (1), the commission may share information with  
1655 federal, state, or local agencies as provided in Subsection [59-14-606\(3\)](#).

1656 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of  
1657 Recovery Services within the Department of Human Services any relevant information  
1658 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer  
1659 who has become obligated to the Office of Recovery Services.

1660 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of  
1661 Recovery Services to any other state's child support collection agency involved in enforcing  
1662 that support obligation.

1663 (m) (i) Notwithstanding Subsection (1), upon request from the state court  
1664 administrator, the commission shall provide to the state court administrator, the name, address,  
1665 telephone number, county of residence, and social security number on resident returns filed  
1666 under Chapter 10, Individual Income Tax Act.

1667 (ii) The state court administrator may use the information described in Subsection  
1668 (3)(m)(i) only as a source list for the master jury list described in Section [78B-1-106](#).

1669 (n) (i) As used in this Subsection (3)(n):

1670 (A) [~~GOED~~] "GO Utah office" means the Governor's Office of Economic  
1671 [~~Development~~] Opportunity created in Section [~~63N-1-201~~] [63N-1a-301](#).

1672 (B) "Income tax information" means information gained by the commission that is  
1673 required to be attached to or included in a return filed with the commission under Chapter 7,  
1674 Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

1675 (C) "Other tax information" means information gained by the commission that is  
1676 required to be attached to or included in a return filed with the commission except for a return  
1677 filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual  
1678 Income Tax Act.

1679 (D) "Tax information" means income tax information or other tax information.

1680 (ii) (A) Notwithstanding Subsection (1) and except as provided in Subsection  
1681 (3)(n)(ii)(B) or (C), the commission shall at the request of [~~GOED~~] the GO Utah office provide

1682 to ~~[GOED]~~ the GO Utah office all income tax information.

1683 (B) For purposes of a request for income tax information made under Subsection  
1684 (3)(n)(ii)(A), ~~[GOED]~~ the GO Utah office may not request and the commission may not  
1685 provide to ~~[GOED]~~ the GO Utah office a person's address, name, social security number, or  
1686 taxpayer identification number.

1687 (C) In providing income tax information to ~~[GOED]~~ the GO Utah office, the  
1688 commission shall in all instances protect the privacy of a person as required by Subsection  
1689 (3)(n)(ii)(B).

1690 (iii) (A) Notwithstanding Subsection (1) and except as provided in Subsection  
1691 (3)(n)(iii)(B), the commission shall at the request of ~~[GOED]~~ the GO Utah office provide to  
1692 ~~[GOED]~~ the GO Utah office other tax information.

1693 (B) Before providing other tax information to ~~[GOED]~~ the GO Utah office, the  
1694 commission shall redact or remove any name, address, social security number, or taxpayer  
1695 identification number.

1696 (iv) ~~[GOED]~~ The GO Utah office may provide tax information received from the  
1697 commission in accordance with this Subsection (3)(n) only:

1698 (A) as a fiscal estimate, fiscal note information, or statistical information; and

1699 (B) if the tax information is classified to prevent the identification of a particular  
1700 return.

1701 (v) (A) A person may not request tax information from ~~[GOED]~~ the GO Utah office  
1702 under Title 63G, Chapter 2, Government Records Access and Management Act, or this section,  
1703 if ~~[GOED]~~ the GO Utah office received the tax information from the commission in  
1704 accordance with this Subsection (3)(n).

1705 (B) ~~[GOED]~~ The GO Utah office may not provide to a person that requests tax  
1706 information in accordance with Subsection (3)(n)(v)(A) any tax information other than the tax  
1707 information ~~[GOED]~~ the GO Utah office provides in accordance with Subsection (3)(n)(iv).

1708 (o) Notwithstanding Subsection (1), the commission may provide to the governing  
1709 board of the agreement or a taxing official of another state, the District of Columbia, the United

1710 States, or a territory of the United States:

1711 (i) the following relating to an agreement sales and use tax:

1712 (A) information contained in a return filed with the commission;

1713 (B) information contained in a report filed with the commission;

1714 (C) a schedule related to Subsection (3)(o)(i)(A) or (B); or

1715 (D) a document filed with the commission; or

1716 (ii) a report of an audit or investigation made with respect to an agreement sales and  
1717 use tax.

1718 (p) Notwithstanding Subsection (1), the commission may provide information  
1719 concerning a taxpayer's state income tax return or state income tax withholding information to  
1720 the Driver License Division if the Driver License Division:

1721 (i) requests the information; and

1722 (ii) provides the commission with a signed release form from the taxpayer allowing the  
1723 Driver License Division access to the information.

1724 (q) Notwithstanding Subsection (1), the commission shall provide to the Utah  
1725 Communications Authority, or a division of the Utah Communications Authority, the  
1726 information requested by the authority under Sections [63H-7a-302](#), [63H-7a-402](#), and  
1727 [63H-7a-502](#).

1728 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah  
1729 Educational Savings Plan information related to a resident or nonresident individual's  
1730 contribution to a Utah Educational Savings Plan account as designated on the resident or  
1731 nonresident's individual income tax return as provided under Section [59-10-1313](#).

1732 (s) Notwithstanding Subsection (1), for the purpose of verifying eligibility under  
1733 Sections [26-18-2.5](#) and [26-40-105](#), the commission shall provide an eligibility worker with the  
1734 Department of Health or its designee with the adjusted gross income of an individual if:

1735 (i) an eligibility worker with the Department of Health or its designee requests the  
1736 information from the commission; and

1737 (ii) the eligibility worker has complied with the identity verification and consent

1738 provisions of Sections 26-18-2.5 and 26-40-105.

1739 (t) Notwithstanding Subsection (1), the commission may provide to a county, as  
1740 determined by the commission, information declared on an individual income tax return in  
1741 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption  
1742 authorized under Section 59-2-103.

1743 (u) Notwithstanding Subsection (1), the commission shall provide a report regarding  
1744 any access line provider that is over 90 days delinquent in payment to the commission of  
1745 amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless  
1746 Telecommunications Service Charges, to the board of the Utah Communications Authority  
1747 created in Section 63H-7a-201.

1748 (v) Notwithstanding Subsection (1), the commission shall provide the Department of  
1749 Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the  
1750 previous calendar year under Section 59-24-103.5.

1751 (w) Notwithstanding Subsection (1), the commission may, upon request, provide to the  
1752 Department of Workforce Services any information received under Chapter 10, Part 4,  
1753 Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

1754 (x) Notwithstanding Subsection (1), the commission may provide the Public Service  
1755 Commission or the Division of Public Utilities information related to a seller that collects and  
1756 remits to the commission a charge described in Subsection 69-2-405(2), including the seller's  
1757 identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

1758 (4) (a) Each report and return shall be preserved for at least three years.

1759 (b) After the three-year period provided in Subsection (4)(a) the commission may  
1760 destroy a report or return.

1761 (5) (a) Any individual who violates this section is guilty of a class A misdemeanor.

1762 (b) If the individual described in Subsection (5)(a) is an officer or employee of the  
1763 state, the individual shall be dismissed from office and be disqualified from holding public  
1764 office in this state for a period of five years thereafter.

1765 (c) Notwithstanding Subsection (5)(a) or (b), [~~GOED~~] the GO Utah office, when

1766 requesting information in accordance with Subsection (3)(n)(iii), or an individual who requests  
1767 information in accordance with Subsection (3)(n)(v):

1768 (i) is not guilty of a class A misdemeanor; and

1769 (ii) is not subject to:

1770 (A) dismissal from office in accordance with Subsection (5)(b); or

1771 (B) disqualification from holding public office in accordance with Subsection (5)(b).

1772 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.

1773 Section 36. Section 59-7-159 is amended to read:

1774 **59-7-159. Review of credits allowed under this chapter.**

1775 (1) As used in this section, "committee" means the Revenue and Taxation Interim  
1776 Committee.

1777 (2) (a) The committee shall review the tax credits described in this chapter as provided  
1778 in Subsection (3) and make recommendations concerning whether the tax credits should be  
1779 continued, modified, or repealed.

1780 (b) In conducting the review required under Subsection (2)(a), the committee shall:

1781 (i) schedule time on at least one committee agenda to conduct the review;

1782 (ii) invite state agencies, individuals, and organizations concerned with the tax credit  
1783 under review to provide testimony;

1784 (iii) (A) invite the Governor's Office of Economic ~~Development~~ Opportunity to  
1785 present a summary and analysis of the information for each tax credit regarding which the  
1786 Governor's Office of Economic ~~Development~~ Opportunity is required to make a report under  
1787 this chapter; and

1788 (B) invite the Office of the Legislative Fiscal Analyst to present a summary and  
1789 analysis of the information for each tax credit regarding which the Office of the Legislative  
1790 Fiscal Analyst is required to make a report under this chapter;

1791 (iv) ensure that the committee's recommendations described in this section include an  
1792 evaluation of:

1793 (A) the cost of the tax credit to the state;



1794 (B) the purpose and effectiveness of the tax credit; and  
1795 (C) the extent to which the state benefits from the tax credit; and  
1796 (v) undertake other review efforts as determined by the committee chairs or as  
1797 otherwise required by law.

1798 (3) (a) On or before November 30, 2017, and every three years after 2017, the  
1799 committee shall conduct the review required under Subsection (2) of the tax credits allowed  
1800 under the following sections:

- 1801 (i) Section 59-7-601;
- 1802 (ii) Section 59-7-607;
- 1803 (iii) Section 59-7-612;
- 1804 (iv) Section 59-7-614.1; and
- 1805 (v) Section 59-7-614.5.

1806 (b) On or before November 30, 2018, and every three years after 2018, the committee  
1807 shall conduct the review required under Subsection (2) of the tax credits allowed under the  
1808 following sections:

- 1809 (i) Section 59-7-609;
- 1810 (ii) Section 59-7-614.2;
- 1811 (iii) Section 59-7-614.10;
- 1812 (iv) Section 59-7-619;
- 1813 (v) Section 59-7-620; and
- 1814 (vi) Section 59-7-624.

1815 (c) On or before November 30, 2019, and every three years after 2019, the committee  
1816 shall conduct the review required under Subsection (2) of the tax credits allowed under the  
1817 following sections:

- 1818 (i) Section 59-7-610;
- 1819 (ii) Section 59-7-614; and
- 1820 (iii) Section 59-7-614.7[~~, and~~].
- 1821 [~~(iv) Section 59-7-618.~~]

1822 (d) (i) In addition to the reviews described in this Subsection (3), the committee shall  
1823 conduct a review of a tax credit described in this chapter that is enacted on or after January 1,  
1824 2017.

1825 (ii) The committee shall complete a review described in this Subsection (3)(d) three  
1826 years after the effective date of the tax credit and every three years after the initial review date.

1827 Section 37. Section **59-7-614.2** is amended to read:

1828 **59-7-614.2. Refundable economic development tax credit.**

1829 (1) As used in this section:

1830 (a) "Business entity" means a taxpayer that meets the definition of "business entity" as  
1831 defined in Section [63N-2-103](#).

1832 (b) "Community reinvestment agency" means the same as that term is defined in  
1833 Section [17C-1-102](#).

1834 (c) "Incremental job" means the same as that term is defined in Section [63N-1a-102](#).

1835 ~~(c)~~ (d) "Local government entity" means the same as that term is defined in Section  
1836 [63N-2-103](#).

1837 ~~(d) "New incremental jobs" means the same as that term is defined in Section~~  
1838 ~~[63N-2-103](#).]~~

1839 (e) "New state ~~[revenues]~~ revenue" means the same as that term is defined in Section  
1840 ~~[[63N-2-103](#)]~~ [63N-1a-102](#).

1841 (f) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity.

1842 (2) Subject to the other provisions of this section, a business entity, local government  
1843 entity, or community reinvestment agency may claim a refundable tax credit for economic  
1844 development.

1845 (3) The tax credit under this section is the amount listed as the tax credit amount on the  
1846 tax credit certificate that the office issues to the business entity, local government entity, or  
1847 community reinvestment agency for the taxable year.

1848 (4) A community reinvestment agency may claim a tax credit under this section only if  
1849 a local government entity assigns the tax credit to the community reinvestment agency in

1850 accordance with Section 63N-2-104.

1851 (5) (a) In accordance with any rules prescribed by the commission under Subsection  
1852 (5)(b), the commission shall make a refund to the following that claim a tax credit under this  
1853 section:

1854 (i) a local government entity;

1855 (ii) a community reinvestment agency; or

1856 (iii) a business entity if the amount of the tax credit exceeds the business entity's tax  
1857 liability for a taxable year.

1858 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1859 commission may make rules providing procedures for making a refund to a business entity,  
1860 local government entity, or community reinvestment agency as required by Subsection (5)(a).

1861 (6) (a) In accordance with Section 59-7-159, the Revenue and Taxation Interim  
1862 Committee shall study the tax credit allowed by this section and make recommendations  
1863 concerning whether the tax credit should be continued, modified, or repealed.

1864 (b) Except as provided in Subsection (6)(c), for purposes of the study required by this  
1865 Subsection (6), the office shall provide the following information, if available to the office, to  
1866 the Revenue and Taxation Interim Committee by electronic means:

1867 (i) the amount of tax credit that the office grants to each business entity, local  
1868 government entity, or community reinvestment agency for each calendar year;

1869 (ii) the criteria that the office uses in granting a tax credit;

1870 (iii) (A) for a business entity, the new state ~~[revenues]~~ revenue generated by the  
1871 business entity for the calendar year; or

1872 (B) for a local government entity, regardless of whether the local government entity  
1873 assigns the tax credit in accordance with Section 63N-2-104, the new state ~~[revenues]~~ revenue  
1874 generated as a result of a new commercial project within the local government entity for each  
1875 calendar year;

1876 (iv) estimates for each of the next three calendar years of the following:

1877 (A) the amount of tax credits that the office will grant;

- 1878 (B) the amount of new state [~~revenues~~] revenue that will be generated; and
- 1879 (C) the number of new incremental jobs within the state that will be generated;
- 1880 (v) the information contained in the office's latest report under Section 63N-2-106; and
- 1881 (vi) any other information that the Revenue and Taxation Interim Committee requests.
- 1882 (c) (i) In providing the information described in Subsection (6)(b), the office shall
- 1883 redact information that identifies a recipient of a tax credit under this section.
- 1884 (ii) If, notwithstanding the redactions made under Subsection (6)(c)(i), reporting the
- 1885 information described in Subsection (6)(b) might disclose the identity of a recipient of a tax
- 1886 credit, the office may file a request with the Revenue and Taxation Interim Committee to
- 1887 provide the information described in Subsection (6)(b) in the aggregate for all entities and
- 1888 agencies that receive the tax credit under this section.
- 1889 (d) The Revenue and Taxation Interim Committee shall ensure that the
- 1890 recommendations described in Subsection (6)(a) include an evaluation of:
- 1891 (i) the cost of the tax credit to the state;
- 1892 (ii) the purpose and effectiveness of the tax credit; and
- 1893 (iii) the extent to which the state benefits from the tax credit.
- 1894 Section 38. Section 59-7-614.5 is amended to read:
- 1895 **59-7-614.5. Refundable motion picture tax credit.**
- 1896 (1) As used in this section:
- 1897 (a) "Motion picture company" means a taxpayer that meets the definition of a motion
- 1898 picture company under Section 63N-8-102.
- 1899 (b) "Office" means the Governor's Office of Economic [~~Development~~] Opportunity
- 1900 created in Section [~~63N-1-201~~] 63N-1a-301.
- 1901 (c) "State-approved production" means the same as that term is defined in Section
- 1902 63N-8-102.
- 1903 (2) For a taxable year beginning on or after January 1, 2009, a motion picture company
- 1904 may claim a refundable tax credit for a state-approved production.
- 1905 (3) The tax credit under this section is the amount listed as the tax credit amount on the

1906 tax credit certificate that the office issues to a motion picture company under Section  
1907 [63N-8-103](#) for the taxable year.

1908 (4) (a) In accordance with any rules prescribed by the commission under Subsection  
1909 (4)(b), the commission shall make a refund to a motion picture company that claims a tax  
1910 credit under this section if the amount of the tax credit exceeds the motion picture company's  
1911 tax liability for a taxable year.

1912 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1913 commission may make rules providing procedures for making a refund to a motion picture  
1914 company as required by Subsection (4)(a).

1915 (5) (a) In accordance with Section [59-7-159](#), the Revenue and Taxation Interim  
1916 Committee shall study the tax credit allowed by this section and make recommendations  
1917 concerning whether the tax credit should be continued, modified, or repealed.

1918 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by  
1919 this Subsection (5), the office shall provide the following information, if available to the office,  
1920 to the Office of the Legislative Fiscal Analyst by electronic means:

1921 (A) the amount of tax credit that the office grants to each motion picture company for  
1922 each calendar year;

1923 (B) estimates of the amount of tax credit that the office will grant for each of the next  
1924 three calendar years;

1925 (C) the criteria that the office uses in granting the tax credit;

1926 (D) the dollars left in the state, as defined in Section [63N-8-102](#), by each motion  
1927 picture company for each calendar year;

1928 (E) the information contained in the office's latest report under Section [~~[63N-8-105](#)~~]  
1929 [63N-1a-306](#); and

1930 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

1931 (ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall  
1932 redact information that identifies a recipient of a tax credit under this section.

1933 (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting

1934 the information described in Subsection (5)(b)(i) might disclose the identity of a  
1935 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to  
1936 provide the information described in Subsection (5)(b)(i) in the aggregate for all motion picture  
1937 companies that receive the tax credit under this section.

1938 (c) As part of the study required by this Subsection (5), the Office of the Legislative  
1939 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and  
1940 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the  
1941 office under Subsection (5)(b).

1942 (d) The Revenue and Taxation Interim Committee shall ensure that the  
1943 recommendations described in Subsection (5)(a) include an evaluation of:

- 1944 (i) the cost of the tax credit to the state;
- 1945 (ii) the effectiveness of the tax credit; and
- 1946 (iii) the extent to which the state benefits from the tax credit.

1947 Section 39. Section **59-7-614.10** is amended to read:

1948 **59-7-614.10. Nonrefundable enterprise zone tax credit.**

1949 (1) As used in this section:

1950 (a) "Business entity" means a corporation that meets the definition of "business entity"  
1951 as that term is defined in Section [63N-2-202](#).

1952 (b) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity  
1953 created in Section ~~[63N-1-201]~~ [63N-1a-301](#).

1954 (2) Subject to the provisions of this section, a business entity may claim a  
1955 nonrefundable enterprise zone tax credit as described in Section [63N-2-213](#).

1956 (3) The enterprise zone tax credit under this section is the amount listed as the tax  
1957 credit amount on the tax credit certificate that the office issues to the business entity for the  
1958 taxable year.

1959 (4) A business entity may carry forward a tax credit under this section for a period that  
1960 does not exceed the next three taxable years, if the amount of the tax credit exceeds the  
1961 business entity's tax liability under this chapter for that taxable year.

1962 (5) A business entity may not claim or carry forward a tax credit under this part for a  
1963 taxable year during which the business entity has claimed the targeted business income tax  
1964 credit under Section 59-7-624.

1965 (6) (a) In accordance with Section 59-7-159, the Revenue and Taxation Interim  
1966 Committee shall study the tax credit allowed by this section and make recommendations  
1967 concerning whether the tax credit should be continued, modified, or repealed.

1968 (b) (i) Except as provided in Subsection (6)(b)(ii), for purposes of the study required by  
1969 this Subsection (6), the office shall provide by electronic means the following information for  
1970 each calendar year to the Office of the Legislative Fiscal Analyst:

1971 (A) the amount of tax credits provided in each development zone;

1972 (B) the number of new full-time employee positions reported to obtain tax credits in  
1973 each development zone;

1974 (C) the amount of tax credits awarded for rehabilitating a building in each development  
1975 zone;

1976 (D) the amount of tax credits awarded for investing in a plant, equipment, or other  
1977 depreciable property in each development zone;

1978 (E) the information related to the tax credit contained in the office's latest report under  
1979 Section 63N-1-301; and

1980 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

1981 (ii) (A) In providing the information described in Subsection (6)(b)(i), the office shall  
1982 redact information that identifies a recipient of a tax credit under this section.

1983 (B) If, notwithstanding the redactions made under Subsection (6)(b)(ii)(A), reporting  
1984 the information described in Subsection (6)(b)(i) might disclose the identity of a recipient of a  
1985 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to  
1986 provide the information described in Subsection (6)(b)(i) in the aggregate for all development  
1987 zones that receive the tax credit under this section.

1988 (c) As part of the study required by this Subsection (6), the Office of the Legislative  
1989 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and

1990 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the  
1991 office under Subsection (6)(b).

1992 (d) The Revenue and Taxation Interim Committee shall ensure that the  
1993 recommendations described in Subsection (6)(a) include an evaluation of:

- 1994 (i) the cost of the tax credit to the state;
- 1995 (ii) the purpose and effectiveness of the tax credit; and
- 1996 (iii) the extent to which the state benefits from the tax credit.

1997 Section 40. Section **59-7-621** is amended to read:

1998 **59-7-621. Nonrefundable rural job creation tax credit.**

1999 (1) As used in this section, "office" means the Governor's Office of Economic  
2000 [~~Development~~] Opportunity created in Section [~~63N-1-201~~] [63N-1a-301](#).

2001 (2) Subject to the other provisions of this section, a taxpayer may claim a  
2002 nonrefundable tax credit for rural job creation as provided in this section.

2003 (3) The tax credit under this section is the amount listed as the tax credit amount on a  
2004 tax credit certificate that the office issues under Title 63N, Chapter 4, Part 3, Utah Rural Jobs  
2005 Act, to the taxpayer for the taxable year.

2006 (4) A taxpayer may carry forward a tax credit under this section for the next seven  
2007 taxable years if the amount of the tax credit exceeds the taxpayer's tax liability under this  
2008 chapter for the taxable year in which the taxpayer claims the tax credit.

2009 Section 41. Section **59-7-624** is amended to read:

2010 **59-7-624. Targeted business income tax credit.**

2011 (1) As used in this section, "business applicant" means the same as that term is defined  
2012 in Section [63N-2-302](#).

2013 (2) A business applicant that is certified and issued a targeted business income tax  
2014 eligibility certificate by the Governor's Office of Economic [~~Development~~] Opportunity under  
2015 Section [63N-2-304](#) may claim a refundable tax credit in the amount specified on the targeted  
2016 business income tax eligibility certificate.

2017 (3) For a taxable year for which a business applicant claims a targeted business income



2018 tax credit under this section, the business applicant may not claim or carry forward a tax credit  
2019 under Section 59-7-610, Section 59-10-1007, or Title 63N, Chapter 2, Part 2, Enterprise Zone  
2020 Act.

2021 Section 42. Section 59-10-137 is amended to read:

2022 **59-10-137. Review of credits allowed under this chapter.**

2023 (1) As used in this section, "committee" means the Revenue and Taxation Interim  
2024 Committee.

2025 (2) (a) The committee shall review the tax credits described in this chapter as provided  
2026 in Subsection (3) and make recommendations concerning whether the tax credits should be  
2027 continued, modified, or repealed.

2028 (b) In conducting the review required under Subsection (2)(a), the committee shall:

2029 (i) schedule time on at least one committee agenda to conduct the review;

2030 (ii) invite state agencies, individuals, and organizations concerned with the tax credit  
2031 under review to provide testimony;

2032 (iii) (A) invite the Governor's Office of Economic ~~Development~~ Opportunity to  
2033 present a summary and analysis of the information for each tax credit regarding which the  
2034 Governor's Office of Economic ~~Development~~ Opportunity is required to make a report under  
2035 this chapter; and

2036 (B) invite the Office of the Legislative Fiscal Analyst to present a summary and  
2037 analysis of the information for each tax credit regarding which the Office of the Legislative  
2038 Fiscal Analyst is required to make a report under this chapter;

2039 (iv) ensure that the committee's recommendations described in this section include an  
2040 evaluation of:

2041 (A) the cost of the tax credit to the state;

2042 (B) the purpose and effectiveness of the tax credit; and

2043 (C) the extent to which the state benefits from the tax credit; and

2044 (v) undertake other review efforts as determined by the committee chairs or as  
2045 otherwise required by law.

2046 (3) (a) On or before November 30, 2017, and every three years after 2017, the  
2047 committee shall conduct the review required under Subsection (2) of the tax credits allowed  
2048 under the following sections:

- 2049 (i) Section 59-10-1004;
- 2050 (ii) Section 59-10-1010;
- 2051 (iii) Section 59-10-1015;
- 2052 (iv) Section 59-10-1025;
- 2053 (v) Section 59-10-1027;
- 2054 (vi) Section 59-10-1031;
- 2055 (vii) Section 59-10-1032;
- 2056 (viii) Section 59-10-1035;
- 2057 (ix) Section 59-10-1104;
- 2058 (x) Section 59-10-1105; and
- 2059 (xi) Section 59-10-1108.

2060 (b) On or before November 30, 2018, and every three years after 2018, the committee  
2061 shall conduct the review required under Subsection (2) of the tax credits allowed under the  
2062 following sections:

- 2063 (i) Section 59-10-1005;
- 2064 (ii) Section 59-10-1006;
- 2065 (iii) Section 59-10-1012;
- 2066 (iv) Section 59-10-1022;
- 2067 (v) Section 59-10-1023;
- 2068 (vi) Section 59-10-1028;
- 2069 (vii) Section 59-10-1034;
- 2070 (viii) Section 59-10-1037;
- 2071 (ix) Section 59-10-1107; and
- 2072 (x) Section 59-10-1112.

2073 (c) On or before November 30, 2019, and every three years after 2019, the committee

2074 shall conduct the review required under Subsection (2) of the tax credits allowed under the  
2075 following sections:

- 2076 (i) Section [59-10-1007](#);
- 2077 (ii) Section [59-10-1014](#);
- 2078 (iii) Section [59-10-1017](#);
- 2079 (iv) Section [59-10-1018](#);
- 2080 (v) Section [59-10-1019](#);
- 2081 (vi) Section [59-10-1024](#);
- 2082 (vii) Section [59-10-1029](#);
- 2083 [~~(viii) Section [59-10-1033](#);~~]
- 2084 [~~(ix)~~] (viii) Section [59-10-1036](#);
- 2085 [~~(x)~~] (ix) Section [59-10-1106](#); and
- 2086 [~~(xi)~~] (x) Section [59-10-1111](#).

2087 (d) (i) In addition to the reviews described in this Subsection (3), the committee shall  
2088 conduct a review of a tax credit described in this chapter that is enacted on or after January 1,  
2089 2017.

2090 (ii) The committee shall complete a review described in this Subsection (3)(d) three  
2091 years after the effective date of the tax credit and every three years after the initial review date.

2092 Section 43. Section **59-10-1037** is amended to read:

2093 **59-10-1037. Nonrefundable enterprise zone tax credit.**

2094 (1) As used in this section:

2095 (a) "Business entity" means a claimant, estate, or trust that meets the definition of  
2096 "business entity" as that term is defined in Section [63N-2-202](#).

2097 (b) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity  
2098 created in Section ~~[[63N-1-201](#)]~~ [63N-1a-301](#).

2099 (2) Subject to the provisions of this section, a business entity may claim a  
2100 nonrefundable enterprise zone tax credit as described in Section [63N-2-213](#).

2101 (3) The enterprise zone tax credit under this section is the amount listed as the tax

2102 credit amount on the tax credit certificate that the office issues to the business entity for the  
2103 taxable year.

2104 (4) A business entity may carry forward a tax credit under this section for a period that  
2105 does not exceed the next three taxable years, if the amount of the tax credit exceeds the  
2106 business entity's tax liability under this chapter for that taxable year.

2107 (5) A business entity may not claim or carry forward a tax credit under this part for a  
2108 taxable year during which the business entity has claimed the targeted business income tax  
2109 credit under Section [59-10-1112](#).

2110 (6) (a) In accordance with Section [59-10-137](#), the Revenue and Taxation Interim  
2111 Committee shall study the tax credit allowed by this section and make recommendations  
2112 concerning whether the tax credit should be continued, modified, or repealed.

2113 (b) (i) Except as provided in Subsection (6)(b)(ii), for purposes of the study required by  
2114 this Subsection (6), the office shall provide by electronic means the following information, if  
2115 available to the office, for each calendar year to the Office of the Legislative Fiscal Analyst:

2116 (A) the amount of tax credits provided in each development zone;

2117 (B) the number of new full-time employee positions reported to obtain tax credits in  
2118 each development zone;

2119 (C) the amount of tax credits awarded for rehabilitating a building in each development  
2120 zone;

2121 (D) the amount of tax credits awarded for investing in a plant, equipment, or other  
2122 depreciable property in each development zone;

2123 (E) the information related to the tax credit contained in the office's latest report under  
2124 Section [~~63N-1-301~~] [63N-1a-306](#); and

2125 (F) other information that the Office of the Legislative Fiscal Analyst requests.

2126 (ii) (A) In providing the information described in Subsection (6)(b)(i), the office shall  
2127 redact information that identifies a recipient of a tax credit under this section.

2128 (B) If, notwithstanding the redactions made under Subsection (6)(b)(ii)(A), reporting  
2129 the information described in Subsection (6)(b)(i) might disclose the identity of a recipient of a

2130 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to  
2131 provide the information described in Subsection (6)(b)(i) in the aggregate for all development  
2132 zones that receive the tax credit under this section.

2133 (c) As part of the study required by this Subsection (6), the Office of the Legislative  
2134 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and  
2135 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the  
2136 office under Subsection (6)(b).

2137 (d) The Revenue and Taxation Interim Committee shall ensure that the  
2138 recommendations described in Subsection (6)(a) include an evaluation of:

- 2139 (i) the cost of the tax credit to the state;
- 2140 (ii) the purpose and effectiveness of the tax credit; and
- 2141 (iii) the extent to which the state benefits from the tax credit.

2142 Section 44. Section **59-10-1038** is amended to read:

2143 **59-10-1038. Nonrefundable rural job creation tax credit.**

2144 (1) As used in this section, "office" means the Governor's Office of Economic  
2145 ~~[Development]~~ Opportunity created in Section [~~63N-1-201~~] 63N-1a-301.

2146 (2) Subject to the other provisions of this section, a taxpayer may claim a  
2147 nonrefundable tax credit for rural job creation as provided in this section.

2148 (3) The tax credit under this section is the amount listed as the tax credit amount on a  
2149 tax credit certificate that the office issues under Title 63N, Chapter 4, Part 3, Utah Rural Jobs  
2150 Act, to the taxpayer for the taxable year.

2151 (4) A taxpayer may carry forward a tax credit under this section for the next seven  
2152 taxable years if the amount of the tax credit exceeds the taxpayer's tax liability under this  
2153 chapter for the taxable year in which the taxpayer claims the tax credit.

2154 Section 45. Section **59-10-1107** is amended to read:

2155 **59-10-1107. Refundable economic development tax credit.**

2156 (1) As used in this section:

2157 (a) "Business entity" means a claimant, estate, or trust that meets the definition of

2158 "business entity" as defined in Section [63N-2-103](#).

2159 ~~[(b) "New incremental jobs" means the same as that term is defined in Section~~  
2160 ~~[63N-2-103](#).]~~

2161 (b) "Incremental job" means the same as that term is defined in Section [63N-1a-102](#).

2162 (c) "New state ~~[revenues]~~ revenue" means the same as that term is defined in Section  
2163 ~~[[63N-2-103](#)]~~ [63N-1a-102](#).

2164 (d) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity.

2165 (2) Subject to the other provisions of this section, a business entity may claim a  
2166 refundable tax credit for economic development.

2167 (3) The tax credit under this section is the amount listed as the tax credit amount on the  
2168 tax credit certificate that the office issues to the business entity for the taxable year.

2169 (4) (a) In accordance with any rules prescribed by the commission under Subsection  
2170 (4)(b), the commission shall make a refund to a business entity that claims a tax credit under  
2171 this section if the amount of the tax credit exceeds the business entity's tax liability for a  
2172 taxable year.

2173 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2174 commission may make rules providing procedures for making a refund to a business entity as  
2175 required by Subsection (4)(a).

2176 (5) (a) In accordance with Section [59-10-137](#), the Revenue and Taxation Interim  
2177 Committee shall study the tax credit allowed by this section and make recommendations  
2178 concerning whether the tax credit should be continued, modified, or repealed.

2179 (b) Except as provided in Subsection (5)(c), for purposes of the study required by this  
2180 Subsection (5), the office shall provide the following information, if available to the office, to  
2181 the Revenue and Taxation Interim Committee by electronic means:

2182 (i) the amount of tax credit the office grants to each taxpayer for each calendar year;

2183 (ii) the criteria the office uses in granting a tax credit;

2184 (iii) the new state ~~[revenues]~~ revenue generated by each taxpayer for each calendar  
2185 year;

- 2186 (iv) estimates for each of the next three calendar years of the following:
- 2187 (A) the amount of tax credits that the office will grant;
- 2188 (B) the amount of new state ~~[revenues]~~ revenue that will be generated; and
- 2189 (C) the number of new incremental jobs within the state that will be generated;
- 2190 (v) the information contained in the office's latest report under Section [63N-2-106](#); and
- 2191 (vi) any other information that the Revenue and Taxation Interim Committee requests.

2192 (c) (i) In providing the information described in Subsection (5)(b), the office shall  
2193 redact information that identifies a recipient of a tax credit under this section.

2194 (ii) If, notwithstanding the redactions made under Subsection (5)(c)(i), reporting the  
2195 information described in Subsection (5)(b) might disclose the identity of a recipient of a tax  
2196 credit, the office may file a request with the Revenue and Taxation Interim Committee to  
2197 provide the information described in Subsection (5)(b) in the aggregate for all taxpayers that  
2198 receive the tax credit under this section.

2199 (d) The Revenue and Taxation Interim Committee shall ensure that the  
2200 recommendations described in Subsection (5)(a) include an evaluation of:

- 2201 (i) the cost of the tax credit to the state;
- 2202 (ii) the purpose and effectiveness of the tax credit; and
- 2203 (iii) the extent to which the state benefits from the tax credit.

2204 Section 46. Section **59-10-1108** is amended to read:

2205 **59-10-1108. Refundable motion picture tax credit.**

2206 (1) As used in this section:

2207 (a) "Motion picture company" means a claimant, estate, or trust that meets the  
2208 definition of a motion picture company under Section [63N-8-102](#).

2209 (b) "Office" means the Governor's Office of Economic ~~[Development]~~ Opportunity  
2210 created in Section ~~[63N-1-201]~~ [63N-1a-301](#).

2211 (c) "State-approved production" means the same as that term is defined in Section  
2212 [63N-8-102](#).

2213 (2) For a taxable year beginning on or after January 1, 2009, a motion picture company

2214 may claim a refundable tax credit for a state-approved production.

2215 (3) The tax credit under this section is the amount listed as the tax credit amount on the  
2216 tax credit certificate that the office issues to a motion picture company under Section  
2217 [63N-8-103](#) for the taxable year.

2218 (4) (a) In accordance with any rules prescribed by the commission under Subsection  
2219 (4)(b), the commission shall make a refund to a motion picture company that claims a tax  
2220 credit under this section if the amount of the tax credit exceeds the motion picture company's  
2221 tax liability for the taxable year.

2222 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2223 commission may make rules providing procedures for making a refund to a motion picture  
2224 company as required by Subsection (4)(a).

2225 (5) (a) In accordance with Section [59-10-137](#), the Revenue and Taxation Interim  
2226 Committee shall study the tax credit allowed by this section and make recommendations  
2227 concerning whether the tax credit should be continued, modified, or repealed.

2228 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by  
2229 this Subsection (5), the office shall provide the following information, if available to the office,  
2230 to the Office of the Legislative Fiscal Analyst by electronic means:

2231 (A) the amount of tax credit the office grants to each taxpayer for each calendar year;

2232 (B) estimates of the amount of tax credit that the office will grant for each of the next  
2233 three calendar years;

2234 (C) the criteria the office uses in granting a tax credit;

2235 (D) the dollars left in the state, as defined in Section [63N-8-102](#), by each motion  
2236 picture company for each calendar year;

2237 (E) the information contained in the office's latest report under Section [63N-8-105](#); and

2238 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

2239 (ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall  
2240 redact information that identifies a recipient of a tax credit under this section.

2241 (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting



2242 the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a  
2243 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to  
2244 provide the information described in Subsection (5)(b)(i) in the aggregate for all taxpayers that  
2245 receive the tax credit under this section.

2246 (c) As part of the study required by this Subsection (5), the Office of the Legislative  
2247 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and  
2248 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the  
2249 office under Subsection (5)(b).

2250 (d) The Revenue and Taxation Interim Committee shall ensure that the  
2251 recommendations described in Subsection (5)(a) include an evaluation of:

- 2252 (i) the cost of the tax credit to the state;
- 2253 (ii) the effectiveness of the tax credit; and
- 2254 (iii) the extent to which the state benefits from the tax credit.

2255 Section 47. Section **59-10-1112** is amended to read:

2256 **59-10-1112. Targeted business income tax credit.**

2257 (1) As used in this section, "business applicant" means the same as that term is defined  
2258 in Section [63N-2-302](#).

2259 (2) A business applicant that is certified and issued a targeted business income tax  
2260 eligibility certificate by the Governor's Office of Economic ~~Development~~ Opportunity under  
2261 Section [63N-2-304](#) may claim a refundable tax credit in the amount specified on the targeted  
2262 business income tax eligibility certificate.

2263 (3) For a taxable year for which a business applicant claims a targeted business income  
2264 tax credit under this section, the business applicant may not claim or carry forward a tax credit  
2265 under Section [59-7-610](#), Section [59-10-1007](#), or Title 63N, Chapter 2, Part 2, Enterprise Zone  
2266 Act.

2267 Section 48. Section **63A-3-111** is amended to read:

2268 **63A-3-111. COVID-19 economic recovery programs reports.**

2269 (1) As used in this section:

- 2270 (a) "COVID-19 economic recovery programs" means the programs created in:  
2271 (i) Title 9, Chapter 6, Part 9, COVID-19 Cultural Assistance Grant Program;  
2272 (ii) Subsection [~~63N-12-508~~] 63N-1b-307(3); and  
2273 (iii) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs.
- 2274 (b) "Legislative committee" means:  
2275 (i) the president of the Senate;  
2276 (ii) the speaker of the House of Representatives;  
2277 (iii) the minority leader of the Senate; and  
2278 (iv) the minority leader of the House of Representatives.
- 2279 (2) Upon receiving the reports required by Sections 9-6-903, 63N-15-202, and  
2280 63N-15-302 and Subsection [~~63N-12-508~~] 63N-1b-307(3), the director, in conjunction with the  
2281 Division of Arts and Museums and the Governor's Office of Economic [~~Development~~]  
2282 Opportunity, shall present to the legislative committee the COVID-19 economic recovery  
2283 programs.
- 2284 (3) The legislative committee may make recommendations for adjustments to the  
2285 COVID-19 economic recovery programs.
- 2286 Section 49. Section ~~63B-18-401~~ is amended to read:
- 2287 **63B-18-401. Highway bonds -- Maximum amount -- Use of proceeds for highway**  
2288 **projects.**
- 2289 (1) (a) The total amount of bonds issued under this section may not exceed  
2290 \$2,077,000,000.
- 2291 (b) When the Department of Transportation certifies to the commission that the  
2292 requirements of Subsection 72-2-124(7) have been met and certifies the amount of bond  
2293 proceeds that it needs to provide funding for the projects described in Subsection (2) for the  
2294 next fiscal year, the commission may issue and sell general obligation bonds in an amount  
2295 equal to the certified amount plus costs of issuance.
- 2296 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds  
2297 shall be provided to the Department of Transportation to pay all or part of the costs of the

2298 following state highway construction or reconstruction projects:

2299       (a) Interstate 15 reconstruction in Utah County;

2300       (b) the Mountain View Corridor;

2301       (c) the Southern Parkway; and

2302       (d) state and federal highways prioritized by the Transportation Commission through:

2303       (i) the prioritization process for new transportation capacity projects adopted under

2304 Section [72-1-304](#); or

2305       (ii) the state highway construction program.

2306       (3) (a) Except as provided in Subsection (5), the bond proceeds issued under this

2307 section shall be provided to the Department of Transportation.

2308       (b) The Department of Transportation shall use bond proceeds and the funds provided

2309 to it under Section [72-2-124](#) to pay for the costs of right-of-way acquisition, construction,

2310 reconstruction, renovations, or improvements to the following highways:

2311       (i) \$35 million to add highway capacity on I-15 south of the Spanish Fork Main Street

2312 interchange to Payson;

2313       (ii) \$28 million for improvements to Riverdale Road in Ogden;

2314       (iii) \$1 million for intersection improvements on S.R. 36 at South Mountain Road;

2315       (iv) \$2 million for capacity enhancements on S.R. 248 between Sidewinder Drive and

2316 Richardson Flat Road;

2317       (v) \$12 million for Vineyard Connector from 800 North Geneva Road to Lake Shore

2318 Road;

2319       (vi) \$7 million for 2600 South interchange modifications in Woods Cross;

2320       (vii) \$9 million for reconfiguring the 1100 South interchange on I-15 in Box Elder

2321 County;

2322       (viii) \$18 million for the Provo west-side connector;

2323       (ix) \$8 million for interchange modifications on I-15 in the Layton area;

2324       (x) \$3,000,000 for an energy corridor study and environmental review for

2325 improvements in the Uintah Basin;

2326 (xi) \$2,000,000 for highway improvements to Harrison Boulevard in Ogden City;  
2327 (xii) \$2,500,000 to be provided to Tooele City for roads around the Utah State  
2328 University campus to create improved access to an institution of higher education;  
2329 (xiii) \$3,000,000 to be provided to the Utah Office of Tourism within the Governor's  
2330 Office of Economic [~~Development~~] Opportunity for transportation infrastructure improvements  
2331 associated with annual tourism events that have:  
2332 (A) a significant economic development impact within the state; and  
2333 (B) significant needs for congestion mitigation;  
2334 (xiv) \$4,500,000 to be provided to the Governor's Office of Economic [~~Development~~]  
2335 Opportunity for transportation infrastructure acquisitions and improvements that have a  
2336 significant economic development impact within the state;  
2337 (xv) \$125,000,000 to pay all or part of the costs of state and federal highway  
2338 construction or reconstruction projects prioritized by the Transportation Commission through  
2339 the prioritization process for new transportation capacity projects adopted under Section  
2340 [72-1-304](#);  
2341 (xvi) \$10,000,000 for the Transportation Fund to pay all or part of the costs of state  
2342 and federal highway construction or reconstruction projects as prioritized by the Transportation  
2343 Commission;  
2344 (xvii) \$13,000,000 for corridor preservation and land acquisition for a transit hub at the  
2345 mouth of Big Cottonwood Canyon;  
2346 (xviii) \$10,000,000 to be provided to the Governor's Office of Economic  
2347 [~~Development~~] Opportunity for transportation infrastructure and right-of-way acquisitions in a  
2348 project area created by the military installation development authority created in Section  
2349 [63H-1-201](#);  
2350 (xix) \$28,000,000 for right-of-way or land acquisition, design, engineering, and  
2351 construction of infrastructure related to the Inland Port Authority created in Section [11-58-201](#);  
2352 (xx) \$6,000,000 for right-of-way acquisition, design, engineering, and construction  
2353 related to Shepard Lane in Davis County; and

2354 (xxi) \$4,000,000 for right-of-way acquisition, design, engineering, and construction  
2355 costs related to 1600 North in Orem City.

2356 (4) (a) The Department of Transportation shall use bond proceeds and the funds under  
2357 Section 72-2-121 to pay for, or to provide funds to, a municipality, county, or political  
2358 subdivision to pay for the costs of right-of-way acquisition, construction, reconstruction,  
2359 renovations, or improvements to the following highway or transit projects in Salt Lake County:

2360 (i) \$4,000,000 to Taylorsville City for bus rapid transit planning on 4700 South;

2361 (ii) \$4,200,000 to Taylorsville City for highway improvements on or surrounding 6200  
2362 South and pedestrian crossings and system connections;

2363 (iii) \$2,250,000 to Herriman City for highway improvements to the Salt Lake  
2364 Community College Road;

2365 (iv) \$5,300,000 to West Jordan City for highway improvements on 5600 West from  
2366 6200 South to 8600 South;

2367 (v) \$4,000,000 to West Jordan City for highway improvements to 7800 South from  
2368 1300 West to S.R. 111;

2369 (vi) \$7,300,000 to Sandy City for highway improvements on Monroe Street;

2370 (vii) \$3,000,000 to Draper City for highway improvements to 13490 South from 200  
2371 West to 700 West;

2372 (viii) \$5,000,000 to Draper City for highway improvements to Suncrest Road;

2373 (ix) \$1,200,000 to Murray City for highway improvements to 5900 South from State  
2374 Street to 900 East;

2375 (x) \$1,800,000 to Murray City for highway improvements to 1300 East;

2376 (xi) \$3,000,000 to South Salt Lake City for intersection improvements on West  
2377 Temple, Main Street, and State Street;

2378 (xii) \$2,000,000 to Salt Lake County for highway improvements to 5400 South from  
2379 5600 West to Mountain View Corridor;

2380 (xiii) \$3,000,000 to West Valley City for highway improvements to 6400 West from  
2381 Parkway Boulevard to SR-201 Frontage Road;

2382 (xiv) \$4,300,000 to West Valley City for highway improvements to 2400 South from  
2383 4800 West to 7200 West and pedestrian crossings;

2384 (xv) \$4,000,000 to Salt Lake City for highway improvements to 700 South from 2800  
2385 West to 5600 West;

2386 (xvi) \$2,750,000 to Riverton City for highway improvements to 4570 West from  
2387 12600 South to Riverton Boulevard;

2388 (xvii) \$1,950,000 to Cottonwood Heights for improvements to Union Park Avenue  
2389 from I-215 exit south to Creek Road and Wasatch Boulevard and Big Cottonwood Canyon;

2390 (xviii) \$1,300,000 to Cottonwood Heights for highway improvements to Bengal  
2391 Boulevard;

2392 (xix) \$1,500,000 to Midvale City for highway improvements to 7200 South from I-15  
2393 to 1000 West;

2394 (xx) \$1,000,000 to Bluffdale City for an environmental impact study on Porter  
2395 Rockwell Boulevard;

2396 (xxi) \$2,900,000 to the Utah Transit Authority for the following public transit studies:

2397 (A) a circulator study; and

2398 (B) a mountain transport study; and

2399 (xxii) \$1,000,000 to South Jordan City for highway improvements to 2700 West.

2400 (b) (i) Before providing funds to a municipality or county under this Subsection (4), the  
2401 Department of Transportation shall obtain from the municipality or county:

2402 (A) a written certification signed by the county or city mayor or the mayor's designee  
2403 certifying that the municipality or county will use the funds provided under this Subsection (4)  
2404 solely for the projects described in Subsection (4)(a); and

2405 (B) other documents necessary to protect the state and the bondholders and to ensure  
2406 that all legal requirements are met.

2407 (ii) Except as provided in Subsection (4)(c), by January 1 of each year, the municipality  
2408 or county receiving funds described in this Subsection (4) shall submit to the Department of  
2409 Transportation a statement of cash flow for the next fiscal year detailing the funds necessary to

2410 pay project costs for the projects described in Subsection (4)(a).

2411 (iii) After receiving the statement required under Subsection (4)(b)(ii) and after July 1,  
2412 the Department of Transportation shall provide funds to the municipality or county necessary to  
2413 pay project costs for the next fiscal year based upon the statement of cash flow submitted by  
2414 the municipality or county.

2415 (iv) Upon the financial close of each project described in Subsection (4)(a), the  
2416 municipality or county receiving funds under this Subsection (4) shall submit a statement to the  
2417 Department of Transportation detailing the expenditure of funds received for each project.

2418 (c) For calendar year 2012 only:

2419 (i) the municipality or county shall submit to the Department of Transportation a  
2420 statement of cash flow as provided in Subsection (4)(b)(ii) as soon as possible; and

2421 (ii) the Department of Transportation shall provide funds to the municipality or county  
2422 necessary to pay project costs based upon the statement of cash flow.

2423 (5) Twenty million dollars of the bond proceeds issued under this section and funds  
2424 available under Section 72-2-124 shall be provided to the State Infrastructure Bank Fund  
2425 created by Section 72-2-202 to make funds available for transportation infrastructure loans and  
2426 transportation infrastructure assistance under Title 72, Chapter 2, Part 2, State Infrastructure  
2427 Bank Fund.

2428 (6) The costs under Subsections (2), (3), and (4) may include the costs of studies  
2429 necessary to make transportation infrastructure improvements, the cost of acquiring land,  
2430 interests in land, easements and rights-of-way, improving sites, and making all improvements  
2431 necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds  
2432 during the period to be covered by construction of the projects plus a period of six months after  
2433 the end of the construction period, interest estimated to accrue on any bond anticipation notes  
2434 issued under the authority of this title, and all related engineering, architectural, and legal fees.

2435 (7) The commission or the state treasurer may make any statement of intent relating to  
2436 a reimbursement that is necessary or desirable to comply with federal tax law.

2437 (8) The Department of Transportation may enter into agreements related to the projects

2438 described in Subsections (2), (3), and (4) before the receipt of proceeds of bonds issued under  
2439 this section.

2440 (9) The Department of Transportation may enter into a new or amend an existing  
2441 interlocal agreement related to the projects described in Subsections (3) and (4) to establish any  
2442 necessary covenants or requirements not otherwise provided for by law.

2443 Section 50. Section **63B-24-201** is amended to read:

2444 **63B-24-201. Authorizations to design and construct capital facilities using**  
2445 **institutional or agency funds.**

2446 (1) The Legislature intends that:

2447 (a) the University of Utah may, subject to the requirements of Title 63A, Chapter 5b,  
2448 Administration of State Facilities, use up to \$8,200,000 in institutional funds to plan, design,  
2449 and construct the William C. Browning Building Addition with up to 24,000 square feet;

2450 (b) the university may not use state funds for any portion of this project; and

2451 (c) the university may use state funds for operation and maintenance costs or capital  
2452 improvements.

2453 (2) The Legislature intends that:

2454 (a) Utah State University may, subject to the requirements of Title 63A, Chapter 5b,  
2455 Administration of State Facilities, use up to \$10,000,000 in institutional funds to plan, design,  
2456 and construct the Fine Arts Complex Addition/Renovation with up to 17,000 square feet;

2457 (b) the university may not use state funds for any portion of this project; and

2458 (c) the university may use state funds for operation and maintenance costs or capital  
2459 improvements.

2460 (3) The Legislature intends that:

2461 (a) Salt Lake Community College may, subject to the requirements of Title 63A,  
2462 Chapter 5b, Administration of State Facilities, use up to \$3,900,000 in institutional funds to  
2463 plan, design, and construct a Strength and Conditioning Center with up to 11,575 square feet;

2464 (b) the college may not use state funds for any portion of this project; and

2465 (c) the college may not request state funds for operation and maintenance costs or



2466 capital improvements.

2467 (4) The Legislature intends that:

2468 (a) the Governor's Office of Economic ~~Development~~ Opportunity may, subject to the  
2469 requirements of Title 63A, Chapter 5b, Administration of State Facilities, use up to \$1,800,000  
2470 in nonlapsing balances and donations to plan, design, and construct or lease a Southern Utah  
2471 Welcome Center with up to 5,000 square feet;

2472 (b) the office may request additional state funds for the project, unless the office  
2473 receives donations and begins design or construction of the project; and

2474 (c) the office may use state funds for operation and maintenance costs or capital  
2475 improvements.

2476 Section 51. Section **63C-17-103** is amended to read:

2477 **63C-17-103. Creation of Point of the Mountain Development Commission --**

2478 **Members.**

2479 (1) There is created the Point of the Mountain Development Commission consisting of  
2480 the following 15 members:

2481 (a) two members shall be members of the Senate appointed by the president of the  
2482 Senate;

2483 (b) two members shall be members of the House of Representatives appointed by the  
2484 speaker of the House of Representatives;

2485 (c) one member shall be the mayor of Lehi City, Utah, or the mayor's designee;

2486 (d) one member shall be the mayor of Draper City, Utah, or the mayor's designee;

2487 (e) one member shall be the mayor of Salt Lake County, or the mayor's designee;

2488 (f) one member shall be an appointee of the Utah County Commission;

2489 (g) two members shall be mayors of communities in or close to the project area who  
2490 shall be appointed by the Utah League of Cities and Towns;

2491 (h) one member shall be an appointee of the Economic Development Corporation of  
2492 Utah;

2493 (i) one member, who is a member of the Board of the Governor's Office of Economic

2494 [~~Development~~] Opportunity, shall be appointed by the governor;

2495 (j) one member, who is an employee of the Governor's Office of Economic

2496 [~~Development~~] Opportunity, shall be an appointee of the governor;

2497 (k) one member shall be a member of the public, representing the school boards in or  
2498 close to the project area, jointly appointed by the president of the Senate and the speaker of the  
2499 House of Representatives; and

2500 (1) one member shall be a member of the public, representing the information  
2501 technology sector with a physical presence within the project area, jointly appointed by the  
2502 president of the Senate and the speaker of the House of Representatives.

2503 (2) (a) The president of the Senate and the speaker of the House of Representatives  
2504 shall jointly designate a member of the Legislature appointed under Subsection (1)(a) or (b) as  
2505 a cochair of the commission.

2506 (b) The governor shall designate a representative from the Governor's Office of  
2507 Economic [~~Development~~] Opportunity appointed under Subsection (1)(i) or (j) as a cochair of  
2508 the commission.

2509 (3) Any vacancy shall be filled in the same manner under this section as the  
2510 appointment of the member whose vacancy is being filled.

2511 (4) Each member of the commission shall serve until a successor is appointed and  
2512 qualified.

2513 (5) A majority of members constitutes a quorum. The action of a majority of a quorum  
2514 constitutes the action of the commission.

2515 Section 52. Section **63C-17-105** is amended to read:

2516 **63C-17-105. Commission staff and expenses.**

2517 The Office of Legislative Research and General Counsel, in coordination with the  
2518 Governor's Office of Economic [~~Development~~] Opportunity, shall provide staff support for the  
2519 commission.

2520 Section 53. Section **63G-21-102** is amended to read:

2521 **63G-21-102. Definitions.**

- 2522 As used in this chapter:
- 2523 (1) "Designated agency" means:
- 2524 (a) the Governor's Office of Economic ~~Development~~ Opportunity;
- 2525 (b) the Division of Wildlife Resources;
- 2526 (c) the Department of Public Safety;
- 2527 (d) the Department of Technology Services; or
- 2528 (e) the Department of Workforce Services.
- 2529 (2) (a) "State service" means a service or benefit regularly provided to the public by a
- 2530 designated agency.
- 2531 (b) "State service" includes:
- 2532 (i) for the Governor's Office of Economic ~~Development~~ Opportunity or the
- 2533 Department of Technology Services, public high-speed Internet access;
- 2534 (ii) for the Division of Wildlife Resources, fishing, hunting, and trapping licenses;
- 2535 (iii) for the Department of Public Safety, fingerprinting, an online driver license
- 2536 renewal, online appointment scheduling, an online motor vehicle record request, and an online
- 2537 change of address with the Driver License Division; and
- 2538 (iv) for the Department of Workforce Services, online job searches, verification of
- 2539 submission for benefits administered by the Department of Workforce Services, online
- 2540 unemployment applications, online food stamp applications, and online appointment
- 2541 scheduling.
- 2542 (3) "USPS" means the United States Postal Service.
- 2543 Section 54. Section **63G-21-201** is amended to read:
- 2544 **63G-21-201. Limited authorization to provide state services at post office**
- 2545 **locations.**
- 2546 (1) If allowed by federal law, a designated agency may negotiate and enter into an
- 2547 agreement with USPS that allows USPS to provide one or more state services at one or more
- 2548 post office locations within the state.
- 2549 (2) The designated agency shall ensure that the agreement described in Subsection (1)

2550 includes:

2551 (a) the term of the agreement, which may not extend beyond July 1, 2025;

2552 (b) provisions to ensure the security of state data and resources;

2553 (c) provisions to provide training to USPS employees on how to provide each state  
2554 service in the agreement;

2555 (d) except as provided in Subsection (2)(e), provisions authorizing compensation to  
2556 USPS for at least 100% of attributable costs of all property and services that USPS provides  
2557 under the agreement; and

2558 (e) if the agreement is between USPS and the Division of Wildlife Resources to sell  
2559 fishing, hunting, or trapping licenses, provisions requiring compliance with Section 23-19-15  
2560 regarding wildlife license agents, including remuneration for services rendered.

2561 (3) After one or more designated agencies enter into an agreement described in  
2562 Subsection (1), the Governor's Office of Economic [~~Development~~] Opportunity shall create a  
2563 marketing campaign to advertise and promote the availability of state services at each selected  
2564 USPS location.

2565 Section 55. Section **63H-1-801** is amended to read:

2566 **63H-1-801. Dissolution of authority -- Restrictions -- Filing copy of ordinance --**  
2567 **Authority records -- Dissolution expenses.**

2568 (1) The authority may not be dissolved unless the authority has no outstanding bonded  
2569 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual  
2570 obligations with persons or entities other than the state.

2571 (2) Upon the dissolution of the authority:

2572 (a) the Governor's Office of Economic [~~Development~~] Opportunity shall publish a  
2573 notice of dissolution:

2574 (i) in a newspaper of general circulation in the county in which the dissolved authority  
2575 is located; and

2576 (ii) as required in Section 45-1-101; and

2577 (b) all title to property owned by the authority vests in the state.

2578 (3) The books, documents, records, papers, and seal of each dissolved authority shall  
2579 be deposited for safekeeping and reference with the state auditor.

2580 (4) The authority shall pay all expenses of the deactivation and dissolution.

2581 Section 56. Section **63H-2-204** is amended to read:

2582 **63H-2-204. Dissolution of authority.**

2583 (1) Subject to the other provisions of this section, the board may dissolve the authority:

2584 (a) if the board determines that the authority can no longer comply with the  
2585 requirements of this chapter; and

2586 (b) by a vote of at least five members of the board.

2587 (2) The authority may not be dissolved if the authority has any of the following:

2588 (a) an outstanding bonded indebtedness;

2589 (b) an unpaid loan, indebtedness, or advance; or

2590 (c) a legally binding contractual obligation with a person other than the state.

2591 (3) Upon the dissolution of the authority:

2592 (a) the Governor's Office of Economic [~~Development~~] Opportunity shall publish a  
2593 notice of dissolution:

2594 (i) in a newspaper of general circulation in each county in which a qualifying energy  
2595 delivery project is located; and

2596 (ii) electronically, in accordance with Section 45-1-101;

2597 (b) the authority shall deposit its records with the state auditor, to be retained for the  
2598 time period determined by the state auditor; and

2599 (c) the assets of the authority shall revert to the state.

2600 (4) The authority shall pay the expenses of dissolution and winding up the affairs of the  
2601 authority.

2602 (5) If a dissolution under this section is part of a privatization of the authority, the  
2603 dissolution is subject to Title 63E, Chapter 1, Part 4, Privatization of Independent Entities.

2604 Section 57. Section **63I-1-235** is amended to read:

2605 **63I-1-235. Repeal dates, Title 35A.**

2606            [~~(1)~~] Subsection ~~35A-1-109~~(4)(c), related to the Talent Ready Utah Board, is repealed  
2607 January 1, 2023.]

2608            [~~(2)~~] (1) Subsection ~~35A-1-202~~(2)(d), related to the Child Care Advisory Committee, is  
2609 repealed July 1, 2021.

2610            [~~(3)~~] (2) Section ~~35A-3-205~~, which creates the Child Care Advisory Committee, is  
2611 repealed July 1, 2021.

2612            [~~(4)~~] (3) Subsection ~~35A-4-312~~(5)(p), describing information that may be disclosed to  
2613 the federal Wage and Hour Division, is repealed July 1, 2022.

2614            [~~(5)~~] (4) Subsection ~~35A-4-502~~(5), which creates the Employment Advisory Council,  
2615 is repealed July 1, 2022.

2616            [~~(6)~~] (5) Title 35A, Chapter 8, Part 22, Commission on Housing Affordability, is  
2617 repealed July 1, 2023.

2618            [~~(7)~~] (6) Section ~~35A-9-501~~ is repealed January 1, 2023.

2619            [~~(8)~~] (7) Title 35A, Chapter 11, Women in the Economy Commission Act, is repealed  
2620 January 1, 2025.

2621            [~~(9)~~] (8) Sections ~~35A-13-301~~ and ~~35A-13-302~~, which create the Governor's  
2622 Committee on Employment of People with Disabilities, are repealed July 1, 2023.

2623            [~~(10)~~] (9) Section ~~35A-13-303~~, which creates the State Rehabilitation Advisory  
2624 Council, is repealed July 1, 2024.

2625            [~~(11)~~] (10) Section ~~35A-13-404~~, which creates the advisory council for the Division of  
2626 Services for the Blind and Visually Impaired, is repealed July 1, 2025.

2627            [~~(12)~~] (11) Sections ~~35A-13-603~~ and ~~35A-13-604~~, which create the Interpreter  
2628 Certification Board, are repealed July 1, 2026.

2629            Section 58. Section ~~63I-1-263~~ is amended to read:

2630            **~~63I-1-263. Repeal dates, Titles 63A to 63N.~~**

2631            (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

2632            (a) Subsection ~~63A-1-201~~(1) is repealed;

2633            (b) Subsection ~~63A-1-202~~(2)(c), the language "using criteria established by the board"

2634 is repealed;

2635 (c) Section 63A-1-203 is repealed;

2636 (d) Subsections 63A-1-204(1) and (2), the language "After consultation with the board,  
2637 and" is repealed; and

2638 (e) Subsection 63A-1-204(1)(b), the language "using the standards provided in  
2639 Subsection 63A-1-203(3)(c)" is repealed.

2640 (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital  
2641 improvement funding, is repealed July 1, 2024.

2642 (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,  
2643 2023.

2644 (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review  
2645 Committee, are repealed July 1, 2023.

2646 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July  
2647 1, 2028.

2648 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,  
2649 2025.

2650 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,  
2651 2024.

2652 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is  
2653 repealed July 1, 2021.

2654 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed  
2655 July 1, 2023.

2656 (10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.

2657 (11) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1,  
2658 2025.

2659 (12) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities  
2660 Advisory Board, is repealed July 1, 2026.

2661 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,

- 2662 2025.
- 2663 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
- 2664 2024.
- 2665 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 2666 (16) Subsection 63J-1-602.1(14), Nurse Home Visiting Restricted Account is repealed
- 2667 July 1, 2026.
- 2668 (17) (a) Subsection 63J-1-602.1(58), relating to the Utah Statewide Radio System
- 2669 Restricted Account, is repealed July 1, 2022.
- 2670 (b) When repealing Subsection 63J-1-602.1(58), the Office of Legislative Research and
- 2671 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
- 2672 necessary changes to subsection numbering and cross references.
- 2673 (18) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage
- 2674 Commission, is repealed July 1, 2023.
- 2675 (19) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed
- 2676 July 1, 2022.
- 2677 (20) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is
- 2678 repealed January 1, 2025.
- 2679 (21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is
- 2680 repealed July 1, 2027.
- 2681 (22) Subsection 63J-4-608(3), which creates the Federal Land Application Advisory
- 2682 Committee, is repealed on July 1, 2021.
- 2683 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
- 2684 January 1, 2023:
- 2685 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
- 2686 repealed;
- 2687 (b) Section 63M-7-305, the language that states "council" is replaced with
- 2688 "commission";
- 2689 (c) Subsection 63M-7-305(1) is repealed and replaced with:



2690           "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and  
2691           (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:  
2692           "(2) The commission shall:  
2693           (a) provide ongoing oversight of the implementation, functions, and evaluation of the  
2694 Drug-Related Offenses Reform Act; and  
2695           (b) coordinate the implementation of Section [77-18-1.1](#) and related provisions in  
2696 Subsections [77-18-1](#)(5)(b)(iii) and (iv).".  
2697           (24) The Crime Victim Reparations and Assistance Board, created in Section  
2698 [63M-7-504](#), is repealed July 1, 2027.  
2699           (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July  
2700 1, 2022.  
2701           (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.  
2702           ~~[(27) Subsection [63N-1-301](#)(4)(c), related to the Talent Ready Utah Board, is repealed~~  
2703 ~~January 1, 2023.]~~  
2704           ~~[(28)]~~ (27) Title 63N, Chapter 1, Part 5, Governor's Economic Development  
2705 Coordinating Council, is repealed July 1, 2024.  
2706           ~~[(29)]~~ (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.  
2707           ~~[(30)]~~ (29) Section [63N-2-512](#) is repealed July 1, 2021.  
2708           ~~[(31)]~~ (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed  
2709 January 1, 2021.  
2710           (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for  
2711 calendar years beginning on or after January 1, 2021.  
2712           (c) Notwithstanding Subsection ~~[(31)]~~ (30)(b), an entity may carry forward a tax credit  
2713 in accordance with Section [59-9-107](#) if:  
2714           (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December  
2715 31, 2020; and  
2716           (ii) the qualified equity investment that is the basis of the tax credit is certified under  
2717 Section [63N-2-603](#) on or before December 31, 2023.

2718 [~~(32)~~ Subsections ~~63N-3-109(2)(e)~~ and ~~63N-3-109(2)(f)(i)~~ are repealed July 1, 2023.]

2719 [~~(33)~~] (31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is  
2720 repealed July 1, 2023.

2721 [~~(34)~~] (32) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed  
2722 July 1, 2025.

2723 [~~(35)~~] (33) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant  
2724 Program, is repealed January 1, [~~2023~~] 2028.

2725 [~~(36)~~ Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,  
2726 ~~2023~~.]

2727 Section 59. Section **63I-2-263** is amended to read:

2728 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

2729 (1) On July 1, 2020:

2730 (a) Subsection **63A-1-203(5)(a)(i)** is repealed; and

2731 (b) in Subsection **63A-1-203(5)(a)(ii)**, the language that states "appointed on or after  
2732 May 8, 2018," is repealed.

2733 (2) Section **63A-3-111** is repealed June 30, 2021.

2734 (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is  
2735 repealed July 1, 2021.

2736 (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology  
2737 Commission is repealed July 1, 2023.

2738 (5) The following sections regarding the World War II Memorial Commission are  
2739 repealed on July 1, 2022:

2740 (a) Section **63G-1-801**;

2741 (b) Section **63G-1-802**;

2742 (c) Section **63G-1-803**; and

2743 (d) Section **63G-1-804**.

2744 (6) Subsections **63G-6a-802(1)(d)** and **63G-6a-802(3)(b)(iii)**, regarding a procurement  
2745 relating to a vice presidential debate, are repealed January 1, 2021.

- 2746 (7) In relation to the State Fair Park Committee, on January 1, 2021:
- 2747 (a) Section 63H-6-104.5 is repealed; and
- 2748 (b) Subsections 63H-6-104(8) and (9) are repealed.
- 2749 (8) Section 63H-7a-303 is repealed July 1, 2024.
- 2750 (9) Subsection 63J-1-206(3)(c), relating to coronavirus, is repealed July 1, 2021.
- 2751 (10) In relation to the Employability to Careers Program Board, on July 1, 2022:
- 2752 (a) Subsection 63J-1-602.1(57) is repealed;
- 2753 (b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;
- 2754 and
- 2755 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.
- 2756 (11) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot Program
- 2757 Act, is repealed January 1, 2022.
- 2758 (12) Sections 63M-7-213 and 63M-7-213.5 are repealed on January 1, 2023.
- 2759 (13) Subsection [~~63N-12-508(3)~~] 63N-1b-307(3), which allows the Governor's Office
- 2760 of Economic Opportunity to respond to the COVID-19 pandemic by directing financial grants
- 2761 to institutions of higher education, is repealed December 31, 2021.
- 2762 (14) Title 63N, Chapter 13, Part 3, Facilitating Public-Private Partnerships Act, is
- 2763 repealed January 1, 2024.
- 2764 (15) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is repealed
- 2765 December 31, 2021.
- 2766 Section 60. Section **63J-4-301** is amended to read:
- 2767 **63J-4-301. Duties of the executive director and office.**
- 2768 (1) The executive director and the office shall:
- 2769 (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary
- 2770 Procedures Act;
- 2771 (b) under the direct supervision of the governor, assist the governor in the preparation
- 2772 of the governor's budget recommendations;
- 2773 (c) review agency budget execution plans as specified in Section 63J-1-209;

2774 (d) establish benchmarking practices for measuring operational costs, quality of  
2775 service, and effectiveness across all state agencies and programs;

2776 (e) assist agencies with the development of an operational plan that uses continuous  
2777 improvement tools and operational metrics to increase statewide capacity and improve  
2778 interagency integration;

2779 (f) review and assess agency budget requests and expenditures using a clear set of goals  
2780 and measures;

2781 (g) develop and maintain enterprise portfolio and electronic information systems to  
2782 select and oversee the execution of projects, ensure a return on investment, and trace and report  
2783 performance metrics;

2784 (h) coordinate with the executive directors of the Department of Workforce Services  
2785 and the Governor's Office of Economic ~~Development~~ Opportunity to review data and metrics  
2786 to be reported to the Legislature as described in Subsection [63J-4-708\(2\)\(d\)](#); and

2787 (i) perform other duties and responsibilities as assigned by the governor.

2788 (2) (a) The executive director of the Governor's Office of Management and Budget or  
2789 the executive director's designee is the Federal Assistance Management Officer.

2790 (b) In acting as the Federal Assistance Management Officer, the executive director or  
2791 designee shall:

2792 (i) study the administration and effect of federal assistance programs in the state and  
2793 advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and  
2794 the Executive Appropriations Committee, of alternative recommended methods and procedures  
2795 for the administration of these programs;

2796 (ii) assist in the coordination of federal assistance programs that involve or are  
2797 administered by more than one state agency; and

2798 (iii) analyze and advise on applications for new federal assistance programs submitted  
2799 to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

2800 Section 61. Section **63J-4-708** is amended to read:

2801 **63J-4-708. Reporting.**

2802 (1) On or before October 1, the board shall provide an annual written report to the  
2803 Social Services Appropriations Subcommittee, the Economic Development and Workforce  
2804 Services Interim Committee, and the [~~Talent Ready Utah Board created in Section~~  
2805 [63N-12-503](#)] Talent, Education, and Industry Alignment Subcommittee created in Section  
2806 [63N-1b-301](#).

2807 (2) The written report shall include:

2808 (a) information regarding the fiscal intermediary, the programmatic intermediary, the  
2809 eligible program provider, and the independent evaluator that have been selected;

2810 (b) the results of the feasibility analysis conducted in accordance with Section  
2811 [63J-4-706](#);

2812 (c) information regarding how many eligible participants have been served by the  
2813 education, employability training, and workforce placement program;

2814 (d) data and metrics:

2815 (i) used to measure the progress, performance, effectiveness, and scope of the  
2816 Employability to Careers Program, including summary data; and

2817 (ii) that are consistent and comparable for each state operation, activity, program, or  
2818 service that primarily involves employment training or placement as determined by the  
2819 executive directors of the office, the Department of Workforce Services, and the Governor's  
2820 Office of Economic [~~Development~~] Opportunity;

2821 (e) a description of program expenses, including what payments have been made to the  
2822 intermediary and the cost to the state for each successful eligible participant outcome; and

2823 (f) recommendations to the Legislature on any potential improvements to the  
2824 Employability to Careers Program, including whether the program should continue to receive  
2825 funding from the state.

2826 Section 62. Section **63L-2-301** is amended to read:

2827 **63L-2-301. Promoting or lobbying for a federal designation within the state.**

2828 (1) As used in this section:

2829 (a) "Federal designation" means the designation of a:

- 2830 (i) national monument;
- 2831 (ii) national conservation area;
- 2832 (iii) wilderness area or wilderness study area;
- 2833 (iv) area of critical environmental concern;
- 2834 (v) research natural area; or
- 2835 (vi) national recreation area.
- 2836 (b) (i) "Governmental entity" means:
- 2837 (A) a state-funded institution of higher education or public education;
- 2838 (B) a political subdivision of the state;
- 2839 (C) an office, agency, board, bureau, committee, department, advisory board, or
- 2840 commission that the government funds or establishes to carry out the public's business,
- 2841 regardless of whether the office, agency board, bureau, committee, department, advisory board,
- 2842 or commission is composed entirely of public officials or employees;
- 2843 (D) an interlocal entity as defined in Section [11-13-103](#) or a joint or cooperative
- 2844 undertaking as defined in Section [11-13-103](#);
- 2845 (E) a governmental nonprofit corporation as defined in Section [11-13a-102](#); or
- 2846 (F) an association as defined in Section [53G-7-1101](#).
- 2847 (ii) "Governmental entity" does not mean:
- 2848 (A) the School and Institutional Trust Lands Administration created in Section
- 2849 [53C-1-201](#);
- 2850 (B) the School and Institutional Trust Lands Board of Trustees created in Section
- 2851 [53C-1-202](#);
- 2852 (C) the Office of the Governor;
- 2853 (D) the Governor's Office of Management and Budget created in Section [63J-4-201](#);
- 2854 (E) the Public Lands Policy Coordinating Office created in Section [63J-4-602](#);
- 2855 (F) the Office of Energy Development created in Section [63M-4-401](#); or
- 2856 (G) the Governor's Office of Economic ~~[Development]~~ Opportunity created in Section
- 2857 ~~[63N-1-201]~~ [63N-1a-301](#), including the ~~[Office of Tourism and the Utah Office of Outdoor~~

2858 ~~Recreation created in Section 63N-9-104]~~ Talent, Education, and Industry Alignment  
2859 Subcommittee created in Section 63N-1b-301.

2860 (2) (a) A governmental entity, or a person a governmental entity employs and  
2861 designates as a representative, may investigate the possibility of a federal designation within  
2862 the state.

2863 (b) A governmental entity that intends to advocate for a federal designation within the  
2864 state shall:

2865 (i) notify the chairs of the following committees before the introduction of federal  
2866 legislation:

2867 (A) the Natural Resources, Agriculture, and Environment Interim Committee, if  
2868 constituted, and the Federalism Commission; or

2869 (B) if the notice is given during a General Session, the House and Senate Natural  
2870 Resources, Agriculture, and Environment Standing Committees; and

2871 (ii) upon request of the chairs, meet with the relevant committee to review the proposal.

2872 (3) This section does not apply to a political subdivision supporting a federal  
2873 designation if the federal designation:

2874 (a) applies to 5,000 acres or less; and

2875 (b) has an economical or historical benefit to the political subdivision.

2876 Section 63. Section **63M-5-306** is amended to read:

2877 **63M-5-306. Financial impact statement -- Alleviation plan -- Filing required --**  
2878 **Contents -- Payments credited against tax -- Provisions neither exclusive nor mandatory.**

2879 (1) (a) A developer desiring to prepay ad valorem property taxes under Section  
2880 63M-5-201 shall first prepare and file with the Governor's Office of Economic [~~Development~~]  
2881 Opportunity and all units of local government likely to be affected with a significant financial  
2882 impact due to a natural resource or industrial facility a financial impact statement together with  
2883 a plan for alleviating these impacts.

2884 (b) The impact statement and the alleviation plan shall be prepared in cooperation with  
2885 and after consultation with the Governor's Office of Economic [~~Development~~] Opportunity and

2886 the affected units of local government.

2887 (c) The financial impact statement shall assess the projected financial impact on state  
2888 agencies and units of local government, including the impact on transportation systems,  
2889 culinary water systems, waste treatment facilities, public safety, schools, public health,  
2890 housing, planning and zoning, and general government administration.

2891 (d) The alleviation plan shall set out proposals for alleviating the impact and may  
2892 include payments to local units of government or direct expenditures by the developer to  
2893 alleviate the impact.

2894 (e) The impact statement and the alleviation plan may be amended by the developer in  
2895 cooperation with and after consultation with the Governor's Office of Economic  
2896 ~~[Development]~~ Opportunity and those units of local government affected by the amendment.

2897 (2) At least 90 days prior to commencement of construction of an industrial facility or  
2898 natural resources facility by a major developer, an impact statement and alleviation plan as  
2899 described in Subsection (1) shall be filed by the major developer whether or not the major  
2900 developer desires to prepay ad valorem property taxes.

2901 (3) (a) Upon the filing of the financial impact statement and alleviation plan, a  
2902 developer may apply to the governing body of the affected unit of local government for  
2903 authorization to prepay a portion of the anticipated ad valorem property taxes to be expended  
2904 consistent with the alleviation plan.

2905 (b) This authorization may provide that only a portion of the amounts so prepaid can be  
2906 applied against the ad valorem property taxes due in any given year.

2907 (c) In addition to payments directly to the affected unit of local government, an affected  
2908 unit of local government may authorize a tax credit on anticipated ad valorem property taxes  
2909 for expenditures made by the developer to other persons so long as the expenditure is  
2910 consistent with the alleviation plan.

2911 (4) (a) This chapter is designed to provide an additional mechanism for the alleviation  
2912 of impacts on units of local government and is not intended to discourage the use of other  
2913 mechanisms as may be available.



2914 (b) Nothing in this chapter requires a developer to prepay ad valorem property taxes or  
2915 to make any other expenditure not otherwise required by law.

2916 Section 64. Section **63M-6-201** is amended to read:

2917 **63M-6-201. Acquisition of easements -- Restrictions -- Resale.**

2918 (1) (a) The Governor's Office of Economic [~~Development~~] Opportunity shall acquire,  
2919 by purchase or condemnation, easements for the establishment, maintenance, and operation of  
2920 a restrictive use area for the operation of aircraft to and from Hill Air Force Base because:

2921 (i) Hill Air Force Base is a military installation of vital importance to security of the  
2922 United States of America and to the economic well-being of the citizens of Utah;

2923 (ii) there are certain portions of land around the entire base that are being developed for  
2924 residential and other uses that are incompatible with current and future operations of the base  
2925 because of noise, health, safety, and accident reasons; and

2926 (iii) it is the purpose of this chapter for the state to acquire those easements restricting  
2927 the use of those lands and the air space above them in order to assure the continued operation  
2928 of Hill Air Force Base as an active military base and to protect the health, safety, and economic  
2929 well-being of the citizens of Utah.

2930 (b) The Governor's Office of Economic [~~Development~~] Opportunity may delegate its  
2931 power to purchase or condemn easements under this subsection to other state agencies if the  
2932 department ensures that those agencies comply with the procedures and requirements of this  
2933 chapter.

2934 (2) (a) The Governor's Office of Economic [~~Development~~] Opportunity shall ensure  
2935 that the easements restrict the land from those uses identified in the Hill Air Force Base  
2936 AICUZ Land Use Compatibility Guidelines Study, as amended, dated October, 1982, as not  
2937 being acceptable.

2938 (b) The Governor's Office of Economic [~~Development~~] Opportunity may allow certain  
2939 other uses not prohibited by those guidelines if those uses are consistent with the purpose of  
2940 this chapter.

2941 (c) Nothing in this chapter may be construed to authorize the Governor's Office of

2942 Economic [~~Development~~] Opportunity or any other state agency to:

2943 (i) acquire any ownership interest in real property other than an easement restricting the  
2944 land from future uses inconsistent with the Hill Air Force Base AICUZ Land Use

2945 Compatibility Guidelines Study, as amended, dated October 1982;

2946 (ii) purchase businesses; or

2947 (iii) require people to relocate or move from their property.

2948 (d) To calculate the purchase price for the easements, the Governor's Office of  
2949 Economic [~~Development~~] Opportunity shall subtract the market value of the real property and  
2950 its improvements after the acquisition of the easements from the market value of the real  
2951 property and its improvements before the acquisition of the easements.

2952 (e) When the Hill Air Force Base runways have not been used for seven years to  
2953 accommodate the arrival and departure of airplanes, the Governor's Office of Economic  
2954 [~~Development~~] Opportunity shall:

2955 (i) notify by certified mail each current owner of the property to which each easement  
2956 is attached;

2957 (ii) inform that owner that the owner may purchase the easement from the state for the  
2958 same price that the state paid for it originally or for the market value of the easement at the  
2959 time of the buyback, whichever is smaller; and

2960 (iii) sell the easement to the owner of the property to which the easement is attached if  
2961 the owner tenders the purchase price.

2962 (f) In addition to purchasing the easements required by this chapter, the Governor's  
2963 Office of Economic [~~Development~~] Opportunity may provide reasonable relocation expenses to  
2964 all churches, businesses, and schools that, as of March 1, 1994, were located either within the  
2965 north Hill Air Force Base accident potential zone (APZ) identified in Subsection  
2966 [63M-6-202\(1\)\(a\)](#) or within the south Hill Air Force Base accident potential zone (APZ)  
2967 identified in Subsection [63M-6-202\(1\)\(b\)](#) if those churches, businesses, and schools can  
2968 reasonably demonstrate that expansion of the use would have been permitted before acquisition  
2969 of the easements but is now prohibited because of the easement.

2970 (3) (a) The Governor's Office of Economic [~~Development~~] Opportunity may take  
2971 action to enforce the provisions of this chapter.

2972 (b) The attorney general shall represent the Governor's Office of Economic  
2973 [~~Development~~] Opportunity in that action.

2974 Section 65. Section **63M-6-202** is amended to read:

2975 **63M-6-202. Location of easements.**

2976 (1) The Governor's Office of Economic [~~Development~~] Opportunity or its designees  
2977 may acquire easements on the land within the following boundaries:

2978 (a) beginning on the north Hill Air Force Base accident potential zone (APZ) at a point  
2979 which is North 1,089,743.170 meters and East 459,346.946 meters based on the North zone,  
2980 State of Utah, NAD 83 coordinates and runs north to North 63 degrees 10 minutes 44 seconds,  
2981 East 457.109 meters, North 26 degrees 49 minutes 16 seconds, West 3,352.129 meters, South  
2982 63 degrees 10 minutes 44 seconds, West 914.217 meters, South 26 degrees 49 minutes 16  
2983 seconds, East 3,352.129 meters, North 63 degrees 10 minutes 44 seconds, East 457.109 meters  
2984 back to the point of beginning; and

2985 (b) beginning on the south Hill Air Force Base APZ which is North 1,086,065.786  
2986 meters and East 461,206.222 meters based on the North zone, State of Utah, NAD 83  
2987 coordinates and runs South 63 degrees 10 minutes 44 seconds, West 457.109 meters, South 26  
2988 degrees 49 minutes 16 seconds, East 502.179 meters, South 0 degrees 20 minutes 35 seconds,  
2989 West 1,722.227 meters, South 89 degrees 39 minutes 25 seconds, East 883.743 meters, North  
2990 63 degrees 10 minutes 44 seconds, East 914.217 meters, North 26 degrees 49 minutes 16  
2991 seconds, West 2,437.912 meters, South 63 degrees 10 minutes 44 seconds, West 457.109  
2992 meters back to the point of beginning.

2993 (2) The Governor's Office of Economic [~~Development~~] Opportunity or its designees  
2994 may acquire easements on the following land that is located inside the 75 and 80 level  
2995 day-night (LDN) noise contour as identified in the Hill Air Force Base AICUZ Land Use  
2996 Compatibility Guidelines Study, as amended, dated October, 1982:

2997 (a) in the west half of Section 3, T4NR1W;

- 2998 (b) in the east half of Section 4, T4NR1W;
- 2999 (c) in the northeast quarter of Section 8, T4NR1W;
- 3000 (d) within all of Section 9, T4NR1W;
- 3001 (e) in the northwest quarter of Section 10, T4NR1W;
- 3002 (f) within the southwest quarter of Section 19, T5NR1W;
- 3003 (g) in the south half of Section 20, T5NR1W;
- 3004 (h) within the southwest quarter of Section 28, T5NR1W; and
- 3005 (i) within Section 29, T5NR1W.

3006 Section 66. Section **63M-6-203** is amended to read:

3007 **63M-6-203. Certain improvements, alterations, and expansions prohibited.**

3008 (1) A person or entity may not begin to develop, or authorize development, on any land  
3009 identified in this chapter until the Governor's Office of Economic ~~Development~~ Opportunity  
3010 has affirmatively authorized the development of the land because the development is consistent  
3011 with those uses identified in the Hill Air Force Base AICUZ Land Use Compatibility  
3012 Guidelines Study, as amended, dated October 1982.

3013 (2) Nothing in this chapter prohibits any property owner from improving, altering, or  
3014 expanding any existing residential or commercial use of the property owner's property so long  
3015 as the improvement, alteration, or expansion does not materially increase the human density of  
3016 that present use.

3017 Section 67. Section **63M-11-201** is amended to read:

3018 **63M-11-201. Composition -- Appointments -- Terms -- Removal.**

3019 (1) The commission shall be composed of 20 voting members as follows:

- 3020 (a) the executive director of the Department of Health;
- 3021 (b) the executive director of the Department of Human Services;
- 3022 (c) the executive director of the Governor's Office of Economic ~~Development~~  
3023 Opportunity;
- 3024 (d) the executive director of the Department of Workforce Services; and
- 3025 (e) 16 voting members, appointed by the governor, representing each of the following:

- 3026 (i) the Utah Association of Area Agencies on Aging;
  - 3027 (ii) higher education in Utah;
  - 3028 (iii) the business community;
  - 3029 (iv) the Utah Association of Counties;
  - 3030 (v) the Utah League of Cities and Towns;
  - 3031 (vi) charitable organizations;
  - 3032 (vii) the health care provider industry;
  - 3033 (viii) financial institutions;
  - 3034 (ix) the legal profession;
  - 3035 (x) the public safety sector;
  - 3036 (xi) public transportation;
  - 3037 (xii) ethnic minorities;
  - 3038 (xiii) the industry that provides long-term care for the elderly;
  - 3039 (xiv) organizations or associations that advocate for the aging population;
  - 3040 (xv) the Alzheimer's Association; and
  - 3041 (xvi) the general public.
- 3042 (2) (a) A member appointed under Subsection (1)(e) shall serve a two-year term.
- 3043 (b) Notwithstanding the term requirements of Subsection (2)(a), the governor may
- 3044 adjust the length of the initial commission members' terms to ensure that the terms are
- 3045 staggered so that approximately 1/2 of the members appointed under Subsection (1)(e) are
- 3046 appointed each year.
- 3047 (c) When, for any reason, a vacancy occurs in a position appointed by the governor
- 3048 under Subsection (1)(e), the governor shall appoint a person to fill the vacancy for the
- 3049 unexpired term of the commission member being replaced.
- 3050 (d) Members appointed under Subsection (1)(e) may be removed by the governor for
- 3051 cause.
- 3052 (e) A member appointed under Subsection (1)(e) shall be removed from the
- 3053 commission and replaced by the governor if the member is absent for three consecutive

3054 meetings of the commission without being excused by the chair of the commission.

3055 (3) In appointing the members under Subsection (1)(e), the governor shall:

3056 (a) take into account the geographical makeup of the commission; and

3057 (b) strive to appoint members who are knowledgeable or have an interest in issues  
3058 relating to the aging population.

3059 Section 68. Section **63N-1a-101**, which is renumbered from Section 63N-1-101 is  
3060 renumbered and amended to read:

3061 **TITLE 63N. ECONOMIC OPPORTUNITY ACT**

3062 **CHAPTER 1a. ECONOMIC OPPORTUNITY ORGANIZATION**

3063 **Part 1. General Provisions**

3064 ~~[63N-1-101].~~ **63N-1a-101. Title.**

3065 (1) This title is known as the [~~"Governor's Office of Economic Development."~~]  
3066 "Economic Opportunity Act."

3067 (2) This chapter is known as [~~"GOED General Provisions."~~] "Economic Opportunity  
3068 Organization."

3069 Section 69. Section **63N-1a-102**, which is renumbered from Section 63N-1-102 is  
3070 renumbered and amended to read:

3071 ~~[63N-1-102].~~ **63N-1a-102. Definitions.**

3072 As used in this title:

3073 (1) "Baseline jobs" means the number of full-time employee positions that existed  
3074 within a business entity in the state before the date on which a project related to the business  
3075 entity is approved by the office or by the GO Utah board.

3076 (2) "Baseline state revenue" means the amount of state tax revenue collected from a  
3077 business entity or the employees of a business entity during the year before the date on which a  
3078 project related to the business entity is approved by the office or by the GO Utah board.

3079 [~~(3) "Board" means the Board of Business and Economic Development created in  
3080 Section 63N-1-401.]~~

3081 [~~(4) "Council" means the Governor's Economic Development Coordinating Council~~

3082 ~~created in Section 63N-1-501.]~~

3083           (3) "Commission" means the Unified Economic Opportunity Commission created in  
3084 Section 63N-1a-201.

3085           (4) "Economic opportunity agency" includes:

3086           (a) the Department of Workforce Services;

3087           (b) the Department of Heritage and Arts;

3088           (c) the Department of Commerce;

3089           (d) the Department of Natural Resources;

3090           (e) the Office of Energy Development;

3091           (f) the State Board of Education;

3092           (g) institutions of higher education;

3093           (h) the Utah Multicultural Commission;

3094           (i) the World Trade Center Utah;

3095           (j) local government entities;

3096           (k) associations of governments;

3097           (l) the Utah League of Cities and Towns;

3098           (m) the Utah Association of Counties;

3099           (n) the Economic Development Corporation of Utah;

3100           (o) the Small Business Administration;

3101           (p) chambers of commerce;

3102           (q) industry associations;

3103           (r) small business development centers; and

3104           (s) other entities identified by the commission or the executive director.

3105           (5) "Executive director" means the executive director of the office.

3106           (6) "Full-time employee" means an employment position that is filled by an employee  
3107 who works at least 30 hours per week and:

3108           (a) may include an employment position filled by more than one employee, if each  
3109 employee who works less than 30 hours per week is provided benefits comparable to a

3110 full-time employee; and

3111 (b) may not include an employment position that is shifted from one jurisdiction in the  
3112 state to another jurisdiction in the state.

3113 (7) "GO Utah board" means the Business and Economic Development Subcommittee  
3114 created in Section [63N-1b-202](#).

3115 [~~(7)~~] (8) "High paying job" means a newly created full-time employee position where  
3116 the aggregate average annual gross wage of the employment position, not including health care  
3117 or other paid or unpaid benefits, is [at least]:

3118 (a) at least 110% of the average wage of the county in which the employment position  
3119 exists[-]; or

3120 (b) for an employment position related to a project described in Chapter 2, Part 1,  
3121 Economic Development Tax Increment Financing, and that is located within the boundary of a  
3122 county of the third, fourth, fifth, or sixth class, or located within a municipality in a county of  
3123 the second class and where the municipality has a population of 10,000 or less:

3124 (i) at least 100% of the average wage of the county in which the employment position  
3125 exists; or

3126 (ii) an amount determined by rule made by the office in accordance with Title 63G,  
3127 Chapter 3, Utah Administrative Rulemaking Act, if the office determines the project is in a  
3128 county experiencing economic distress.

3129 [~~(8)~~] (9) (a) "Incremental job" means a full-time employment position in the state that:

3130 [~~(a)~~] (i) did not exist within a business entity in the state before the beginning of a  
3131 project related to the business entity; and

3132 [~~(b)~~] (ii) is created in addition to the number of baseline jobs that existed within a  
3133 business entity.

3134 (b) "Incremental job" includes a full-time employment position where the employee is  
3135 hired:

3136 (i) directly by a business entity; or

3137 (ii) by a professional employer organization, as defined in Section [31A-40-102](#), on



3138 behalf of a business entity.

3139           ~~[(9)]~~ (10) "New state revenue" means the state revenue collected from a business entity  
3140 or a business entity's employees during a calendar year minus the baseline state revenue  
3141 calculation.

3142           ~~[(10)]~~ (11) "Office" or [~~"GOED"~~] "GO Utah office" means the Governor's Office of  
3143 Economic [~~Development~~] Opportunity.

3144           ~~[(11)]~~ (12) "State revenue" means state tax liability paid by a business entity or a  
3145 business entity's employees under any combination of the following provisions:

3146           (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

3147           (b) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and  
3148 Information;

3149           (c) Title 59, Chapter 10, Part 2, Trusts and Estates;

3150           (d) Title 59, Chapter 10, Part 4, Withholding of Tax; and

3151           (e) Title 59, Chapter 12, Sales and Use Tax Act.

3152           (13) "State strategic goals" means the strategic goals listed in Section [63N-1a-103](#).

3153           (14) "Statewide economic development strategy" means the economic development  
3154 strategy developed by the commission in accordance with Section [63N-1a-202](#).

3155           Section 70. Section **63N-1a-103** is enacted to read:

3156           **63N-1a-103. Purpose.**

3157           (1) The mission of the Economic Opportunity Act and the entities established herein is  
3158 to catalyze strategic economic opportunities for all residents of the state with a vision of  
3159 creating economically thriving communities, businesses, and families throughout the state.

3160           (2) The mission and vision are realized through targeted efforts that demonstrably  
3161 improve quality of life, measured by the extent to which the efforts accomplish the following  
3162 strategic goals:

3163           (a) catalyzing targeted industry growth;

3164           (b) supporting economically thriving communities;

3165           (c) empowering students and workers with market-relevant skills;

3166 (d) stimulating economic growth in rural and multicultural communities through  
3167 household level efforts; and

3168 (e) securing healthy and resilient ecosystems for current and future generations.

3169 Section 71. Section **63N-1a-201** is enacted to read:

3170 **Part 2. Creation of Unified Economic Opportunity Commission**

3171 **63N-1a-201. Creation of commission.**

3172 (1) There is created in the office the Unified Economic Opportunity Commission,  
3173 established to carry out the mission described in Section [63N-1a-103](#) and direct the office and  
3174 other appropriate entities in fulfilling the state's strategic goals.

3175 (2) The commission consists of:

3176 (a) the following voting members:

3177 (i) the governor, who shall serve as the chair of the commission;

3178 (ii) the executive director, who shall serve as the vice chair of the commission;

3179 (iii) the executive director of the Department of Workforce Services;

3180 (iv) the executive director of the Department of Transportation;

3181 (v) the executive director of the Department of Natural Resources;

3182 (vi) the executive director of the Department of Commerce;

3183 (vii) the commissioner of the Department of Agriculture and Food;

3184 (viii) the executive director of the Governor's Office of Management and Budget;

3185 (ix) the commissioner of higher education;

3186 (x) the state superintendent of public instruction;

3187 (xi) the president of the Senate or the president's designee;

3188 (xii) the speaker of the House of Representatives or the speaker's designee;

3189 (xiii) one individual who is knowledgeable about housing needs in the state, including  
3190 housing density and land use, appointed by the governor;

3191 (xiv) one individual who represents the interests of urban cities, appointed by the Utah  
3192 League of Cities and Towns; and

3193 (xv) one individual who represents the interests of rural counties, appointed by the

3194 Utah Association of Counties; and

3195 (b) the following non-voting members:

3196 (i) the chief executive officer of World Trade Center Utah;

3197 (ii) the chief executive officer of the Economic Development Corporation of Utah; and

3198 (iii) a senior advisor to the chair of the commission with expertise in rural affairs of the  
 3199 state, appointed by the chair of the commission.

3200 (3) A majority of commission members constitutes a quorum for the purposes of  
 3201 conducting commission business and the action of a majority of a quorum constitutes the action  
 3202 of the commission.

3203 (4) The executive director of the office, or the executive director's designee, is the  
 3204 executive director of the commission.

3205 (5) The office shall provide:

3206 (a) office space and administrative staff support for the commission; and

3207 (b) the central leadership and coordination of the commission's efforts in the field of  
 3208 economic development.

3209 (6) (a) A member may not receive compensation or benefits for the member's service  
 3210 on the commission, but may receive per diem and travel expenses in accordance with:

3211 (i) Sections [63A-3-106](#) and [63A-3-107](#); and

3212 (ii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and  
 3213 [63A-3-107](#).

3214 (b) Compensation and expenses of a commission member who is a legislator are  
 3215 governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and  
 3216 Expenses.

3217 Section 72. Section **63N-1a-202** is enacted to read:

3218 **63N-1a-202. Commission duties.**

3219 (1) The commission shall:

3220 (a) develop, coordinate, and lead a comprehensive statewide economic development  
 3221 strategy that:

- 3222 (i) unifies and coordinates economic development efforts in the state;
- 3223 (ii) includes key performance indicators for long-term progress toward the state
- 3224 strategic goals;
- 3225 (iii) establishes reporting and accountability processes for the key performance
- 3226 indicators; and
- 3227 (iv) ensures the success of the statewide economic development strategy is shared
- 3228 among the urban and rural areas of the state;
- 3229 (b) receive feedback, input, and reports from economic opportunity agencies regarding
- 3230 programs related to the statewide economic development strategy;
- 3231 (c) develop the statewide economic strategy in view of the state water policy described
- 3232 in Section [73-1-21](#), including the state’s commitment to appropriate conservation, efficient and
- 3233 optimal use of water resources, infrastructure development and improvement, optimal
- 3234 agricultural use, water quality, reasonable access to recreational activities, effective wastewater
- 3235 treatment, and protecting and restoring healthy ecosystems;
- 3236 (d) direct and facilitate changes to or recommend elimination of economic
- 3237 development programs to ensure alignment with the mission and vision described in Section
- 3238 [63N-1a-103](#);
- 3239 (e) at least once every five years, identify industry clusters on which the commission
- 3240 recommends the state focus recruiting and expansion efforts;
- 3241 (f) establish strategies for the recruitment and retention of targeted industry clusters
- 3242 while respecting the different needs of rural and urban areas throughout the state;
- 3243 (g) establish strategies for supporting entrepreneurship and small business development
- 3244 in the state;
- 3245 (h) analyze the state's projected long-term population and economic growth and plan
- 3246 for the anticipated impacts of the projected growth in a manner that improves quality of life
- 3247 and is consistent with the statewide economic development strategy and state strategic goals;
- 3248 (i) identify gaps and potential solutions related to improving infrastructure, especially
- 3249 as related to the state's projected long-term population growth;

3250 (j) support the development of a prepared workforce that can support critical industries  
3251 and industry clusters identified by the commission;

3252 (k) coordinate and develop strategies that assist education providers and industry to  
3253 cooperate in supporting students in developing market relevant skills to meet industry needs;

3254 (l) develop strategies and plans to ensure comprehensive economic development efforts  
3255 are targeted to the unique needs of rural areas of the state;

3256 (m) study the unique needs of multicultural communities throughout the state and  
3257 develop household-level plans to ensure residents of the state can participate in economic  
3258 opportunities in the state;

3259 (n) ensure the commission's efforts are, to the extent practicable, data-driven and  
3260 evidence-based;

3261 (o) support an integrated international trade strategy for the state;

3262 (p) facilitate coordination among public, private, and nonprofit economic opportunity  
3263 agencies; and

3264 (q) in performing the commission's duties, consider the recommendations of the  
3265 subcommittees described in Chapter 1b, Commission Subcommittees.

3266 (2) The commission shall provide a report to the office for inclusion in the office's  
3267 annual written report described in Section [63N-1a-306](#), that includes:

3268 (a) the statewide economic development strategy;

3269 (b) a description of how the commission fulfilled the commission's statutory purposes  
3270 and duties during the year, including any relevant findings;

3271 (c) the key performance indicators included in the statewide economic development  
3272 strategy, including data showing the extent to which the indicators are being met; and

3273 (d) any legislative recommendations.

3274 Section 73. Section **63N-1a-301**, which is renumbered from Section 63N-1-201 is  
3275 renumbered and amended to read:

3276 **Part 3. Creation of Governor's Office of Economic Opportunity**

3277 ~~**[63N-1-201].**~~ **63N-1a-301. Creation of office -- Responsibilities.**

- 3278 (1) There is created the Governor's Office of Economic ~~[Development]~~ Opportunity.
- 3279 (2) The office is:
- 3280 (a) responsible for ~~[economic development and economic development planning in the~~  
3281 ~~state]~~ implementing the statewide economic development strategy developed by the  
3282 commission; and
- 3283 (b) the industrial and business promotion authority of the state.
- 3284 (3) The office shall:
- 3285 (a) consistent with the statewide economic development strategy, coordinate and align  
3286 into a single effort the activities of the economic opportunity agencies in the field of economic  
3287 development;
- 3288 (b) provide support and direction to economic opportunity agencies in establishing  
3289 goals, metrics, and activities that align with the statewide economic development strategy;
- 3290 ~~[(a)]~~ (c) administer and coordinate state and federal economic development grant  
3291 programs;
- 3292 ~~[(b)]~~ (d) promote and encourage the economic, commercial, financial, industrial,  
3293 agricultural, and civic welfare of the state;
- 3294 ~~[(c)]~~ (e) promote and encourage the employment of workers in the state and the  
3295 purchase of goods and services produced in the state by local businesses;
- 3296 ~~[(d)]~~ (f) act to create, develop, attract, and retain business, industry, and commerce in  
3297 the state, in accordance with the statewide economic development plan and commission  
3298 directives;
- 3299 ~~[(e)]~~ (g) act to enhance the state's economy;
- 3300 ~~[(f) administer programs over which the office is given administrative supervision by~~  
3301 ~~the governor;]~~
- 3302 (h) act to assist strategic industries that are likely to drive future economic growth;
- 3303 (i) assist communities in the state in developing economic development capacity and  
3304 coordination with other communities;
- 3305 (j) identify areas of education and workforce development in the state that can be

3306 improved to support economic and business development;  
3307 (k) consistent with direction from the commission, develop core strategic priorities for  
3308 the office, which may include:  
3309 (i) enhancing statewide access to entrepreneurship opportunities and small business  
3310 support;  
3311 (ii) focusing industry recruitment and expansion on strategically chosen clusters of  
3312 industries;  
3313 (iii) ensuring that in awarding competitive economic development incentives the office  
3314 accurately measures the benefits and costs of the incentives; and  
3315 (iv) assisting communities with technical support to aid those communities in  
3316 improving economic development opportunities;  
3317 ~~(g)~~ (l) submit an annual written report as described in Section ~~[63N-1-301]~~  
3318 [63N-1a-306](#); and  
3319 ~~(h)~~ (m) perform other duties as provided by the Legislature.  
3320 (4) In order to perform its duties under this title, the office may:  
3321 (a) enter into a contract or agreement with, or make a grant to, a public or private  
3322 entity, including a municipality, if the contract or agreement is not in violation of state statute  
3323 or other applicable law;  
3324 (b) except as provided in Subsection (4)(c), receive and expend funds from a public or  
3325 private source for any lawful purpose that is in the state's best interest; and  
3326 (c) solicit and accept a contribution of money, services, or facilities from a public or  
3327 private donor, but may not use the contribution for publicizing the exclusive interest of the  
3328 donor.  
3329 (5) Money received under Subsection (4)(c) shall be deposited in the General Fund as  
3330 dedicated credits of the office.  
3331 (6) (a) The office shall:  
3332 (i) obtain the advice of the GO Utah board before implementing a change to a policy,  
3333 priority, or objective under which the office operates~~[-]~~; and

3334 (ii) provide periodic updates to the commission regarding the office's efforts under  
3335 Subsections (3)(a) and (b).

3336 (b) Subsection (6)(a)(i) does not apply to the routine administration by the office of  
3337 money or services related to the assistance, retention, or recruitment of business, industry, or  
3338 commerce in the state.

3339 Section 74. Section **63N-1a-302**, which is renumbered from Section 63N-1-202 is  
3340 renumbered and amended to read:

3341 ~~[63N-1-202].~~ **63N-1a-302. Executive director of office -- Appointment --**  
3342 **Removal -- Compensation.**

3343 (1) The office shall be administered, organized, and managed by an executive director  
3344 appointed by the governor, with the advice and consent of the Senate.

3345 (2) The executive director serves at the pleasure of the governor.

3346 (3) The salary of the executive director shall be established by the governor within the  
3347 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3348 Section 75. Section **63N-1a-303**, which is renumbered from Section 63N-1-203 is  
3349 renumbered and amended to read:

3350 ~~[63N-1-203].~~ **63N-1a-303. Powers and duties of executive director.**

3351 (1) Unless otherwise expressly provided by statute, the executive director may organize  
3352 the office in any appropriate manner, including the appointment of deputy directors of the  
3353 office.

3354 (2) The executive director may consolidate personnel and service functions for  
3355 efficiency and economy in the office.

3356 (3) The executive director, with the approval of the governor:

3357 (a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal  
3358 Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

3359 (b) may enter into a lawful contract or agreement with another state, a chamber of  
3360 commerce organization, a service club, or a private entity; and

3361 (c) shall annually prepare and submit to the governor a budget of the office's financial



3362 requirements.

3363 (4) With the governor's approval, if a federal program requires the expenditure of state  
3364 funds as a condition for the state to participate in a fund, property, or service, the executive  
3365 director may expend necessary funds from money provided by the Legislature for the use of the  
3366 office.

3367 (5) The executive director shall coordinate with the executive directors of the  
3368 Department of Workforce Services and the Governor's Office of Management and Budget to  
3369 review data and metrics to be reported to the Legislature as described in Subsection  
3370 ~~[63N-1-301]~~ 63N-1a-306(2)(b).

3371 Section 76. Section **63N-1a-304**, which is renumbered from Section 63N-1-204 is  
3372 renumbered and amended to read:

3373 ~~[63N-1-204].~~ **63N-1a-304. Executive director and the Public Service**  
3374 **Commission.**

3375 (1) The executive director or the executive director's designee shall:

3376 (a) become generally informed of significant rate cases and policy proceedings before  
3377 the Public Service Commission; and

3378 (b) monitor and study the potential economic development impact of these  
3379 proceedings.

3380 (2) In the discretion of the executive director or the executive director's designee, the  
3381 office may appear in a proceeding before the Public Service Commission to testify, advise, or  
3382 present argument regarding the economic development impact of a matter that is the subject of  
3383 the proceeding.

3384 Section 77. Section **63N-1a-305**, which is renumbered from Section 63N-1-205 is  
3385 renumbered and amended to read:

3386 ~~[63N-1-205].~~ **63N-1a-305. Incentive review process.**

3387 The Legislature intends that the ~~[Governor's Office of Economic Development]~~ office  
3388 will develop an incentives review process under the direction of the speaker of the House and  
3389 the president of the Senate.

3390 Section 78. Section **63N-1a-306**, which is renumbered from Section 63N-1-301 is  
3391 renumbered and amended to read:

3392 ~~[63N-1-301]~~. **63N-1a-306. Annual report -- Content -- Format.**

3393 (1) The office shall prepare and submit to the governor and the Legislature, by October  
3394 1 of each year, an annual written report of the operations, activities, programs, and services of  
3395 the office, including the divisions, sections, boards, commissions, councils, and committees  
3396 established under this title, for the preceding fiscal year.

3397 (2) For each operation, activity, program, or service provided by the office, the annual  
3398 report shall include:

3399 (a) a description of the operation, activity, program, or service;

3400 (b) data and metrics:

3401 (i) selected and used by the office to measure progress, performance, effectiveness, and  
3402 scope of the operation, activity, program, or service, including summary data; and

3403 (ii) that are consistent and comparable for each state operation, activity, program, or  
3404 service that primarily involves employment training or placement as determined by the  
3405 executive directors of the office, the Department of Workforce Services, and the Governor's  
3406 Office of Management and Budget;

3407 (c) budget data, including the amount and source of funding, expenses, and allocation  
3408 of full-time employees for the operation, activity, program, or service;

3409 (d) historical data from previous years for comparison with data reported under  
3410 Subsections (2)(b) and (c);

3411 (e) goals, challenges, and achievements related to the operation, activity, program, or  
3412 service;

3413 (f) relevant federal and state statutory references and requirements;

3414 (g) contact information of officials knowledgeable and responsible for each operation,  
3415 activity, program, or service; and

3416 (h) other information determined by the office that:

3417 (i) may be needed, useful, or of historical significance; or

3418 (ii) promotes accountability and transparency for each operation, activity, program, or  
3419 service with the public and elected officials.

3420 (3) The annual report shall be designed to provide clear, accurate, and accessible  
3421 information to the public, the governor, and the Legislature.

3422 (4) The office shall:

3423 (a) submit the annual report in accordance with Section 68-3-14;

3424 (b) make the annual report, and previous annual reports, accessible to the public by  
3425 placing a link to the reports on the office's website; and

3426 (c) provide the data and metrics described in Subsection (2)(b) to the [~~Talent Ready~~  
3427 ~~Utah Board created in Section 63N-12-503~~] Talent, Education, and Industry Alignment  
3428 Subcommittee created in Section 63N-1b-301.

3429 [~~(5) (a) On or before October 1, 2019, the office shall:]~~

3430 [~~(i) in consultation with the organizations described in Subsection (5)(c), coordinate~~  
3431 ~~the development of a written strategic plan that contains a coordinated economic development~~  
3432 ~~strategy for the state; and]~~

3433 [~~(ii) provide the strategic plan to the president of the Senate, the speaker of the House~~  
3434 ~~of Representatives, and the Economic Development and Workforce Services Interim~~  
3435 ~~Committee.]~~

3436 [~~(b) The strategic plan shall:]~~

3437 [~~(i) establish a statewide economic development strategy that consists of a limited set~~  
3438 ~~of clear, concise, and defined principles and goals;]~~

3439 [~~(ii) recommend targeted economic development policies that will further the~~  
3440 ~~implementation of the economic development strategy described in this section;]~~

3441 [~~(iii) identify each of the relevant state-level economic development agencies,~~  
3442 ~~including the agencies described in Subsection (5)(c);]~~

3443 [~~(iv) outline the functional role in furthering the state's economic development strategy~~  
3444 ~~for each relevant state-level economic development agency;]~~

3445 [~~(v) establish specific principles and make specific recommendations to decrease~~

3446 ~~competition and increase communication and cooperation among state-level economic~~  
3447 ~~development agencies, providers and administrators of economic development programs in the~~  
3448 ~~state, nonprofit entities that participate in economic development in the state, and local~~  
3449 ~~governments;]~~

3450 ~~[(vi) recommend a fundamental realignment of economic development programs in the~~  
3451 ~~state to ensure each program's purpose is congruent with the mission of the organization within~~  
3452 ~~which the program is located;]~~

3453 ~~[(vii) address rural economic development by:]~~

3454 ~~[(A) establishing goals and principles to ensure the state's economic development~~  
3455 ~~strategy works for both urban and rural areas of the state; and]~~

3456 ~~[(B) providing recommendations on how existing rural economic development~~  
3457 ~~programs should be restructured or realigned;]~~

3458 ~~[(viii) assess the effectiveness of the state's economic development incentives and~~  
3459 ~~make recommendations regarding:]~~

3460 ~~[(A) how incentive policies could be improved; and]~~

3461 ~~[(B) how incentives could be better coordinated among state-level economic~~  
3462 ~~development agencies and local governments;]~~

3463 ~~[(ix) make recommendations regarding how to align the state's economic development~~  
3464 ~~strategy and policies in order to take advantage of the strengths and address the weaknesses of~~  
3465 ~~the state's current and projected urban and rural workforce;]~~

3466 ~~[(x) make recommendations regarding how to monitor and assess whether certain~~  
3467 ~~economic development policies further the statewide economic development strategy described~~  
3468 ~~in this section, including recommendations on performance metrics to measure results; and]~~

3469 ~~[(xi) align the strategic plan with each element of the statewide economic development~~  
3470 ~~strategy.]~~

3471 ~~[(c) The office shall coordinate the development of the strategic plan by working in~~  
3472 ~~coordination with and obtaining information from other state agencies, including:]~~

3473 ~~[(i) the Department of Workforce Services;]~~

3474 ~~[(ii) the Office of Energy Development;]~~  
 3475 ~~[(iii) the State Board of Education; and]~~  
 3476 ~~[(iv) the Utah Board of Higher Education.]~~  
 3477 ~~[(d) If contacted by the office, other state agencies, including those described in~~  
 3478 ~~Subsection (5)(c), shall, in accordance with state and federal law, share information and~~  
 3479 ~~cooperate with the office in coordinating the development of the strategic plan.]~~

3480 Section 79. Section **63N-1b-101** is enacted to read:

3481 **CHAPTER 1b. COMMISSION SUBCOMMITTEES**

3482 **Part 1. General Provisions**

3483 **63N-1b-101. Definitions.**

3484 As used in this chapter:

3485 (1) "Apprenticeship program" means a program that:

3486 (a) combines paid on-the-job learning with formal classroom instruction to prepare  
 3487 students for careers; and

3488 (b) includes:

3489 (i) structured on-the-job learning for students under the supervision of a skilled  
 3490 employee;

3491 (ii) classroom instruction for students related to the on-the-job learning;

3492 (iii) ongoing student assessments using established competency and skills standards;

3493 and

3494 (iv) the student receiving an industry-recognized credential or degree upon completion  
 3495 of the program.

3496 (2) "Career and technical education region" means an economic service area created in  
 3497 Section [35A-2-101](#).

3498 (3) "High quality professional learning" means the professional learning standards for  
 3499 teachers and principals described in Section [53G-11-303](#).

3500 (4) "Institution of higher education" means the University of Utah, Utah State  
 3501 University, Southern Utah University, Weber State University, Snow College, Dixie State

3502 University, Utah Valley University, or Salt Lake Community College.

3503 (5) "Local education agency" means a school district, a charter school, or the Utah  
3504 Schools for the Deaf and the Blind.

3505 (6) "Master plan" means the computer science education master plan described in  
3506 Section [63N-1b-304](#).

3507 (7) "Participating employer" means an employer that:

3508 (a) partners with an educational institution on a curriculum for an apprenticeship  
3509 program or work-based learning program; and

3510 (b) provides an apprenticeship or work-based learning program for students.

3511 (8) "State board" means the State Board of Education.

3512 (9) "Talent program" means the Talent Ready Utah Program created in Section  
3513 [63N-1b-302](#).

3514 (10) "Talent subcommittee" means the Talent, Education, and Industry Alignment  
3515 Subcommittee created in Section [63N-1b-301](#).

3516 (11) "Technical college" means:

3517 (a) a technical college described in Section [53B-2a-105](#);

3518 (b) the School of Applied Technology at Salt Lake Community College established in  
3519 Section [53B-16-209](#);

3520 (c) Utah State University Eastern established in Section [53B-18-1201](#);

3521 (d) Utah State University Blanding established in Section [53B-18-1202](#); or

3522 (e) the Snow College Richfield campus established in Section [53B-16-205](#).

3523 (12) (a) "Work-based learning program" means a program that combines structured and  
3524 supervised learning activities with authentic work experiences and that is implemented through  
3525 industry and education partnerships.

3526 (b) "Work-based learning program" includes the following objectives:

3527 (i) providing students an applied workplace experience using knowledge and skills  
3528 attained in a program of study that includes an internship, externship, or work experience;

3529 (ii) providing an educational institution with objective input from a participating

3530 employer regarding the education requirements of the current workforce; and  
3531 (iii) providing funding for programs that are associated with high-wage, in-demand, or  
3532 emerging occupations.

3533 (13) "Workforce programs" means education or industry programs that facilitate  
3534 training the state's workforce to meet industry demand.

3535 Section 80. Section **63N-1b-102** is enacted to read:

3536 **63N-1b-102. Subcommittees generally.**

3537 (1) Each subcommittee created under this part or by the commission in accordance  
3538 with this section serves under the direction of the commission and shall assist the commission  
3539 in performing the commission's duties.

3540 (2) In addition to the subcommittees created under this part, the commission may  
3541 establish one or more subcommittees to assist and advise the commission on specified topics or  
3542 issues relevant to the commission's duties, including:

- 3543 (a) rural economic growth;  
3544 (b) sustainable community growth;  
3545 (c) small business and entrepreneurship;  
3546 (d) multicultural economic empowerment; and  
3547 (e) international relations, trade, and immigration.

3548 (3) When establishing a subcommittee under Subsection (2), the commission shall:

3549 (a) appoint members to the subcommittee that represent a range of views and expertise;  
3550 and

3551 (b) adopt subcommittee procedures and directives.

3552 (4) (a) A member of a subcommittee may not receive compensation or benefits for the  
3553 member's service, but may receive per diem and travel expenses in accordance with:

- 3554 (i) Section [63A-3-106](#);  
3555 (ii) Section [63A-3-107](#); and  
3556 (iii) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).  
3557 (b) Compensation and expenses of a subcommittee member who is a legislator are

3558 governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and  
 3559 Expenses.

3560 Section 81. Section **63N-1b-201**, which is renumbered from Section 63N-1-401 is  
 3561 renumbered and amended to read:

3562 **Part 2. Business and Economic Development Subcommittee**

3563 ~~[63N-1-401].~~ **63N-1b-201. Business and Economic Development --**  
 3564 **Subcommittee -- Creation -- Membership -- Expenses.**

3565 (1) (a) There is created [~~within the office the Board of Business and Economic~~  
 3566 ~~Development~~] a subcommittee of the commission, called the Business and Economic  
 3567 Development Subcommittee, consisting of 15 members appointed by the [~~governor~~] chair of  
 3568 the commission, in consultation with the executive director, to four-year terms of office with  
 3569 the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,  
 3570 Vacancies[-], including:

3571 (i) a representative from a rural association of governments;

3572 (ii) a rural representative of agriculture;

3573 (iii) a rural representative of the travel industry;

3574 (iv) a representative of rural utilities; and

3575 (v) a representative from the oil, gas, or mineral extraction industry.

3576 (b) Notwithstanding the requirements of Subsection (1)(a), the [~~governor~~] chair of the  
 3577 commission shall, at the time of appointment or reappointment, adjust the length of terms to  
 3578 ensure that the terms of board members are staggered so that approximately half of the [~~board~~]  
 3579 subcommittee is appointed every two years.

3580 (c) The members may not serve more than two full consecutive terms except where the  
 3581 [~~governor~~] chair of the commission determines that an additional term is in the best interest of  
 3582 the state.

3583 (2) In appointing members of the committee, the [~~governor~~] chair of the commission  
 3584 shall ensure that:

3585 (a) no more than eight members of the [~~board~~] subcommittee are from one political



3586 party; and

3587 (b) members represent a variety of geographic areas and economic interests of the state.

3588 (3) When a vacancy occurs in the membership for any reason, the replacement shall be

3589 appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

3590 (4) Eight members of the [~~board~~] subcommittee constitute a quorum for conducting

3591 board business and exercising board power.

3592 (5) The [~~governor~~] chair of the commission shall select one [~~board~~] subcommittee

3593 member as the [~~board's~~] subcommittee's chair and one member as the subcommittee's vice

3594 chair.

3595 (6) A member may not receive compensation or benefits for the member's service, but

3596 may receive per diem and travel expenses in accordance with:

3597 (a) Section [63A-3-106](#);

3598 (b) Section [63A-3-107](#); and

3599 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

3600 (7) A member shall comply with the conflict of interest provisions described in Title

3601 63G, Chapter 24, Part 3, Conflicts of Interest.

3602 (8) Nothing in this section prohibits an individual who, on May 4, 2021, is a member

3603 of a board within the office known as the Board of Business and Economic Development from

3604 serving as a member of the GO Utah board.

3605 Section 82. Section **63N-1b-202**, which is renumbered from Section 63N-1-402 is

3606 renumbered and amended to read:

3607 ~~**[63N-1-402].**~~ **63N-1b-202. Business and Economic Development**

3608 **Subcommittee duties and powers.**

3609 (1) The [~~board~~] Business and Economic Development Subcommittee shall advise and

3610 assist the [~~office~~] commission to:

3611 (a) promote and encourage the economic, commercial, financial, industrial,

3612 agricultural, and civic welfare of the state;

3613 (b) promote and encourage the development, attraction, expansion, and retention of

3614 businesses, industries, and commerce in the state;

3615 (c) support the efforts of local government and regional nonprofit economic  
3616 development organizations to encourage expansion or retention of businesses, industries, and  
3617 commerce in the state;

3618 (d) act to enhance the state's economy;

3619 (e) work in conjunction with companies and individuals located or doing business in  
3620 the state to secure favorable rates, fares, tolls, charges, and classification for transportation of  
3621 persons or property by:

3622 (i) railroad;

3623 (ii) motor carrier; or

3624 (iii) other common carriers;

3625 (f) ~~recommend~~ develop policies, priorities, and objectives ~~[to the office]~~ regarding  
3626 the assistance, retention, or recruitment of business, industries, and commerce in the state;

3627 (g) ~~recommend how the office should~~ administer programs for the assistance,  
3628 retention, or recruitment of businesses, industries, and commerce in the state;

3629 (h) ~~help~~ ensure that ~~[economic-development]~~ economic development programs are  
3630 available to all areas of the state in accordance with federal and state law; ~~and~~

3631 (i) identify local, regional, and statewide rural economic development and planning  
3632 priorities;

3633 (j) understand, through study and input, issues relating to local, regional, and statewide  
3634 rural economic development, including challenges, opportunities, best practices, policy,  
3635 planning, and collaboration; and

3636 ~~(i)~~ (k) maintain ethical and conflict of interest standards consistent with those  
3637 imposed on a public officer under Title 67, Chapter 16, Utah Public Officers' and Employees'  
3638 Ethics Act.

3639 (2) The subcommittee shall:

3640 (a) serve as an advisory board to the commission on rural economic development  
3641 issues;

- 3642 (b) prepare an annual strategic plan that:
- 3643 (i) identifies rural economic development, planning, and leadership training challenges,
- 3644 opportunities, priorities, and objectives; and
- 3645 (ii) includes a work plan for accomplishing the objectives referred to in Subsection
- 3646 (1)(b)(i); and
- 3647 (c) oversee the Rural County Grant Program created in Section [17-54-103](#).

3648 [~~2~~] (3) The [~~board~~] subcommittee may:

3649 (a) in accordance with Subsection (1)(e), appear as a party litigant on behalf of an  
 3650 individual or a company located or doing business in the state in a proceeding before a  
 3651 regulatory commission of the state, another state, or the federal government; and

3652 (b) in consultation with the executive director, make, amend, or repeal rules for the  
 3653 conduct of its business consistent with this part and in accordance with Title 63G, Chapter 3,  
 3654 Utah Administrative Rulemaking Act.

3655 Section 83. Section **63N-1b-301**, which is renumbered from Section 63N-12-503 is  
 3656 renumbered and amended to read:

**Part 3. Talent, Education, and Industry Alignment Subcommittee**

~~[63N-12-503].~~ **63N-1b-301. Talent, Education, and Industry Alignment**

**Subcommittee -- Creation -- Membership -- Expenses -- Duties.**

3660 [~~1~~] ~~There is created within GOED the Talent Ready Utah Board composed of the~~  
 3661 ~~following 14 members:]~~

3662 (1) There is created a subcommittee of the commission called the Talent, Education,  
 3663 and Industry Alignment Subcommittee composed of the following members:

- 3664 (a) the state superintendent of public instruction or the superintendent's designee;
- 3665 (b) the commissioner of higher education or the commissioner of higher education's  
 3666 designee;
- 3667 (c) the chair of the State Board of Education or the chair's designee;
- 3668 (d) the executive director of the Department of Workforce Services or the executive  
 3669 director of the department's designee;

- 3670 (e) the executive director of [~~GOED~~] the GO Utah office or the executive director's  
3671 designee;
- 3672 (f) the director of the Division of Occupational and Professional Licensing or the  
3673 director's designee;
- 3674 (g) the governor's education advisor or the advisor's designee;
- 3675 (h) one member of the Senate, appointed by the president of the Senate;
- 3676 (i) one member of the House of Representatives, appointed by the speaker of the House  
3677 of Representatives;
- 3678 (j) the president of the Salt Lake Chamber or the president's designee;
- 3679 (k) three representatives of private industry chosen by the [~~talent ready board; and~~]  
3680 commission;
- 3681 (l) a representative of the technology industry chosen by the [~~talent ready board;~~]  
3682 commission;
- 3683 (m) the lieutenant governor or the lieutenant governor's designee; and
- 3684 (n) any additional individuals appointed by the commission who represent:
- 3685 (i) one or more individual educational institutions; or
- 3686 (ii) education or industry professionals.
- 3687 (2) The [~~talent ready board~~] commission shall select a chair and vice chair from among  
3688 the members of the talent [~~ready board~~] subcommittee.
- 3689 (3) The talent [~~ready board~~] subcommittee shall meet at least quarterly.
- 3690 (4) Attendance of a majority of the members of the talent [~~ready board~~] subcommittee  
3691 constitutes a quorum for the transaction of official talent [~~ready board~~] subcommittee business.
- 3692 (5) Formal action by the talent [~~ready board~~] subcommittee requires the majority vote  
3693 of a quorum.
- 3694 (6) A member of the talent [~~ready board~~] subcommittee:
- 3695 (a) may not receive compensation or benefits for the member's service; and
- 3696 (b) who is not a legislator may receive per diem and travel expenses in accordance  
3697 with:

- 3698 (i) Section [63A-3-106](#);
- 3699 (ii) Section [63A-3-107](#); and
- 3700 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 3701 [63A-3-107](#).

3702 (7) The talent [~~ready board~~] subcommittee shall:

3703 (a) (i) review and develop metrics to measure the progress, performance, effectiveness,

3704 and scope of any state operation, activity, program, or service that primarily involves

3705 employment training or placement; and

3706 (ii) ensure that the metrics described in Subsection (7)(a) are consistent and

3707 comparable for each state operation, activity, program, or service that primarily involves

3708 employment training or placement;

3709 (b) make recommendations to the [~~center~~] commission regarding how to better align

3710 training and education in the state with industry demand;

3711 (c) make recommendations to the [~~center~~] commission regarding how to better align

3712 technical education with current and future workforce needs; and

3713 (d) coordinate with the [~~center~~] commission to meet the responsibilities described in

3714 Subsection [~~63N-12-502(4)~~] [63N-1b-302\(4\)](#).

3715 Section 84. Section **63N-1b-302**, which is renumbered from Section 63N-12-502 is

3716 renumbered and amended to read:

3717 ~~[63N-12-502]~~. **63N-1b-302. Talent Ready Utah Program.**

3718 (1) There is created within [~~GOED~~] the office the Talent Ready Utah [~~Center~~]

3719 Program.

3720 (2) The executive director shall appoint a director of the [~~center~~] talent program.

3721 (3) The director of the [~~center~~] talent program may appoint staff with the approval of

3722 the executive director.

3723 (4) The [~~center~~] talent program shall coordinate with the talent [~~ready board~~]

3724 subcommittee to:

3725 (a) further education and industry alignment in the state;

- 3726 (b) coordinate the development of new education programs that align with industry
- 3727 demand;
- 3728 (c) coordinate or partner with other state agencies to administer grant programs;
- 3729 (d) promote the inclusion of industry partners in education;
- 3730 (e) provide outreach and information to employers regarding workforce programs and
- 3731 initiatives;
- 3732 (f) develop and analyze stackable credential programs;
- 3733 (g) determine efficiencies among workforce providers;
- 3734 (h) map available workforce programs focusing on programs that successfully create
- 3735 high-paying jobs; and
- 3736 (i) support initiatives of the talent ~~[ready board]~~ subcommittee.

3737 Section 85. Section **63N-1b-303**, which is renumbered from Section 63N-12-504 is

3738 renumbered and amended to read:

3739 ~~[63N-12-504]~~. **63N-1b-303. Reporting.**

3740 The ~~[center]~~ talent program shall prepare an annual report describing the ~~[center's]~~

3741 talent program's operations and recommendations for inclusion in ~~[GOED's]~~ the office's annual

3742 written report described in Section ~~[63N-1-301]~~ 63N-1a-306, including the results of the

3743 apprenticeship pilot program described in Section ~~[63N-12-507]~~ 63N-1b-306.

3744 Section 86. Section **63N-1b-304**, which is renumbered from Section 63N-12-505 is

3745 renumbered and amended to read:

3746 ~~[63N-12-505]~~. **63N-1b-304. Computer science education master plan.**

3747 ~~[On or before August 30, 2019, the talent ready board]~~ The talent subcommittee, in

3748 consultation with the state board and the ~~[center]~~ talent program, shall develop a computer

3749 science education master plan that:

- 3750 (1) includes a statement of the objectives and goals of the master plan;
- 3751 (2) describes how the talent ~~[ready board]~~ subcommittee and the state board will
- 3752 administer the Computer Science for Utah Grant Program created in Section ~~[63N-12-506]~~
- 3753 63N-1b-305;

3754 (3) provides guidance for local education agencies in implementing computer science  
3755 education opportunities for students in high school, middle school, and elementary school;

3756 (4) integrates recommendations and best practices from private and public entities that  
3757 are seeking to improve and expand the opportunities for computer science education, including  
3758 the Expanding Computer Education Pathways Alliance; and

3759 (5) makes recommendations to assist a local education agency in creating a local  
3760 education agency computer science plan described in Subsection [~~63N-12-506~~] 63N-1b-305(7),  
3761 including:

3762 (a) providing recommendations regarding course offerings in computer science;

3763 (b) providing recommendations regarding professional development opportunities in  
3764 computer science for licensed teachers;

3765 (c) providing recommendations regarding curriculum software for computer science  
3766 courses;

3767 (d) providing recommendations regarding assessment solutions to measure the learning  
3768 outcomes of students in computer science courses; and

3769 (e) providing information regarding how a local education agency can receive technical  
3770 support from the talent [~~ready board~~] subcommittee in providing computer science education  
3771 opportunities for students.

3772 Section 87. Section **63N-1b-305**, which is renumbered from Section 63N-12-506 is  
3773 renumbered and amended to read:

3774 [~~63N-12-506~~]. **63N-1b-305. Computer Science for Utah Grant Program.**

3775 (1) As used in this section, "grant program" means the Computer Science for Utah  
3776 Grant Program created in Subsection (2).

3777 (2) The Computer Science for Utah Grant Program is created to provide grants to  
3778 eligible local education agencies for improving computer science learning outcomes and course  
3779 offerings as demonstrated by:

3780 (a) the creation and implementation of a local education agency computer science plan  
3781 as described in Subsection (7); and

3782 (b) the effective implementation of approved courses and the provision of effective  
3783 training opportunities for licensed teachers.

3784 (3) Subject to appropriations from the Legislature, and subject to the approval of the  
3785 talent [~~ready board~~] subcommittee, the state board shall distribute to local education agencies  
3786 money appropriated for the grant program in accordance with this section.

3787 (4) The state board shall:

3788 (a) solicit applications from local education agency boards to receive grant money  
3789 under the grant program;

3790 (b) make recommendations to the talent [~~ready board~~] subcommittee regarding the  
3791 awarding of grant money to a local education agency board on behalf of a local education  
3792 agency based on the criteria described in Subsection (6); and

3793 (c) obtain final approval from the talent [~~ready board~~] subcommittee before awarding  
3794 grant money.

3795 (5) In administering the Computer Science for Utah Grant Program, the state board and  
3796 the office, in consultation with the talent [~~ready board~~] subcommittee, may make rules, in  
3797 accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

3798 (a) describe the form and deadlines for a grant application by a local education agency  
3799 under this section; and

3800 (b) describe the reporting requirements required by a local education agency after  
3801 receiving a grant under this section.

3802 (6) In awarding a grant under Subsection (3), the state board shall consider the  
3803 effectiveness of the local education agency in creating and implementing a local education  
3804 agency computer science plan as described in Subsection (7).

3805 (7) Each local education agency that seeks a grant as described in this section shall  
3806 submit a written computer science plan, in a form approved by the state board and the talent  
3807 [~~ready board~~] subcommittee, that:

3808 (a) covers at least four years;

3809 (b) addresses the recommendations of the talent [~~ready board's~~] subcommittee's



3810 computer science education master plan described in Section [~~63N-12-505~~] [63N-1b-304](#);

3811 (c) identifies targets for improved computer science offerings, student learning, and

3812 licensed teacher training;

3813 (d) describes a computer science professional development program and other

3814 opportunities for high quality professional learning for licensed teachers or individuals training

3815 to become licensed teachers;

3816 (e) provides a detailed budget, communications, and reporting structure for

3817 implementing the computer science plan;

3818 (f) commits to provide one computer science course offering, approved by the talent

3819 [~~ready board~~] subcommittee, in every middle and high school within the local education

3820 agency;

3821 (g) commits to integrate computer science education into the curriculum of each

3822 elementary school within the local education agency; and

3823 (h) includes any other requirement established by the state board or the office by rule,

3824 in consultation with the talent [~~ready board~~] subcommittee, in accordance with this part and

3825 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3826 (8) Each local education agency that receives a grant as described in this section shall

3827 provide an annual written assessment to the state board and the talent [~~ready board~~]

3828 subcommittee for each year that the local education agency receives a grant or expends grant

3829 money that includes:

3830 (a) how the grant money was used;

3831 (b) any improvements in the number and quality of computer science offerings

3832 provided by the local education agency and any increase in the number of licensed teachers

3833 providing computer science teaching to students;

3834 (c) any difficulties encountered during implementation of the local education agency's

3835 written computer science plan and steps that will be taken to address the difficulties; and

3836 (d) any other requirement established by the state board or the office by rule, in

3837 consultation with the talent [~~ready board~~] subcommittee, in accordance with this part and Title

3838 63G, Chapter 3, Utah Administrative Rulemaking Act.

3839 (9) (a) The state board and the talent [~~ready board~~] subcommittee shall review each  
3840 annual written assessment described in Subsection (8).

3841 (b) As a result of the review described in Subsection (9)(a):

3842 (i) the state board or the talent [~~ready board~~] subcommittee may provide  
3843 recommendations to improve the progress of the local education agency in meeting the  
3844 objectives of the written computer science plan;

3845 (ii) the state board may determine not to renew or extend a grant under this section; or

3846 (iii) the state board or the talent [~~ready board~~] subcommittee may take other action to  
3847 assist the local education agency.

3848 Section 88. Section **63N-1b-306**, which is renumbered from Section 63N-12-507 is  
3849 renumbered and amended to read:

3850 ~~[63N-12-507]~~. **63N-1b-306. Apprenticeships and work-based learning.**

3851 (1) The [~~center~~] talent program in collaboration with the talent [~~ready board~~]  
3852 subcommittee may partner with one or more of the following to facilitate and encourage  
3853 apprenticeship opportunities and work-based learning opportunities for Utah students:

- 3854 (a) the state board;
- 3855 (b) the Utah system of higher education; and
- 3856 (c) a participating employer in the state.

3857 (2) Subject to appropriations from the Legislature and in accordance with the proposal  
3858 process and other provisions of this section, the talent [~~ready board~~] subcommittee, with the  
3859 concurrence of the executive director, may provide funding for approved apprenticeship  
3860 opportunities and work-based learning opportunities.

3861 (3) To receive funding under this section, an entity described in Subsection (1) seeking  
3862 to partner with the [~~center~~] talent program shall submit a proposal through the [~~center~~] talent  
3863 program, in a form approved by the [~~center~~] talent program and in accordance with deadlines  
3864 determined by the [~~center~~] talent program, that contains the following elements:

- 3865 (a) the proposal shall include:

- 3866 (i) a description of the proposed apprenticeship program or work-based learning  
3867 program that demonstrates the program will be:
- 3868 (A) responsive to the workforce needs of a high demand industry or occupation; and
  - 3869 (B) a partnership between at least one participating employer and at least one public  
3870 high school, technical college, or institution of higher education;
- 3871 (ii) an estimate of:
- 3872 (A) student enrollment in the program;
  - 3873 (B) what school credit, credentials, certifications, or other workforce attainments will  
3874 be provided by the program; and
  - 3875 (C) job-placement rates for students who complete the program;
- 3876 (iii) a description of any financial contributions or in-kind contributions that will be  
3877 provided by each participating employer in the program;
- 3878 (iv) if the program would require state board approval under the provisions of Section  
3879 [53B-16-102](#), evidence that the state board has approved the program; and
- 3880 (v) the amount of funding requested for the program, including justification for the  
3881 funding; and
- 3882 (b) while not required, a preference may be given to a proposal that includes:
- 3883 (i) a description of a stackable credentialing pathway for participating students that will  
3884 be created by the program between at least two of the following:
- 3885 (A) a public high school;
  - 3886 (B) a technical college; and
  - 3887 (C) an institution of higher education; or
- 3888 (ii) the potential for participating students to obtain full-time employment with the  
3889 participating employer upon completion of the program.
- 3890 (4) The talent ~~[ready board]~~ subcommittee shall review and prioritize each proposal  
3891 received and determine whether the proposal should be funded, using the following criteria:
- 3892 (a) the quality and completeness of the elements of the proposal described in  
3893 Subsection (3)(a);

3894 (b) the quality of the optional elements of the proposal described in Subsection (3)(b);

3895 (c) to what extent the proposal would expand the capacity to meet state or regional  
3896 workforce needs; and

3897 (d) other relevant criteria as determined by the talent [~~ready board~~] subcommittee.

3898 (5) A partnership that receives funding under this section:

3899 (a) shall use the money to accomplish the proposed apprenticeship program or  
3900 work-based learning program;

3901 (b) may use the money to offset a participating employer's direct operational costs  
3902 associated with employing students as part of an approved apprenticeship program or  
3903 work-based learning program;

3904 (c) except as provided in Subsection (5)(d), may not use the money for educational  
3905 administration; and

3906 (d) may use the money to support one full-time employee within a career and technical  
3907 education region if:

3908 (i) each participating local education agency, public high school, technical college, and  
3909 institution of higher education agree on which entity will house the full-time employee;

3910 (ii) the full-time employee spends all of the employee's time working exclusively to  
3911 develop apprentice programs or work-based learning programs; and

3912 (iii) the full-time employee is responsible for regular reporting to and receiving training  
3913 from the director of the [~~center~~] talent program.

3914 (6) The [~~center~~] talent program shall be responsible for the administration of  
3915 apprenticeship programs and work-based learning programs described in this section,  
3916 including:

3917 (a) working with and providing technical assistance to the participating partners that  
3918 establish apprentice programs and work-based learning programs and that receive funding  
3919 under the provisions of this section;

3920 (b) establishing reporting requirements for participating partners that establish  
3921 apprentice programs and work-based learning programs and that receive funding under the

3922 provisions of this section;

3923 (c) providing outreach and marketing to encourage more employers to participate; and

3924 (d) annually providing information to ~~[GOED]~~ the office regarding the activities,  
3925 successes, and challenges of the center related to administering apprentice programs and  
3926 work-based learning programs for inclusion in ~~[GOED's]~~ the office's annual written report  
3927 described in Section ~~[63N-1-301]~~ 63N-1a-306, including:

3928 (i) specific entities that received funding under this section;

3929 (ii) the amount of funding provided to each entity; and

3930 (iii) the number of participating students in each apprentice program and work-based  
3931 learning program.

3932 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
3933 the provisions of this section, the ~~[center]~~ talent program may make rules regarding:

3934 (a) the method and deadlines for applying for funding under this section;

3935 (b) the distribution of funding under this section; and

3936 (c) the reporting requirements of each entity receiving funding under this section.

3937 Section 89. Section ~~63N-1b-307~~, which is renumbered from Section 63N-12-508 is  
3938 renumbered and amended to read:

3939 ~~[63N-12-508].~~ 63N-1b-307. Utah Works Program.

3940 (1) There is created ~~[within the center]~~ the Utah Works Program.

3941 (2) The program, under the direction of ~~[the center and]~~ the talent ~~[ready board]~~  
3942 subcommittee, shall coordinate and partner with the entities described below to develop  
3943 short-term pre-employment training and short-term early employment training for student and  
3944 workforce participants that meet the needs of businesses that are creating jobs and economic  
3945 growth in the state by:

3946 (a) partnering with the office, the Department of Workforce Services, and the Utah  
3947 system of higher education;

3948 (b) partnering with businesses that have significant hiring demands for primarily newly  
3949 created jobs in the state;

3950 (c) coordinating with the Department of Workforce Services, education agencies, and  
3951 employers to create effective recruitment initiatives to attract student and workforce  
3952 participants and business participants to the program;

3953 (d) coordinating with the Utah system of higher education to develop educational and  
3954 training resources to provide student participants in the program qualifications to be hired by  
3955 business participants in the program; and

3956 (e) coordinating with the State Board of Education and local education agencies when  
3957 appropriate to develop educational and training resources to provide student participants in the  
3958 program qualifications to be hired by business participants in the program.

3959 (3) (a) Subject to appropriation, beginning on August 5, 2020, the office, in  
3960 consultation with the talent [~~ready board~~] subcommittee, may respond to the COVID-19  
3961 pandemic by directing financial grants to institutions of higher education described in Section  
3962 [53B-2-101](#) to offer short-term programs to:

3963 (i) provide training to furloughed, laid off, dislocated, underserved, or other  
3964 populations affected by COVID-19 to fill employment gaps in the state;

3965 (ii) provide training and education related to industry needs; and

3966 (iii) provide students with certificates or other recognition after completion of training.

3967 (b) (i) As soon as is practicable but on or before July 31, 2020, the office shall report to  
3968 the director of the Division of Finance about the grant program under this Subsection (3),  
3969 including:

3970 (A) the process by which the office shall determine which institutions of higher  
3971 education shall receive financial grants; and

3972 (B) the formula for awarding financial grants.

3973 (ii) The office shall:

3974 (A) participate in the presentation that the director of the Division of Finance provides  
3975 to the president of the Senate, the speaker of the House of Representatives, the minority leader  
3976 of the Senate, and the minority leader of the House of Representatives under Section  
3977 [63A-3-111](#); and

3978 (B) consider any recommendations for adjustments to the grant program from the  
3979 president of the Senate, the speaker of the House of Representatives, the minority leader of the  
3980 Senate, and the minority leader of the House of Representatives.

3981 (c) To implement Subsection (3)(a), an institution of higher education that receives  
3982 grant funds:

3983 (i) may use grant funds for:

3984 (A) costs associated with developing a new program; or

3985 (B) costs associated with expanding an existing program; and

3986 (ii) shall demonstrate industry needs and opportunities for partnership with industry.

3987 (d) (i) The office shall award grant funds:

3988 (A) after an initial application period that ends on or before August 31, 2020; and

3989 (B) if funds remain after the initial application period, on a rolling basis until the  
3990 earlier of funds being exhausted or November 30, 2020.

3991 (ii) An institution of higher education that receives grant funds shall expend the grant  
3992 funds on or before December 1, 2020.

3993 (e) The [center] office shall conduct outreach, including education about career  
3994 guidance, training, and workforce programs, to the targeted populations.

3995 (4) The office, in consultation with the talent [ready board] subcommittee, may, in  
3996 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in accordance  
3997 with the provisions of this section, make rules regarding the development and administration of  
3998 the Utah Works Program.

3999 (5) The [center] Utah Works Program shall report the following metrics to the office  
4000 for inclusion in the office's annual report described in Section [63N-1-301] [63N-1a-306](#):

4001 (a) the number of participants in the program;

4002 (b) how program participants learned about or were referred to the program, including  
4003 the number of participants who learned about or were referred to the program by:

4004 (i) the Department of Workforce Services;

4005 (ii) marketing efforts of the [center] office or talent [ready board] subcommittee;

- 4006 (iii) a school counselor; and
- 4007 (iv) other methods;
- 4008 (c) the number of participants who have completed training offered by the program;
- 4009 and
- 4010 (d) the number of participants who have been hired by a business participating in the
- 4011 program.

4012 Section 90. Section **63N-2-103** is amended to read:

4013 **63N-2-103. Definitions.**

4014 As used in this part:

4015 (1) "Authority" means:

- 4016 (a) the Utah Inland Port Authority, created in Section [11-58-201](#); or
- 4017 (b) the Military Installation Development Authority, created in Section [63H-1-201](#).

4018 (2) "Authority project area" means a project area of:

- 4019 (a) the Utah Inland Port Authority, created in Section [11-58-201](#); or
- 4020 (b) the Military Installation Development Authority, created in Section [63H-1-201](#).

4021 (3) "Business entity" means a person that enters into an agreement with the office to  
4022 initiate a new commercial project in Utah that will qualify the person to receive a tax credit  
4023 under Section [59-7-614.2](#) or [59-10-1107](#).

4024 (4) "Community reinvestment agency" has the same meaning as that term is defined in  
4025 Section [17C-1-102](#).

4026 (5) "Development zone" means an economic development zone created under Section  
4027 [63N-2-104](#).

4028 (6) "Local government entity" means a county, city, town, or authority that enters into  
4029 an agreement with the office to have a new commercial project that:

4030 (a) is initiated within:

- 4031 (i) the boundary of the county, city, or town; or
- 4032 (ii) an authority project area; and

4033 (b) qualifies the county, city, town, or authority to receive a tax credit under Section



4034 59-7-614.2.

4035 (7) (a) "New commercial project" means an economic development opportunity that:

4036 (i) involves new or expanded industrial, manufacturing, distribution, or business

4037 services in [~~Utah.~~] the state; and

4038 (ii) advances the statewide economic development strategy.

4039 (b) "New commercial project" does not include retail business.

4040 (8) "Significant capital investment" means an amount of at least \$10,000,000 to

4041 purchase capital or fixed assets, which may include real property, personal property, and other

4042 fixtures related to a new commercial project:

4043 (a) that represents an expansion of existing operations in the state; or

4044 (b) that maintains or increases the business entity's existing work force in the state.

4045 (9) "Tax credit" means an economic development tax credit created by Section

4046 59-7-614.2 or 59-10-1107.

4047 (10) "Tax credit amount" means the amount the office lists as a tax credit on a tax

4048 credit certificate for a taxable year.

4049 (11) "Tax credit certificate" means a certificate issued by the office that:

4050 (a) lists the name of the business entity, local government entity, or community

4051 development and renewal agency to which the office authorizes a tax credit;

4052 (b) lists the business entity's, local government entity's, or community development and

4053 renewal agency's taxpayer identification number;

4054 (c) lists the amount of tax credit that the office authorizes the business entity, local

4055 government entity, or community development and renewal agency for the taxable year; and

4056 (d) may include other information as determined by the office.

4057 Section 91. Section **63N-2-104** is amended to read:

4058 **63N-2-104. Creation of economic development zones -- Tax credits -- Assignment**

4059 **of tax credit.**

4060 (1) The office~~[, with advice from the board,]~~ may create an economic development

4061 zone in the state if the following requirements are satisfied:

4062 (a) the area is zoned commercial, industrial, manufacturing, business park, research  
4063 park, or other appropriate business related use in a community-approved master plan that  
4064 contemplates future growth;

4065 (b) the request to create a development zone has first been approved by an appropriate  
4066 local government entity; and

4067 (c) local incentives have been or will be committed to be provided within the area in  
4068 accordance with the community's approved incentive policy and application process.

4069 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
4070 the office shall make rules establishing the requirements for a business entity or local  
4071 government entity to qualify for a tax credit for a new commercial project in a development  
4072 zone under this part.

4073 (b) The office shall ensure that the requirements described in Subsection (2)(a) include  
4074 the following:

4075 (i) the new commercial project is within the development zone;

4076 (ii) the new commercial project includes direct investment within the geographic  
4077 boundaries of the development zone;

4078 (iii) the new commercial project brings new incremental jobs to Utah;

4079 (iv) the new commercial project includes the creation of high paying jobs in the state,  
4080 significant capital investment in the state, or significant purchases from vendors, contractors, or  
4081 service providers in the state, or a combination of these three economic factors;

4082 (v) the new commercial project generates new state revenues; ~~and~~

4083 (vi) a business entity, a local government entity, or a community reinvestment agency  
4084 to which a local government entity assigns a tax credit under this section meets the  
4085 requirements of Section [63N-2-105](#)~~[-]~~; and

4086 (vii) unless otherwise advisable in light of economic circumstances, the new  
4087 commercial project relates to the industry clusters identified by the commission under Section  
4088 [63N-1a-202](#).

4089 (3) (a) The office, after consultation with the ~~[board]~~ GO Utah board, may enter into a

4090 written agreement with a business entity or local government entity authorizing a tax credit to  
4091 the business entity or local government entity if the business entity or local government entity  
4092 meets the requirements described in this section.

4093 (b) (i) With respect to a new commercial project, the office may authorize a tax credit  
4094 to a business entity or a local government entity, but not both.

4095 (ii) In determining whether to authorize a tax credit with respect to a new commercial  
4096 project to a business entity or a local government entity, the office shall authorize the tax credit  
4097 in a manner that the office determines will result in providing the most effective incentive for  
4098 the new commercial project.

4099 [~~(c) (i) Except as provided in Subsection (3)(c)(ii), the~~]

4100 (c) The office may not authorize or commit to authorize a tax credit that exceeds:

4101 [~~(A) (i) 50% of the new state revenues from the new commercial project in any given~~  
4102 year; or

4103 [~~(B) (ii) 30% of the new state revenues from the new commercial project over the~~  
4104 lesser of the life of a new commercial project or 20 years.

4105 [~~(ii) If the eligible business entity makes capital expenditures in the state of~~  
4106 \$1,500,000,000 or more associated with a new commercial project, the office may:]

4107 [~~(A) authorize or commit to authorize a tax credit not exceeding 60% of new state~~  
4108 revenues over the lesser of the life of the project or 20 years, if the other requirements of this  
4109 part are met;]

4110 [~~(B) establish the year that state revenues and incremental jobs baseline data are~~  
4111 measured for purposes of an incentive under this Subsection (3)(c)(ii), and]

4112 [~~(C) offer an incentive under this Subsection (3)(c)(ii) or modify an existing incentive~~  
4113 previously granted under Subsection (3)(c)(i) that is based on the baseline measurements  
4114 described in Subsection (3)(c)(ii)(B), except that the incentive may not authorize or commit to  
4115 authorize a tax credit of more than 60% of new state revenues in any one year.]

4116 (d) (i) A local government entity may by resolution assign a tax credit authorized by  
4117 the office to a community reinvestment agency.

4118           (ii) The local government entity shall provide a copy of the resolution described in  
4119 Subsection (3)(d)(i) to the office.

4120           (iii) If a local government entity assigns a tax credit to a community reinvestment  
4121 agency, the written agreement described in Subsection (3)(a) shall:

4122           (A) be between the office, the local government entity, and the community  
4123 reinvestment agency;

4124           (B) establish the obligations of the local government entity and the community  
4125 reinvestment agency; and

4126           (C) establish the extent to which any of the local government entity's obligations are  
4127 transferred to the community reinvestment agency.

4128           (iv) If a local government entity assigns a tax credit to a community reinvestment  
4129 agency:

4130           (A) the community reinvestment agency shall retain records as described in Subsection  
4131 (4)(d); and

4132           (B) a tax credit certificate issued in accordance with Section [63N-2-105](#) shall list the  
4133 community reinvestment agency as the named applicant.

4134           (4) The office shall ensure that the written agreement described in Subsection (3):

4135           (a) specifies the requirements that the business entity or local government entity shall  
4136 meet to qualify for a tax credit under this part;

4137           (b) specifies the maximum amount of tax credit that the business entity or local  
4138 government entity may be authorized for a taxable year and over the life of the new commercial  
4139 project;

4140           (c) establishes the length of time the business entity or local government entity may  
4141 claim a tax credit;

4142           (d) requires the business entity or local government entity to retain records supporting a  
4143 claim for a tax credit for at least four years after the business entity or local government entity  
4144 claims a tax credit under this part; and

4145           (e) requires the business entity or local government entity to submit to audits for

4146 verification of the tax credit claimed.

4147 (5) The office may attribute an incremental job or a high paying job to a new  
4148 commercial project regardless of whether the job is performed in person, within the  
4149 development zone or remotely from elsewhere in the state.

4150 Section 92. Section **63N-2-105** is amended to read:

4151 **63N-2-105. Qualifications for tax credit -- Procedure.**

4152 (1) The office shall certify a business entity's or local government entity's eligibility for  
4153 a tax credit as provided in this part.

4154 (2) A business entity or local government entity seeking to receive a tax credit as  
4155 provided in this part shall provide the office with:

4156 (a) an application for a tax credit certificate, including a certification, by an officer of  
4157 the business entity, of any signature on the application;

4158 (b) (i) for a business entity, documentation of the new state revenues from the business  
4159 entity's new commercial project that were paid during ~~[the preceding]~~ a calendar year; or

4160 (ii) for a local government entity, documentation of the new state revenues from the  
4161 new commercial project within the area of the local government entity that were paid during  
4162 ~~[the preceding]~~ a calendar year;

4163 (c) known or expected detriments to the state or existing businesses in the state;

4164 (d) if a local government entity seeks to assign the tax credit to a community  
4165 reinvestment agency as described in Section **63N-2-104**, a statement providing the name and  
4166 taxpayer identification number of the community reinvestment agency to which the local  
4167 government entity seeks to assign the tax credit;

4168 ~~[(e) (i) with respect to a business entity, a document that expressly directs and~~  
4169 ~~authorizes the State Tax Commission to disclose to the office the business entity's returns and~~  
4170 ~~other information that would otherwise be subject to confidentiality under Section **59-1-403** or~~  
4171 ~~Section **6103**, Internal Revenue Code;]~~

4172 (e) (i) with respect to a business entity that seeks to claim a tax credit:

4173 (A) a document that expressly directs and authorizes the State Tax Commission to

4174 disclose to the office the business entity's returns and other information that would otherwise  
4175 be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code;  
4176 and

4177 (B) a document that expressly directs and authorizes the Department of Workforce  
4178 Services to disclose to the office the business entity's unemployment insurance contribution  
4179 reports that would otherwise be subject to confidentiality under Section 35A-4-312;

4180 (ii) with respect to a local government entity that seeks to claim the tax credit:

4181 (A) a document that expressly directs and authorizes the State Tax Commission to  
4182 disclose to the office the local government entity's returns and other information that would  
4183 otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal  
4184 Revenue Code; and

4185 (B) if the new state revenues collected as a result of a new commercial project are  
4186 attributable in whole or in part to a new or expanded industrial, manufacturing, distribution, or  
4187 business service within a new commercial project within the area of the local government  
4188 entity, a document signed by an authorized representative of the new or expanded industrial,  
4189 manufacturing, distribution, or business service that:

4190 (I) expressly directs and authorizes the State Tax Commission to disclose to the office  
4191 the returns of the new or expanded industrial, manufacturing, distribution, or business service  
4192 and other information that would otherwise be subject to confidentiality under Section  
4193 59-1-403 or Section 6103, Internal Revenue Code; and

4194 (II) lists the taxpayer identification number of the new or expanded industrial,  
4195 manufacturing, distribution, or business service; or

4196 (iii) with respect to a local government entity that seeks to assign the tax credit to a  
4197 community reinvestment agency:

4198 (A) a document signed by the members of the governing body of the community  
4199 reinvestment agency that expressly directs and authorizes the State Tax Commission to  
4200 disclose to the office the returns of the community reinvestment agency and other information  
4201 that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103,

4202 Internal Revenue Code; and

4203 (B) if the new state revenues collected as a result of a new commercial project are  
 4204 attributable in whole or in part to a new or expanded industrial, manufacturing, distribution, or  
 4205 business service within a new commercial project within the community reinvestment agency,  
 4206 a document signed by an authorized representative of the new or expanded industrial,  
 4207 manufacturing, distribution, or business service that:

4208 (I) expressly directs and authorizes the State Tax Commission to disclose to the office  
 4209 the returns of the new or expanded industrial, manufacturing, distribution, or business service  
 4210 and other information that would otherwise be subject to confidentiality under Section  
 4211 [59-1-403](#) or Section 6103, Internal Revenue Code; and

4212 (II) lists the taxpayer identification number of the new or expanded industrial,  
 4213 manufacturing, distribution, or business service; and

4214 (f) for a business entity only, documentation that the business entity has satisfied the  
 4215 performance benchmarks outlined in the written agreement described in Subsection  
 4216 [63N-2-104\(3\)\(a\)](#), ~~[including]~~ and as defined by rule made in accordance with Title 63G,  
 4217 Chapter 3, Utah Administrative Rulemaking Act, including the creation of new:

4218 ~~[(i) the creation of new incremental jobs that are also high paying jobs;]~~

4219 ~~[(ii) significant capital investment;]~~

4220 ~~[(iii) significant purchases from Utah vendors and providers; or]~~

4221 ~~[(iv) a combination of these benchmarks.]~~

4222 (i) incremental jobs;

4223 (ii) high paying jobs; and

4224 (iii) state revenue.

4225 (3) (a) The office shall submit the documents described in Subsection (2)(e) to the  
 4226 State Tax Commission.

4227 (b) Upon receipt of a document described in Subsection (2)(e), the State Tax  
 4228 Commission shall provide the office with the returns and other information requested by the  
 4229 office that the State Tax Commission is directed or authorized to provide to the office in

4230 accordance with Subsection (2)(e).

4231 (4) If, with respect to an agreement described in Subsection 63N-2-104(3)(a) between  
4232 the office and a business entity, the office identifies one of the following events, the office and  
4233 the business entity shall amend or the office may terminate the agreement:

4234 (a) a change in the business entity's organization resulting from a merger with or  
4235 acquisition of another entity located in the state;

4236 (b) a material increase in the business entity's retail operations that results in new state  
4237 revenue not subject to the incentive; or

4238 (c) an increase in the business entity's operations that:

4239 (i) is outside the scope of the agreement or outside the boundaries of a development  
4240 zone; and

4241 (ii) results in new state revenue not subject to the incentive.

4242 [~~4~~] (5) If, after review of the returns and other information provided by the State Tax  
4243 Commission, or after review of the ongoing performance of the business entity or local  
4244 government entity, the office determines that the returns and other information are inadequate  
4245 to provide a reasonable justification for authorizing or continuing a tax credit, the office shall:

4246 (a) (i) deny the tax credit; or

4247 (ii) terminate the agreement described in Subsection 63N-2-104(3)(a) for failure to  
4248 meet the performance standards established in the agreement; or

4249 (b) inform the business entity or local government entity that the returns or other  
4250 information were inadequate and ask the business entity or local government entity to submit  
4251 new documentation.

4252 [~~5~~] (6) If after review of the returns and other information provided by the State Tax  
4253 Commission, the office determines that the returns and other information provided by the  
4254 business entity or local government entity provide reasonable justification for authorizing a tax  
4255 credit, the office shall, based upon the returns and other information:

4256 (a) determine the amount of the tax credit to be granted to the business entity, local  
4257 government entity, or if the local government entity assigns the tax credit as described in



4258 Section [63N-2-104](#), to the community reinvestment agency to which the local government  
4259 entity assigns the tax credit;

4260 (b) issue a tax credit certificate to the business entity, local government entity, or if the  
4261 local government entity assigns the tax credit as described in Section [63N-2-104](#), to the  
4262 community reinvestment agency to which the local government entity assigns the tax credit;  
4263 and

4264 (c) provide a [~~duplicate copy~~] digital record of the tax credit certificate to the State Tax  
4265 Commission.

4266 (7) (a) For purposes of determining the amount of a business entity's tax credit in  
4267 accordance with this section, the office may establish by rule made in accordance with Title  
4268 63G, Chapter 3, Utah Administrative Rulemaking Act, a process by which the office closely  
4269 approximates the amount of taxes the business entity paid under Title 59, Chapter 12, Sales and  
4270 Use Tax Act, for a capital project.

4271 (b) The office may apply a process described in Subsection (7)(a) to a business entity  
4272 only with respect to a new agreement described in Subsection [63N-2-104](#)(3)(a) that takes effect  
4273 on or after January 1, 2022.

4274 [~~(6)~~] (8) A business entity, local government entity, or community reinvestment agency  
4275 may not claim a tax credit unless the business entity, local government entity, or community  
4276 reinvestment agency has a tax credit certificate issued by the office.

4277 [~~(7)~~] (9) (a) A business entity, local government entity, or community reinvestment  
4278 agency may claim a tax credit in the amount listed on the tax credit certificate on its tax return.

4279 (b) A business entity, local government entity, or community reinvestment agency that  
4280 claims a tax credit under this section shall retain the tax credit certificate in accordance with  
4281 Section [59-7-614.2](#) or [59-10-1107](#).

4282 Section 93. Section [63N-2-106](#) is amended to read:

4283 **[63N-2-106. Reports -- Posting monthly and annual reports -- Audit and study of](#)**  
4284 **tax credits.**

4285 (1) The office shall include the following information in the annual written report

4286 described in Section [~~63N-1-301~~] 63N-1a-306:

4287 (a) the office's success in attracting new commercial projects to development zones  
4288 under this part and the corresponding increase in new incremental jobs;

4289 (b) how many new incremental jobs and high paying jobs are employees of a company  
4290 that received tax credits under this part, including the number of employees who work for a  
4291 third-party rather than directly for a company, receiving the tax credits under this part;

4292 (c) the estimated amount of tax credit commitments made by the office and the period  
4293 of time over which tax credits will be paid;

4294 (d) the economic impact on the state from new state revenues and the provision of tax  
4295 credits under this part;

4296 (e) the estimated costs and economic benefits of the tax credit commitments made by  
4297 the office;

4298 (f) the actual costs and economic benefits of the tax credit commitments made by the  
4299 office; and

4300 (g) tax credit commitments made by the office, with the associated calculation.

4301 (2) Each month, the office shall post on its website and on a state website:

4302 (a) the new tax credit commitments made by the office during the previous month; and

4303 (b) the estimated costs and economic benefits of those tax credit commitments.

4304 (3) (a) On or before November 1, 2014, and every three years after November 1, 2014,  
4305 the office shall:

4306 (i) conduct an audit of the tax credits allowed under Section 63N-2-105;

4307 (ii) study the tax credits allowed under Section 63N-2-105; and

4308 (iii) make recommendations concerning whether the tax credits should be continued,  
4309 modified, or repealed.

4310 (b) The audit shall include an evaluation of:

4311 (i) the cost of the tax credits;

4312 (ii) the purposes and effectiveness of the tax credits;

4313 (iii) the extent to which the state benefits from the tax credits; and

4314 (iv) the state's return on investment under this part measured by new state revenues,  
4315 compared with the costs of tax credits provided and GOED's expenses in administering this  
4316 part.

4317 (c) The office shall provide the results of the audit described in this Subsection (3):

4318 (i) in the written annual report described in Subsection (1); and

4319 (ii) as part of the reviews described in Sections 59-7-159 and 59-10-137.

4320 Section 94. Section 63N-2-107 is amended to read:

4321 **63N-2-107. Reports of new state revenues, partial rebates, and tax credits.**

4322 (1) Before October 1 of each year, the office shall submit a report to the Governor's  
4323 Office of Management and Budget, the Office of Legislative Fiscal Analyst, and the Division  
4324 of Finance identifying:

4325 (a) (i) the total estimated amount of new state revenues created from new commercial  
4326 projects in development zones;

4327 (ii) the estimated amount of new state revenues from new commercial projects in  
4328 development zones that will be generated from:

4329 (A) sales tax;

4330 (B) income tax; and

4331 (C) corporate franchise and income tax; and

4332 (iii) the minimum number of new incremental jobs and high paying jobs that will be  
4333 created before any tax credit is awarded; and

4334 (b) the total estimated amount of tax credits that the office projects that business  
4335 entities, local government entities, or community reinvestment agencies will qualify to claim  
4336 under this part.

4337 (2) By the first business day of each month, the office shall submit a report to the  
4338 Governor's Office of Management and Budget, the Office of Legislative Fiscal Analyst, and the  
4339 Division of Finance identifying:

4340 (a) each new agreement entered into by the office since the last report;

4341 (b) the estimated amount of new state revenues that will be generated under each

4342 agreement;

4343 (c) the estimated maximum amount of tax credits that a business entity, local  
4344 government entity, or community reinvestment agency could qualify for under each agreement;  
4345 and

4346 (d) the minimum number of new incremental jobs and high paying jobs that will be  
4347 created before any tax credit is awarded.

4348 (3) At the reasonable request of the Governor's Office of Management and Budget, the  
4349 Office of Legislative Fiscal Analyst, or the Division of Finance, the office shall provide  
4350 additional information about the tax credit, new incremental jobs and high paying jobs, costs,  
4351 and economic benefits related to this part, if the information is part of a public record as  
4352 defined in Section [63G-2-103](#).

4353 (4) By June 30, the office shall submit to the Economic Development and Workforce  
4354 Services Interim Committee, the Business, Economic Development, and Labor Appropriations  
4355 Subcommittee, and the governor, a written report that provides an overview of the  
4356 implementation and efficacy of the statewide economic development strategy, including an  
4357 analysis of the extent to which the office's programs are aligned with the prevailing economic  
4358 conditions expected in the next fiscal year.

4359 Section 95. Section **63N-2-203** is amended to read:

4360 **63N-2-203. Powers of the office.**

4361 The office shall:

4362 (1) monitor the implementation and operation of this part and conduct a continuing  
4363 evaluation of the progress made in the enterprise zones;

4364 (2) evaluate an application for designation as an enterprise zone from a county  
4365 applicant or a municipal applicant and determine if the applicant qualifies for that designation;

4366 (3) provide technical assistance to county applicants and municipal applicants in  
4367 developing applications for designation as enterprise zones;

4368 (4) assist county applicants and municipal applicants designated as enterprise zones in  
4369 obtaining assistance from the federal government and agencies of the state;

4370 (5) assist a qualified business entity in obtaining the benefits of an incentive or  
4371 inducement program authorized by this part; and

4372 (6) as part of the annual written report described in Section [~~63N-1-301~~] 63N-1a-306,  
4373 prepare an annual evaluation that provides:

4374 (a) based on data from the State Tax Commission, the total amount of tax credits  
4375 claimed under this part;

4376 (b) the total amount awarded in tax credits for each development zone;

4377 (c) the number of new full-time employee positions reported to obtain tax credits in  
4378 each development zone;

4379 (d) the amount of tax credits awarded for rehabilitating a building in each development  
4380 zone;

4381 (e) the amount of tax credits awarded for investing in a plant, equipment, or other  
4382 depreciable property in each development zone; and

4383 (f) recommendations regarding the effectiveness of the program and any suggestions  
4384 for legislation.

4385 Section 96. Section **63N-2-213** is amended to read:

4386 **63N-2-213. State tax credits.**

4387 (1) The office shall certify a business entity's eligibility for a tax credit described in this  
4388 section.

4389 (2) A business entity seeking to receive a tax credit as provided in this section shall  
4390 provide the office with:

4391 (a) an application for a tax credit certificate in a form approved by the office, including  
4392 a certification, by an officer of the business entity, of a signature on the application; and

4393 (b) documentation that demonstrates the business entity has met the requirements to  
4394 receive the tax credit.

4395 (3) If, after review of an application and documentation provided by a business entity  
4396 as described in Subsection (2), the office determines that the application and documentation are  
4397 inadequate to provide a reasonable justification for authorizing the tax credit, the office shall:

4398 (a) deny the tax credit; or

4399 (b) inform the business entity that the application or documentation was inadequate  
4400 and ask the business entity to submit additional documentation.

4401 (4) If, after review of an application and documentation provided by a business entity  
4402 as described in Subsection (2), the office determines that the application and documentation  
4403 provide reasonable justification for authorizing a tax credit, the office shall:

4404 (a) determine the amount of the tax credit to be granted to the business entity;

4405 (b) issue a tax credit certificate to the business entity; and

4406 (c) provide a [~~duplicate copy~~] digital record of the tax credit certificate to the State Tax  
4407 Commission.

4408 (5) A business entity may not claim a tax credit under this section unless the business  
4409 entity has a tax credit certificate issued by the office.

4410 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4411 office shall make rules describing:

4412 (a) the form and content of an application for a tax credit under this section;

4413 (b) the documentation requirements for a business entity to receive a tax credit  
4414 certificate under this section; and

4415 (c) administration of the program, including relevant timelines and deadlines.

4416 (7) Subject to the limitations of Subsections (8) through (10), and if the requirements  
4417 of this part are met, the following nonrefundable tax credits against a tax under Title 59,  
4418 Chapter 7, Corporate Franchise and Income Taxes, or Title 59, Chapter 10, Individual Income  
4419 Tax Act, are applicable in an enterprise zone:

4420 (a) a tax credit of \$750 may be claimed by a business entity for each new full-time  
4421 employee position created within the enterprise zone;

4422 (b) an additional \$500 tax credit may be claimed if the new full-time employee position  
4423 created within the enterprise zone pays at least 125% of:

4424 (i) the county average monthly nonagricultural payroll wage for the respective industry  
4425 as determined by the Department of Workforce Services; or

4426 (ii) if the county average monthly nonagricultural payroll wage is not available for the  
4427 respective industry, the total average monthly nonagricultural payroll wage in the respective  
4428 county where the enterprise zone is located;

4429 (c) an additional tax credit of \$750 may be claimed if the new full-time employee  
4430 position created within the enterprise zone is in a business entity that adds value to agricultural  
4431 commodities through manufacturing or processing;

4432 (d) an additional tax credit of \$200 may be claimed for each new full-time employee  
4433 position created within the enterprise zone that is filled by an employee who is insured under  
4434 an employer-sponsored health insurance program if the employer pays at least 50% of the  
4435 premium cost for the year for which the credit is claimed;

4436 (e) a tax credit of 25% of the first \$200,000 spent on rehabilitating a building in the  
4437 enterprise zone that has been vacant for two years or more, including that the building has had  
4438 or contained no occupants, tenants, furniture, or personal property for two years or more, in the  
4439 time period immediately before the rehabilitation; and

4440 (f) an annual investment tax credit may be claimed in an amount equal to 5% of the first  
4441 \$750,000 qualifying investment in plant, equipment, or other depreciable property.

4442 (8) (a) Subject to the limitations of Subsection (8)(b), a business entity claiming a tax  
4443 credit under Subsections (7)(a) through (d) may claim the tax credit for no more than 30  
4444 full-time employee positions in a taxable year.

4445 (b) A business entity that received a tax credit for one or more new full-time employee  
4446 positions under Subsections (7)(a) through (d) in a prior taxable year may claim a tax credit for  
4447 a new full-time employee position in a subsequent taxable year under Subsections (7)(a)  
4448 through (d) if:

4449 (i) the business entity has created a new full-time position within the enterprise zone;  
4450 and

4451 (ii) the total number of employee positions at the business entity at any point during the  
4452 tax year for which the tax credit is being claimed is greater than the highest number of  
4453 employee positions that existed at the business entity in the previous taxable year.

4454 (c) Construction jobs are not eligible for the tax credits under Subsections (7)(a)  
4455 through (d).

4456 (9) If the amount of a tax credit under this section exceeds a business entity's tax  
4457 liability under this chapter for a taxable year, the business entity may carry forward the amount  
4458 of the tax credit exceeding the liability for a period that does not exceed the next three taxable  
4459 years.

4460 (10) Tax credits under Subsections (7)(a) through (f) may not be claimed by a business  
4461 entity primarily engaged in retail trade, residential rental property, or by a public utilities  
4462 business.

4463 (11) A business entity that has no employees:

4464 (a) may not claim tax credits under Subsections (7)(a) through (d); and

4465 (b) may claim tax credits under Subsections (7)(e) through (f).

4466 (12) (a) A business entity may not claim or carry forward a tax credit available under  
4467 this part for a taxable year during which the business entity has claimed the targeted business  
4468 income tax credit available under Section [63N-2-304](#).

4469 (b) A business entity may not claim or carry forward a tax credit available under this  
4470 section for a taxable year during which the business entity claims or carries forward a tax credit  
4471 available under Section [59-7-610](#) or [59-10-1007](#).

4472 (13) (a) On or before November 30, 2018, and every three years after 2018, the  
4473 Revenue and Taxation Interim Committee shall review the tax credits provided by this section  
4474 and make recommendations concerning whether the tax credits should be continued, modified,  
4475 or repealed.

4476 (b) In conducting the review required by Subsection (13)(a), the Revenue and Taxation  
4477 Interim Committee shall:

4478 (i) schedule time on at least one committee agenda to conduct the review;

4479 (ii) invite state agencies, individuals, and organizations concerned with the credits  
4480 under review to provide testimony;

4481 (iii) ensure that the recommendations described in this section include an evaluation of:



- 4482 (A) the cost of the tax credits to the state;
- 4483 (B) the purpose and effectiveness of the tax credits; and
- 4484 (C) the extent to which the state benefits from the tax credits; and
- 4485 (iv) undertake other review efforts as determined by the chairs of the Revenue and
- 4486 Taxation Interim Committee.

4487 Section 97. Section **63N-2-303** is amended to read:

4488 **63N-2-303. Duties of the office.**

4489 The office shall:

- 4490 (1) monitor the implementation and operation of this part and conduct a continuing
- 4491 evaluation of the effectiveness of the targeted business income tax credit in bringing significant
- 4492 new employment and significant new capital development to rural communities;
- 4493 (2) determine a business entity's eligibility for a targeted business income tax credit
- 4494 award;
- 4495 (3) ensure that tax credits are only awarded under this part to a business applicant that
- 4496 has satisfied performance benchmarks as determined by the office;
- 4497 (4) ensure that the amount of targeted business income tax credit awarded to a business
- 4498 applicant through a targeted business income tax credit eligibility certificate is no more than
- 4499 \$100,000 for the business applicant's taxable year;
- 4500 (5) ensure that the aggregate amount of targeted business income tax credits awarded to
- 4501 business applicants through targeted business income tax credit eligibility certificates is no
- 4502 more than \$300,000 for each fiscal year;
- 4503 (6) as part of the annual written report described in Section [~~63N-1-301~~] [63N-1a-306](#),
- 4504 prepare an annual evaluation that provides:
  - 4505 (a) the identity of each business applicant that was provided a targeted business income
  - 4506 tax credit eligibility certificate by the office during the year of the annual report; and
  - 4507 (b) the total amount awarded in targeted business income tax credit for each
  - 4508 development zone; and
- 4509 (7) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and

4510 in accordance with the provisions of this part, make rules regarding:

4511 (a) the determination of what constitutes:

4512 (i) significant new employment;

4513 (ii) significant new capital development; and

4514 (iii) a community investment project;

4515 (b) the form and content of an application for a targeted business income tax credit  
4516 eligibility certificate under this part;

4517 (c) documentation or other requirements for a business applicant to receive a targeted  
4518 business income tax credit eligibility certificate under this part; and

4519 (d) administration of targeted business income tax credit awards and the issuing of  
4520 targeted business income tax credit eligibility certificates, including relevant timelines and  
4521 deadlines.

4522 Section 98. Section **63N-2-503** is amended to read:

4523 **63N-2-503. Agreement for development of new convention hotel -- Convention**  
4524 **incentive authorized -- Agreement requirements.**

4525 (1) The office, with the board's advice, may enter into an agreement with a qualified  
4526 hotel owner or a host local government:

4527 (a) for the development of a qualified hotel; and

4528 (b) to authorize a convention incentive:

4529 (i) to the qualified hotel owner or host local government, but not both;

4530 (ii) for a period not to exceed the eligibility period;

4531 (iii) in the amount of new tax revenue, subject to Subsection (2) and notwithstanding  
4532 any other restriction provided by law;

4533 (iv) if:

4534 (A) the county in which the qualified hotel is proposed to be located has issued an  
4535 endorsement letter endorsing the qualified hotel owner; and

4536 (B) all applicable requirements of this part and the agreement are met; and

4537 (v) that is reduced by \$1,900,000 per year during the first two years of the eligibility

4538 period, as described in Subsection (2)(c).

4539 (2) An agreement under Subsection (1) shall:

4540 (a) specify the requirements for the qualified hotel owner or host local government to  
4541 qualify for a convention incentive;

4542 (b) require compliance with the terms of the endorsement letter issued by the county in  
4543 which the qualified hotel is proposed to be located;

4544 (c) require the amount of certified claims for the first two years of the eligibility period  
4545 to be reduced by \$1,900,000 per year;

4546 (d) with respect to the state portion of the convention incentive:

4547 (i) specify the maximum dollar amount that the qualified hotel owner or host local  
4548 government may receive, subject to a maximum of:

4549 (A) for any calendar year, the amount of the state portion in that calendar year; and

4550 (B) \$75,000,000 in the aggregate for the qualified hotel owner or host local  
4551 government during an eligibility period, calculated as though the two \$1,900,000 reductions of  
4552 the ~~[tax credit]~~ convention incentive amount under Subsection (1)(b)(iv) had not occurred; and

4553 (ii) specify the maximum percentage of the state portion that may be used in  
4554 calculating the portion of the convention incentive that the qualified hotel owner or host local  
4555 government may receive during the eligibility period for each calendar year and in the  
4556 aggregate;

4557 (e) establish a shorter period of time than the period described in Subsection  
4558 [63N-2-502\(10\)\(a\)](#) during which the qualified hotel owner or host local government may claim  
4559 the convention incentive or that the host agency may be paid incremental property tax revenue,  
4560 if the office and qualified hotel owner or host local government agree to a shorter period of  
4561 time;

4562 (f) require the qualified hotel owner to retain books and records supporting a claim for  
4563 the convention incentive as required by Section [59-1-1406](#);

4564 (g) allow the transfer of the agreement to a third party if the third party assumes all  
4565 liabilities and responsibilities in the agreement;

4566 (h) limit the expenditure of funds received under the convention incentive as provided  
4567 in Section 63N-2-512; and

4568 (i) require the qualified hotel owner or host local government to submit to any audit  
4569 and to provide any audit level [~~attestation~~] review or other level of review the office considers  
4570 appropriate for verification of any claim.

4571 (3) Notwithstanding any other provision of law, a county or city in which a qualified  
4572 hotel is located may contribute property to the qualified hotel owner or host local government  
4573 without consideration, to be used as provided in Subsection 63N-2-508(3)(a).

4574 Section 99. Section 63N-2-504 is amended to read:

4575 **63N-2-504. Independent review committee.**

4576 (1) In accordance with rules adopted by the office under Section 63N-2-509, the  
4577 [~~board~~] GO Utah board shall establish a separate, independent review committee to provide  
4578 recommendations to the office regarding the terms and conditions of an agreement and to  
4579 consult with the office as provided in this part or in rule.

4580 (2) The review committee shall consist of:

4581 (a) one member appointed by the executive director to represent the office;

4582 (b) two members appointed by the mayor or chief executive of the county in which the  
4583 qualified hotel is located or proposed to be located;

4584 (c) two members appointed by:

4585 (i) the mayor of the municipality in which the qualified hotel is located or proposed to  
4586 be located, if the qualified hotel is located or proposed to be located within the boundary of a  
4587 municipality; or

4588 (ii) the mayor or chief executive of the county in which the qualified hotel is located or  
4589 proposed to be located, in addition to the two members appointed under Subsection (2)(b), if  
4590 the qualified hotel is located or proposed to be located outside the boundary of a municipality;

4591 (d) an individual representing the hotel industry, appointed by the Utah Hotel and  
4592 Lodging Association;

4593 (e) an individual representing the commercial development and construction industry,

4594 appointed by the president or chief executive officer of the local chamber of commerce;  
4595 (f) an individual representing the convention and meeting planners industry, appointed  
4596 by the president or chief executive officer of the local convention and visitors bureau; and

4597 (g) one member appointed by the ~~[board]~~ GO Utah board.

4598 (3) (a) A member serves an indeterminate term and may be removed from the review  
4599 committee by the appointing authority at any time.

4600 (b) A vacancy may be filled in the same manner as an appointment under Subsection  
4601 (2).

4602 (4) A member of the review committee may not be paid for serving on the review  
4603 committee and may not receive per diem or expense reimbursement.

4604 (5) The office shall provide any necessary staff support to the review committee.

4605 Section 100. Section **63N-2-510** is amended to read:

4606 **63N-2-510. Report by office -- Posting of report.**

4607 (1) The office shall include the following information in the office's annual written  
4608 report described in Section ~~[63N-1-301]~~ 63N-1a-306:

4609 (a) the state's success in attracting new conventions and corresponding new state  
4610 revenue;

4611 (b) the estimated amount of convention incentive commitments and the associated  
4612 calculation made by the office and the period of time over which convention incentives are  
4613 expected to be paid;

4614 (c) the economic impact on the state related to generating new state revenue and  
4615 providing convention incentives; and

4616 (d) the estimated and actual costs and economic benefits of the convention incentive  
4617 commitments that the office made.

4618 (2) Upon the commencement of the construction of a qualified hotel, the office shall  
4619 send a written notice to the Division of Finance:

4620 (a) referring to the two annual deposits required under Subsection 59-12-103(11); and

4621 (b) notifying the Division of Finance that construction on the qualified hotel has begun.

4622 Section 101. Section **63N-2-512** is amended to read:

4623 **63N-2-512. Hotel Impact Mitigation Fund.**

4624 (1) As used in this section:

4625 (a) "Affected hotel" means a hotel built in the state before July 1, 2014.

4626 (b) "Direct losses" means affected hotels' losses of hotel guest business attributable to  
4627 the qualified hotel room supply being added to the market in the state.

4628 (c) "Mitigation fund" means the Hotel Impact Mitigation Fund, created in Subsection  
4629 (2).

4630 (2) There is created an expendable special revenue fund known as the Hotel Impact  
4631 Mitigation Fund.

4632 (3) The mitigation fund shall:

4633 (a) be administered by the ~~[board]~~ GO Utah board;

4634 (b) earn interest; and

4635 (c) be funded by:

4636 (i) payments required to be deposited into the mitigation fund by the Division of  
4637 Finance under Subsection [59-12-103](#)(11);

4638 (ii) money required to be deposited into the mitigation fund under Subsection  
4639 [17-31-9](#)(2) by the county in which a qualified hotel is located; and

4640 (iii) any money deposited into the mitigation fund under Subsection (6).

4641 (4) Interest earned by the mitigation fund shall be deposited into the mitigation fund.

4642 (5) (a) In accordance with office rules, the ~~[board]~~ GO Utah board shall annually pay  
4643 up to \$2,100,000 of money in the mitigation fund:

4644 (i) to affected hotels;

4645 (ii) for four consecutive years, beginning 12 months after the date of initial occupancy  
4646 of the qualified hotel occurs; and

4647 (iii) to mitigate direct losses.

4648 (b) (i) If the amount the ~~[board]~~ GO Utah board pays under Subsection (5)(a) in any  
4649 year is less than \$2,100,000, the ~~[board]~~ GO Utah board shall pay to the Stay Another Day and

4650 Bounce Back Fund, created in Section [63N-2-511](#), the difference between \$2,100,000 and the  
4651 amount paid under Subsection (5)(a).

4652 (ii) The ~~[board]~~ GO Utah board shall make any required payment under Subsection  
4653 (5)(b)(i) within 90 days after the end of the year for which a determination is made of how  
4654 much the ~~[board]~~ GO Utah board is required to pay to affected hotels under Subsection (5)(a).

4655 (6) A host local government or qualified hotel owner may make payments to the  
4656 Division of Finance for deposit into the mitigation fund.

4657 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4658 office shall, in consultation with the Utah Hotel and Lodging Association and the county in  
4659 which the qualified hotel is located, make rules establishing procedures and criteria governing  
4660 payments under Subsection (5)(a) to affected hotels.

4661 Section 102. Section [63N-2-808](#) is amended to read:

4662 **[63N-2-808. Agreements between office and tax credit applicant and life science](#)**  
4663 **[establishment -- Tax credit certificate.](#)**

4664 (1) (a) The office, with advice from the ~~[board]~~ GO Utah board, may enter into an  
4665 agreement to grant a tax credit certificate to a tax credit applicant selected in accordance with  
4666 this part, if the tax credit applicant meets the conditions established in the agreement and under  
4667 this part.

4668 (b) The agreement described in Subsection (1)(a) shall:

4669 (i) detail the requirements that the tax credit applicant shall meet prior to receiving a  
4670 tax credit certificate;

4671 (ii) require the tax credit certificate recipient to retain records supporting a claim for a  
4672 tax credit for at least four years after the tax credit certificate recipient claims a tax credit under  
4673 this part; and

4674 (iii) require the tax credit certificate recipient to submit to audits for verification of the  
4675 tax credit claimed, including audits by the office and by the State Tax Commission.

4676 (2) (a) The office, with advice from the ~~[board]~~ GO Utah board, shall enter into an  
4677 agreement with the life science establishment in which the tax credit applicant invested for

4678 purposes of claiming a tax credit.

4679 (b) The agreement described in Subsection (2)(a):

4680 (i) shall provide the office with a document that expressly and directly authorizes the  
4681 State Tax Commission to disclose to the office the life science establishment's tax returns and  
4682 other information that would otherwise be subject to confidentiality under Section [59-1-403](#) or  
4683 Section 6103, Internal Revenue Code;

4684 (ii) shall authorize the Department of Workforce Services to disclose to the office the  
4685 employment data that the life science establishment submits to the Department of Workforce  
4686 Services;

4687 (iii) shall require the life science establishment to provide the office with the life  
4688 science establishment's current capitalization tables; and

4689 (iv) may require the life science establishment to provide the office with other data  
4690 that:

4691 (A) ensure compliance with the requirements of this chapter; and

4692 (B) demonstrate the economic impact of the tax credit applicant's investment in the life  
4693 science establishment.

4694 Section 103. Section **63N-2-810** is amended to read:

4695 **63N-2-810. Reports on tax credit certificates.**

4696 The office shall include the following information in the annual written report described  
4697 in Section [~~63N-1-301~~] [63N-4-106](#):

4698 (1) the total amount listed on tax credit certificates the office issues under this part;

4699 (2) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax  
4700 credit applicants under this part; and

4701 (3) the economic impact on the state related to providing tax credits under this part.

4702 Section 104. Section **63N-3-102** is amended to read:

4703 **63N-3-102. Definitions.**

4704 As used in this part:

4705 (1) "Administrator" means the executive director or the executive director's designee.



4706 ~~[(2) "Best available control technology" means a pollution control method that is~~  
4707 ~~approved by the United States Environmental Protection Agency or the Department of~~  
4708 ~~Environmental Quality to control a certain pollutant type to a specified degree.]~~

4709 ~~[(3) "Company creating an economic impediment" means a company that discourages~~  
4710 ~~economic development within a reasonable radius of its location because of:]~~

4711 ~~[(a) odors;]~~

4712 ~~[(b) noise;]~~

4713 ~~[(c) pollution;]~~

4714 ~~[(d) health hazards; or]~~

4715 ~~[(e) other activities similar to those described in Subsections (3)(a) through (d).]~~

4716 ~~[(4)]~~ (2) "Economic opportunities" means unique business situations or community  
4717 circumstances, including the development of recreation infrastructure and the promotion of the  
4718 high tech sector in the state, which lend themselves to the furtherance of the economic interests  
4719 of the state by providing a catalyst or stimulus to the growth or retention, or both, of commerce  
4720 and industry in the state, including retention of companies whose relocation outside the state  
4721 would have a significant detrimental economic impact on the state as a whole, regions of the  
4722 state, or specific components of the state as determined by the [board] GO Utah board.

4723 ~~[(5) "Economically disadvantaged rural area" means a geographic area designated by~~  
4724 ~~the board under Section 63N-3-111.]~~

4725 ~~[(6) "Nonattainment area" means a part of the state where air quality is determined to~~  
4726 ~~exceed the National Ambient Air Quality Standards, as defined in the Clean Air Act~~  
4727 ~~Amendments of 1970, Pub. L. No. 91-604, Sec. 109, for fine particulate matter (PM 2.5).]~~

4728 ~~[(7) "Replacement company" means a company locating its business or part of its~~  
4729 ~~business in a location vacated by a company creating an economic impediment.]~~

4730 ~~[(8)]~~ (3) "Restricted Account" means the restricted account known as the Industrial  
4731 Assistance Account created in Section 63N-3-103.

4732 ~~[(9)]~~ (4) "Targeted industry" means an industry or group of industries targeted by the  
4733 [board] GO Utah board under Section 63N-3-111, for economic development in the state.

4734 (5) "Talent development grant" means a grant awarded under Section [63N-3-112](#).

4735 Section 105. Section **63N-3-103** is amended to read:

4736 **63N-3-103. Industrial Assistance Account created -- Uses -- Administrator duties**

4737 **-- Costs.**

4738 (1) There is created a restricted account within the General Fund known as the  
4739 "Industrial Assistance Account" ~~[of which annually]~~.

4740 ~~[(a) up to 50% of the unencumbered money in the account may be used in~~  
4741 ~~economically disadvantaged rural areas; and]~~

4742 ~~[(b) up to the greater of \$250,000 or 25% of the unencumbered money in the account~~  
4743 ~~may be used to take timely advantage of economic opportunities as they arise.]~~

4744 (2) The administrator shall administer the restricted account ~~[created under Subsection~~  
4745 ~~(1) under the policy direction of the board]~~.

4746 (3) The administrator may hire appropriate support staff to perform the duties required  
4747 under this section.

4748 (4) The cost of administering the restricted account shall be paid from money in the  
4749 restricted account.

4750 (5) Interest accrued from investment of money in the restricted account shall remain in  
4751 the restricted account.

4752 (6) The office shall review the activities and progress of grant recipients under this  
4753 chapter on a regular basis and, as part of the office's annual written report described in Section  
4754 ~~[63N-1-301]~~ [63N-1a-306](#), report on the economic impact of activities funded by ~~[the grants]~~  
4755 each grant.

4756 Section 106. Section **63N-3-105** is amended to read:

4757 **63N-3-105. Qualification for assistance.**

4758 (1) (a) Except as provided in ~~[Section 63N-3-108, 63N-3-109, or 63N-3-109.5,]~~

4759 Section 63N-3-109, the administrator shall determine which industries, companies, and  
4760 individuals qualify to receive money from the Industrial Assistance Account.

4761 (b) Except as provided by Subsection (2), to qualify for financial assistance from the

4762 restricted account, an applicant shall:

4763           ~~[(a)]~~ (i) demonstrate to the satisfaction of the administrator that the applicant will  
 4764 expend funds in ~~[Utah]~~ the state with employees, vendors, subcontractors, or other businesses  
 4765 in an amount proportional with money provided from the restricted account at a minimum ratio  
 4766 of ~~[2 to 1]~~ one to one per year or other more stringent requirements as established ~~[from time to~~  
 4767 ~~time by the board for a minimum period of five years beginning with the date the loan or grant~~  
 4768 ~~was approved]~~ on a per project basis by the administrator;

4769           ~~[(b)]~~ (ii) demonstrate to the satisfaction of the administrator the applicant's ability to  
 4770 sustain economic activity in the state sufficient to repay, by means of cash or appropriate  
 4771 credits, the loan provided by the restricted account; and

4772           ~~[(c)]~~ (iii) satisfy other criteria the administrator considers appropriate.

4773           (2) (a) The administrator may exempt an applicant from the requirements of Subsection  
 4774 (1)(a) or (b) if:

4775           ~~[(i) the financial assistance is provided to an applicant for the purpose of locating all or~~  
 4776 ~~any portion of its operations to an economically disadvantaged rural area;]~~

4777           ~~[(ii)]~~ (i) the applicant is part of a targeted industry;

4778           ~~[(iii)]~~ (ii) the applicant is a quasi-public corporation organized under Title 16, Chapter  
 4779 6a, Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent  
 4780 Corporations Act, and its operations, as demonstrated to the satisfaction of the administrator,  
 4781 will provide significant economic stimulus to the growth of commerce and industry in the state;  
 4782 or

4783           ~~[(iv)]~~ (iii) the applicant is an entity offering an economic opportunity under Section  
 4784 [63N-3-109](#).

4785           (b) The administrator may not exempt the applicant from the requirement under  
 4786 Subsection [63N-3-106\(2\)\(b\)](#) that the loan be structured so that the repayment or return to the  
 4787 state equals at least the amount of the assistance together with an annual interest charge.

4788           (3) The administrator shall:

4789           (a) for applicants not described in Subsection (2)(a):

4790 (i) make findings as to whether or not each applicant has satisfied each of the  
4791 conditions set forth in Subsection (1); and

4792 (ii) monitor the continued compliance by each applicant with each of the conditions set  
4793 forth in Subsection (1) for five years;

4794 ~~[(b) for applicants described in Subsection (2)(a), make findings as to whether the  
4795 economic activities of each applicant has resulted in the creation of new jobs on a per capita  
4796 basis in the economically disadvantaged rural area or targeted industry in which the applicant is  
4797 located;]~~

4798 ~~[(c)]~~ (b) monitor the compliance by each applicant with the provisions of any contract  
4799 or agreement entered into between the applicant and the state as provided in Section  
4800 63N-3-107; and

4801 ~~[(d)]~~ (c) make funding decisions based upon appropriate findings and compliance.  
4802 Section 107. Section 63N-3-106 is amended to read:

4803 **63N-3-106. Loans, grants, and assistance -- Repayment -- Earned credits.**

4804 (1) (a) A company that qualifies under Section 63N-3-105 may receive loans, grants, or  
4805 other financial assistance from the Industrial Assistance Account for expenses related to  
4806 establishment, relocation, or development of industry in Utah.

4807 ~~[(b) A company creating an economic impediment that qualifies under Section  
4808 63N-3-108 may in accordance with this part receive loans, grants, or other financial assistance  
4809 from the restricted account for the expenses of the company creating an economic impediment  
4810 related to:]~~

4811 ~~[(i) relocation to a rural area in Utah of the company creating an economic  
4812 impediment; and]~~

4813 ~~[(ii) the siting of a replacement company.]~~

4814 ~~[(c)]~~ (b) An entity offering an economic opportunity that qualifies under Section  
4815 63N-3-109 may:

4816 (i) receive loans, grants, or other financial assistance from the restricted account for  
4817 expenses related to the establishment, relocation, retention, or development of industry in the

4818 state; and

4819 (ii) include infrastructure or other economic development precursor activities that act  
4820 as a catalyst and stimulus for economic activity likely to lead to the maintenance or  
4821 enlargement of the state's tax base.

4822 ~~[(d) An entity located in a nonattainment area that qualifies for assistance under  
4823 Section 63N-3-109.5 may receive loans, grants, or other financial assistance from the restricted  
4824 account for expenses related to the purchase and installation of best available control  
4825 technology for air quality, including related financing and interest costs at the discretion of the  
4826 administrator.]~~

4827 (2) (a) Subject to Subsection (2)(b), the administrator has authority to determine the  
4828 structure, amount, and nature of any loan, grant, or other financial assistance from the restricted  
4829 account.

4830 (b) Loans made under Subsection (2)(a) shall be structured so the intended repayment  
4831 or return to the state, including cash or credit, equals at least the amount of the assistance  
4832 together with an annual interest charge as negotiated by the administrator.

4833 (c) Payments resulting from grants awarded from the restricted account shall be made  
4834 only after the administrator has determined that the company has satisfied the conditions upon  
4835 which the payment or earned credit was based.

4836 (3) (a) (i) Except as provided in Subsection (3)(b), the administrator may provide for a  
4837 system of earned credits that may be used to support grant payments or in lieu of cash  
4838 repayment of a restricted account loan obligation.

4839 (ii) The value of the credits described in Subsection (3)(a)(i) shall be based on factors  
4840 determined by the administrator, including:

4841 (A) the number of Utah jobs created;

4842 (B) the increased economic activity in Utah; or

4843 (C) other events and activities that occur as a result of the restricted account assistance.

4844 (b) (i) The administrator shall provide for a system of credits to be used to support  
4845 grant payments or in lieu of cash repayment of a restricted account loan when loans are made to

4846 a company creating an economic impediment.

4847 (ii) The value of the credits described in Subsection (3)(b)(i) shall be based on factors  
4848 determined by the administrator, including:

4849 (A) the number of Utah jobs created;

4850 (B) the increased economic activity in Utah; or

4851 (C) other events and activities that occur as a result of the restricted account assistance.

4852 (4) (a) A cash loan repayment or other cash recovery from a company receiving  
4853 assistance under this section, including interest, shall be deposited into the restricted account.

4854 (b) The administrator and the Division of Finance shall determine the manner of  
4855 recognizing and accounting for the earned credits used in lieu of loan repayments or to support  
4856 grant payments as provided in Subsection (3).

4857 (5) (a) (i) At the end of each fiscal year, the Division of Finance shall set aside the  
4858 balance of the General Fund revenue surplus as defined in Section [63J-1-312](#) after the transfers  
4859 of General Fund revenue surplus described in Subsection (5)(b) to the Industrial Assistance  
4860 Account in an amount equal to any credit that has accrued under this part.

4861 (ii) The set aside under Subsection (5)(a)(i) shall be capped at \$50,000,000, at which  
4862 time no subsequent contributions may be made and any interest accrued above the \$50,000,000  
4863 cap shall be deposited into the General Fund.

4864 (b) The set aside required by Subsection (5)(a) shall be made after the transfer of  
4865 surplus General Fund revenue surplus is made:

4866 (i) to the Medicaid Growth Reduction and Budget Stabilization Restricted Account, as  
4867 provided in Section [63J-1-315](#);

4868 (ii) to the General Fund Budget Reserve Account, as provided in Section [63J-1-312](#);

4869 and

4870 (iii) to the Wildland Fire Suppression Fund or State Disaster Recovery Restricted  
4871 Account, as provided in Section [63J-1-314](#).

4872 (c) These credit amounts may not be used for purposes of the restricted account as  
4873 provided in this part until appropriated by the Legislature.

4874 Section 108. Section **63N-3-109** is amended to read:

4875 **63N-3-109. Financial assistance to entities offering economic opportunities.**

4876 (1) Subject to the duties and powers of the [~~board under Section 63N-1-402~~] GO Utah  
 4877 board under Section 63N-1b-202, the administrator may provide money from the Industrial  
 4878 Assistance Account to an entity offering an economic opportunity if that entity:

4879 (a) applies to the administrator in a form approved by the administrator; and

4880 (b) meets the qualifications of Subsection (2).

4881 (2) As part of an application for receiving money under this section, an applicant shall:

4882 (a) demonstrate to the satisfaction of the administrator the nature of the economic  
 4883 opportunity and the related benefit to the economic well-being of the state by providing  
 4884 evidence documenting the logical and compelling linkage, either direct or indirect, between the  
 4885 expenditure of money necessitated by the economic opportunity and the likelihood that the  
 4886 state's tax base, regions of the state's tax base, or specific components of the state's tax base  
 4887 will not be reduced but will be maintained or enlarged;

4888 (b) demonstrate how the funding request will act in concert with other state, federal, or  
 4889 local agencies to achieve the economic benefit;

4890 (c) demonstrate how the funding request will act in concert with free market principles;  
 4891 and

4892 (d) satisfy other criteria the administrator considers appropriate[;].

4893 [~~(e) if the applicant meets the requirements of Subsection (2)(f)(i):~~]

4894 [~~(i) demonstrate that the funding request will be used primarily to reimburse an~~  
 4895 ~~applicant for expenses related to a program of marketing and branding for an annual conference~~  
 4896 ~~or festival with at least 10,000 attendees that is held on or after January 1, 2019; and]~~

4897 [~~(ii) demonstrate that an annual conference or festival described in Subsection (2)(f)(i)~~  
 4898 ~~has met post-performance requirements designated by the administrator, in coordination with~~  
 4899 ~~the organizer of an annual conference or festival, which shall include metrics and reporting~~  
 4900 ~~requirements related to:]~~

4901 [~~(A) attendance;]~~

4902           ~~[(B) revenue;]~~  
4903           ~~[(C) expenses;]~~  
4904           ~~[(D) economic impact to the state;]~~  
4905           ~~[(E) sponsorships; and]~~  
4906           ~~[(F) conference or festival objectives; and]~~  
4907           ~~[(f) be either:]~~  
4908           ~~[(i) an entity whose purpose is to exclusively or substantially promote, develop, or~~  
4909 ~~maintain the economic welfare and prosperity of the state as a whole, regions of the state, or~~  
4910 ~~specific components of the state, including an entity that hosts an annual conference or festival~~  
4911 ~~with at least 10,000 attendees; or]~~  
4912           ~~[(ii) a company or individual that meets the requirements of Subsections (2)(a) through~~  
4913 ~~(d) but does not otherwise qualify under Section 63N-3-105.].~~  
4914           (3) ~~[Subject to the duties and powers of the board under Section 63N-1-402]~~ Before  
4915 awarding any money under this section, the administrator shall:  
4916           (a) make findings as to whether an applicant has satisfied ~~[each of the conditions~~  
4917 ~~described in]~~ the requirements of Subsection (2);  
4918           (b) establish benchmarks and timeframes in which progress toward the completion of  
4919 the agreed upon activity is to occur;  
4920           (c) monitor compliance by an applicant with any contract or agreement entered into by  
4921 the applicant and the state as provided by Section 63N-3-107; and  
4922           (d) make funding decisions based upon appropriate findings and compliance~~[-and].~~  
4923           ~~[(e) in cooperation with each entity that has received money from the Industrial~~  
4924 ~~Assistance Account in accordance with Subsection (2)(e), provide a written report on or before~~  
4925 ~~October 1 of each year describing the total amount of money provided by the state for each~~  
4926 ~~annual conference or festival during the year and the total cost from all sources of holding each~~  
4927 ~~annual conference or festival during the year to the:]~~  
4928           ~~[(i) office for inclusion in the office's annual report described in Section 63N-1-301;~~  
4929 ~~and]~~



4930 ~~[(ii) Economic Development and Workforce Services Interim Committee.]~~

4931 Section 109. Section **63N-3-111** is amended to read:

4932 **63N-3-111. Annual policy considerations.**

4933 (1) (a) The ~~[board]~~ GO Utah board shall determine annually which industries or groups  
4934 of industries shall be targeted industries as defined in Section **63N-3-102**.

4935 (b) The office shall make recommendations to state and federal agencies, local  
4936 governments, the governor, and the Legislature regarding policies and initiatives that promote  
4937 the economic development of targeted industries.

4938 (c) The office may create one or more voluntary advisory committees that may include  
4939 public and private stakeholders to solicit input on policy guidance and best practices in  
4940 encouraging the economic development of targeted industries.

4941 ~~[(2) In designating an economically disadvantaged rural area, the board shall consider  
4942 the average agricultural and nonagricultural wage, personal income, unemployment, and  
4943 employment in the area.]~~

4944 ~~[(3)]~~ (2) In evaluating the economic impact of applications for assistance, the ~~[board]~~  
4945 GO Utah board shall use an econometric cost-benefit model ~~[or models adopted by the  
4946 Governor's Office of Management and Budget].~~

4947 ~~[(4)]~~ (3) The ~~[board]~~ GO Utah board may establish:

4948 (a) minimum interest rates to be applied to loans granted that reflect a fair social rate of  
4949 return to the state comparable to prevailing market-based rates such as the prime rate, U.S.  
4950 Government T-bill rate, or bond coupon rate as paid by the state, adjusted by social indicators  
4951 such as the rate of unemployment; and

4952 (b) minimum applicant expense ratios, as long as they are at least equal to those  
4953 required under Subsection **63N-3-105(1)**~~[(a)]~~(b) ~~[or **63N-3-108(1)(b)(i)(A)**].~~

4954 Section 110. Section **63N-3-112** is enacted to read:

4955 **63N-3-112. Talent development grants.**

4956 (1) A for-profit business that is creating new incremental high paying jobs in the state,  
4957 may apply to receive a talent development grant from the restricted account.

4958           (2) In accordance with the provisions of this section and in consultation with the board,  
4959 the administrator may award up to \$10,000 per new job created.

4960           (3) The administrator shall designate an application process for a business to apply for  
4961 the grant.

4962           (4) A business may apply to receive a grant only after each employee has been  
4963 employed at qualifying wage levels for at least 12 consecutive months.

4964           (5) Money granted for a talent development grant under this section shall be deducted  
4965 from any other money or incentive awarded by the office to the business.

4966           (6) Grants awarded under this section are only to reimburse a business for the costs  
4967 incurred to recruit, hire, train, and otherwise employ an employee in a newly created job.

4968           (7) A business shall submit a hiring and training plan detailing what the grant money  
4969 will be used for as part of the application process.

4970           (8) The administrator may only grant an award up to an amount that is no more than  
4971 25% of the estimated costs to be incurred by the business for the costs in the hiring and training  
4972 plan.

4973           Section 111. Section **63N-3-204** is amended to read:

4974           **63N-3-204. Administration -- Grants and loans.**

4975           (1) The office shall administer this part.

4976           (2) (a) (i) The office may award Technology Commercialization and Innovation  
4977 Program grants or issue loans under this part to an applicant that is:

4978           (A) an institution of higher education;

4979           (B) a licensee; or

4980           (C) a small business.

4981           (ii) If loans are issued under Subsection (2)(a)(i), the Division of Finance may set up a  
4982 fund or account as necessary for the proper accounting of the loans.

4983           (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4984 office shall make rules for a process to determine whether an institution of higher education  
4985 that receives a grant under this part must return the grant proceeds or a portion of the grant

4986 proceeds if the technology that is developed with the grant proceeds is licensed to a licensee  
4987 that:

4988 (i) does not maintain a manufacturing or service location in the state from which the  
4989 licensee or a sublicensee exploits the technology; or

4990 (ii) initially maintains a manufacturing or service location in the state from which the  
4991 licensee or a sublicensee exploits the technology, but within five years after issuance of the  
4992 license the licensee or sublicensee transfers the manufacturing or service location for the  
4993 technology to a location out of the state.

4994 (c) A repayment by an institution of higher education of grant proceeds or a portion of  
4995 the grant proceeds may only come from the proceeds of the license established between the  
4996 licensee and the institution of higher education.

4997 (d) (i) An applicant that is a licensee or small business that receives a grant under this  
4998 part shall return the grant proceeds or a portion of the grant proceeds to the office if the  
4999 applicant:

5000 (A) does not maintain a manufacturing or service location in the state from which the  
5001 applicant exploits the technology; or

5002 (B) initially maintains a manufacturing or service location in the state from which the  
5003 applicant exploits the technology, but within five years after issuance of the grant, the applicant  
5004 transfers the manufacturing or service location for the technology to an out-of-state location.

5005 (ii) A repayment by an applicant shall be prorated based on the number of full years the  
5006 applicant operated in the state from the date of the awarded grant.

5007 (iii) A repayment by a licensee that receives a grant may only come from the proceeds  
5008 of the license to that licensee.

5009 (3) (a) Funding allocations shall be made by the office with the advice of the [board]  
5010 GO Utah board.

5011 (b) Each proposal shall receive the best available outside review.

5012 (4) (a) In considering each proposal, the office shall weigh technical merit, the level of  
5013 matching funds from private and federal sources, and the potential for job creation and

5014 economic development.

5015 (b) Proposals or consortia that combine and coordinate related research at two or more  
5016 institutions of higher education shall be encouraged.

5017 (5) The office shall review the activities and progress of grant recipients on a regular  
5018 basis and, as part of the office's annual written report described in Section [~~63N-1-301~~]  
5019 63N-1a-306, report on the accomplishments and direction of the Technology  
5020 Commercialization and Innovation Program.

5021 (6) (a) On or before August 1, 2018, the office shall provide a written analysis and  
5022 recommendations concerning the usefulness of the Technology Commercialization and  
5023 Innovation Program described in this part, including whether:

5024 (i) the program is beneficial to the state and should continue; and  
5025 (ii) other office programs or programs in other agencies could provide similar benefits  
5026 to the state more effectively or at a lower cost.

5027 (b) The written analysis and recommendations described in this Subsection (6) shall be  
5028 provided to:

5029 (i) the Business, Economic Development, and Labor Appropriations Subcommittee;  
5030 (ii) the Economic Development and Workforce Services Interim Committee;  
5031 (iii) the Business and Labor Interim Committee; and  
5032 (iv) the governor.

5033 Section 112. Section ~~63N-4-101~~ is amended to read:

5034 **Part 1. Center for Rural Development**

5035 **~~63N-4-101. Title -- Definitions.~~**

5036 (1) This chapter is known as the "Rural Development Act."

5037 [~~(2) This part is known as the "Office of Rural Development."~~]

5038 [~~(3) As used in this part:~~]

5039 [~~(a) "Office" or "GOED" means the Governor's Office of Economic Development.]~~]

5040 [~~(b) "Program" means the Rural Development Program.]~~]

5041 (2) As used in this part, "program" means the Rural Development Program created in

5042 Section 63N-4-102.

5043 Section 113. Section **63N-4-102** is amended to read:

5044 **63N-4-102. Rural Development Program -- Supervision by office.**

5045 (1) There is created within the [~~Governor's Office of Economic Development~~] office  
5046 the [~~Office of~~] Center for Rural Development.

5047 (2) The [~~Office of~~] Center for Rural Development is under the administration and  
5048 general supervision of the [~~Governor's Office of Economic Development~~] office.

5049 Section 114. Section **63N-4-103** is amended to read:

5050 **63N-4-103. Purpose of the Center for Rural Development.**

5051 The [~~Office of~~] Center for Rural Development is established to:

5052 (1) foster and support economic development programs and activities for the benefit of  
5053 rural counties and communities;

5054 (2) foster and support community, county, and resource management planning  
5055 programs and activities for the benefit of rural counties and communities;

5056 (3) foster and support leadership training programs and activities for the benefit of:

5057 (a) rural leaders in both the public and private sectors;

5058 (b) economic development and planning personnel; and

5059 (c) rural government officials;

5060 (4) foster and support efforts to coordinate and focus the technical and other resources  
5061 of appropriate institutions of higher education, local governments, private sector interests,  
5062 associations, nonprofit organizations, federal agencies, and others, in ways that address the  
5063 economic development, planning, and leadership challenges [~~and priorities of rural Utah as~~  
5064 ~~identified in the strategic plan required under Subsection 63C-10-103(1)(b)~~];

5065 (5) work to enhance the capacity of GOED to address rural economic development,  
5066 planning, and leadership training challenges and opportunities by establishing partnerships and  
5067 positive working relationships with appropriate public and private sector entities, individuals,  
5068 and institutions; and

5069 (6) foster government-to-government collaboration and good working relations

5070 between state and rural government regarding economic development and planning issues.

5071 Section 115. Section **63N-4-104** is amended to read:

5072 **63N-4-104. Duties.**

5073 (1) The [~~Office of~~] Center for Rural Development shall:

5074 [~~(a) provide staff support to the Governor's Rural Partnership Board in accordance with~~  
5075 ~~Subsection 63C-10-102(6);]~~

5076 [~~(b) facilitate within GOED the implementation of the strategic plan prepared under~~  
5077 ~~Subsection 63C-10-103(1)(b);]~~

5078 [~~(c)~~] (a) work to enhance the capacity of [~~GOED~~] the office to address rural economic  
5079 development, planning, and leadership training challenges and opportunities by establishing  
5080 partnerships and positive working relationships with appropriate public and private sector  
5081 entities, individuals, and institutions;

5082 [~~(d)~~] (b) work with the [~~Governor's Rural Partnership Board~~] GO Utah board to  
5083 coordinate and focus available resources in ways that address the economic development,  
5084 planning, and leadership training challenges and priorities in rural Utah;

5085 [~~(e)~~] (c) assist [~~the Governor's Rural Partnership Board~~] in administering the Rural  
5086 County Grant Program created in Section **17-54-103**, including, as described in Subsection  
5087 **17-54-103(10)**, compiling reported information regarding the program for inclusion in  
5088 [~~GOED's~~] the office's annual written report described in Section [~~63N-1-301~~] 63N-1a-306; and

5089 [~~(f)~~] (d) in accordance with economic development and planning policies set by state  
5090 government, coordinate relations between:

5091 (i) the state;

5092 (ii) rural governments;

5093 (iii) other public and private groups engaged in rural economic planning and  
5094 development; and

5095 (iv) federal agencies.

5096 (2) (a) The [~~Office of~~] Center for Rural Development may:

5097 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

5098 make rules necessary to carry out its duties;

5099 (ii) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of rural  
5100 Utah citizens; and

5101 (iii) use those gifts, grants, devises, and property received under Subsection (2)(a)(ii)  
5102 for the use and benefit of rural citizens within the state.

5103 (b) All resources received under Subsection (2)(a)(ii) shall be deposited in the General  
5104 Fund as dedicated credits to be used as directed in Subsection (2)(a)(iii).

5105 Section 116. Section **63N-4-105** is amended to read:

5106 **63N-4-105. Program manager.**

5107 (1) The executive director [~~of GOED~~] shall appoint a director for the [~~Office of~~] Center  
5108 for Rural Development with the approval of the governor.

5109 (2) The director of the [~~Office of~~] Center for Rural Development shall be a person  
5110 knowledgeable in the field of rural economic development and planning and experienced in  
5111 administration.

5112 (3) Upon change of the executive director [~~of GOED~~], the director of the [~~Office of~~]  
5113 Center for Rural Development may not be dismissed without cause for at least 180 days.

5114 [~~(4) The director of the Office of Rural Development shall serve as staff to the~~  
5115 ~~Governor's Rural Partnership Board and to the executive committee of the Governor's Rural~~  
5116 ~~Partnership Board in accordance with Subsection 63C-10-102(6).]~~

5117 Section 117. Section **63N-4-106** is amended to read:

5118 **63N-4-106. Annual report.**

5119 [~~GOED~~] The office shall include in the annual written report described in Section  
5120 [~~63N-1-301~~] 63N-1a-306, a report of the program's operations and recommendations.

5121 Section 118. Section **63N-4-205** is amended to read:

5122 **63N-4-205. Report on amount of grants and loans, projects, and outstanding**  
5123 **debt.**

5124 The board shall annually provide the following information to the office for inclusion in  
5125 the office's annual written report described in Section [~~63N-1-301~~] 63N-1a-306:

5126 (1) the total amount of grants and loans the board awarded to eligible counties under  
5127 this part during the fiscal year that ended on the June 30 immediately preceding the November  
5128 interim meeting;

5129 (2) a description of the projects with respect to which the board awarded a grant or loan  
5130 under this part;

5131 (3) the total amount of outstanding debt service that is being repaid by a grant or loan  
5132 awarded under this part;

5133 (4) whether the grants and loans awarded under this part have resulted in economic  
5134 development within project areas; and

5135 (5) whether the board recommends:

5136 (a) that the grants and loans authorized by this part should be continued; or

5137 (b) any modifications to this part.

5138 Section 119. Section **63N-4-403** is amended to read:

5139 **63N-4-403. Duties of the office.**

5140 (1) The office shall:

5141 (a) review a business entity's application for a rural employment expansion grant under  
5142 this part in the order in which the application is received by the office;

5143 (b) ensure that a rural employment expansion grant is only awarded to a business entity  
5144 that meets the requirements of this part; and

5145 (c) as part of the annual written report described in Section [~~63N-1-301~~] [63N-1a-306](#),  
5146 prepare an annual evaluation that provides:

5147 (i) the identity of each business entity that was provided a rural employment expansion  
5148 grant by the office during the year of the annual report;

5149 (ii) the total amount awarded in rural employment expansion grants for each county;  
5150 and

5151 (iii) an evaluation of the effectiveness of the rural employment expansion grant in  
5152 bringing significant new employment to rural communities.

5153 (2) The office may:



- 5154 (a) authorize a rural employment expansion grant for a business entity under this part;
- 5155 (b) audit a business entity to ensure:
- 5156 (i) eligibility for a rural employment expansion grant; and
- 5157 (ii) compliance with this part; and
- 5158 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
- 5159 in accordance with the provisions of this part, make rules regarding the:
- 5160 (i) form and content of an application for a rural employment expansion grant;
- 5161 (ii) documentation or other requirements for a business entity to receive a rural
- 5162 employment expansion grant; and
- 5163 (iii) administration of rural employment expansion grants, including an appeal process
- 5164 and relevant timelines and deadlines.

5165 Section 120. Section **63N-4-704** is amended to read:

5166 **63N-4-704. Requirements for entering into a lease.**

5167 (1) In accordance with the provisions of this part and in accordance with Title 63G,

5168 Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules establishing the

5169 eligibility and reporting criteria for an applicant to participate in the program as a lessor of a

5170 rural speculative industrial building, including:

- 5171 (a) the form and process of submitting an application to the office;
- 5172 (b) the eligibility requirements of an applicant;
- 5173 (c) the method and formula for determining lease terms between the office and a lessor
- 5174 of a rural speculative industrial building; and
- 5175 (d) the reporting requirements of participants in the program.

5176 (2) In determining whether to approve an application for participation in the program,

5177 the office may prioritize a project:

- 5178 (a) that will serve underprivileged or underserved communities, including communities
- 5179 with high unemployment or low median incomes;
- 5180 (b) where an applicant demonstrates comprehensive planning of the project, including
- 5181 a business case;

5182 (c) where the applicant, as determined by the office, is likely to have success in  
5183 attracting a tenant to assume the office's lease of a rural speculative industrial building in a  
5184 short amount of time; and

5185 (d) that maximizes economic development opportunities in accordance with the  
5186 economic development needs or plans of a county or a municipality.

5187 (3) Subject to legislative appropriation, a lease may only be entered into by the office  
5188 if:

5189 (a) the executive director, after consultation with the ~~[board]~~ GO Utah board, approves  
5190 entering into the lease;

5191 (b) the local municipal entity supports the program through the provision of local  
5192 incentives, reduced impact fees, or other monetary support for the rural speculative industrial  
5193 building; and

5194 (c) the lease terms are not more than \$100,000 per year with a maximum five-year  
5195 lease term.

5196 (4) The office shall include in the annual written report described in Section  
5197 ~~[63N-1-301]~~ 63N-1a-306:

5198 (a) an overview of each lease entered into under this program; and

5199 (b) the success of this program in attracting new or expanding businesses into rural  
5200 areas.

5201 Section 121. Section **63N-7-201** is amended to read:

5202 **63N-7-201. Powers and duties of office related to tourism development plan --**  
5203 **Annual report and survey.**

5204 (1) The office shall:

5205 (a) be the tourism development authority of the state;

5206 (b) develop a tourism advertising, marketing, and branding program for the state;

5207 (c) receive approval from the Board of Tourism Development under Subsection  
5208 63N-7-103(1)(a) before implementing the out-of-state advertising, marketing, and branding  
5209 campaign;

5210 (d) develop a plan to increase the economic contribution by tourists visiting the state;

5211 (e) plan and conduct a program of information, advertising, and publicity relating to the  
5212 recreational, scenic, historic, and tourist advantages and attractions of the state at large; and

5213 (f) encourage and assist in the coordination of the activities of persons, firms,  
5214 associations, corporations, travel regions, counties, and governmental agencies engaged in  
5215 publicizing, developing, and promoting the scenic attractions and tourist advantages of the  
5216 state.

5217 (2) Any plan provided for under Subsection (1) shall address, but not be limited to,  
5218 enhancing the state's image, promoting Utah as a year-round destination, encouraging  
5219 expenditures by visitors to the state, and expanding the markets where the state is promoted.

5220 (3) The office shall:

5221 (a) conduct a regular and ongoing research program to identify statewide economic  
5222 trends and conditions in the tourism sector of the economy; and

5223 (b) include in the annual written report described in Section [~~63N-1-301~~] [63N-1a-306](#),  
5224 a report on the economic efficiency of the advertising and branding campaigns conducted under  
5225 this part.

5226 Section 122. Section **63N-8-102** is amended to read:

5227 **63N-8-102. Definitions.**

5228 As used in this chapter:

5229 (1) "Digital media company" means a company engaged in the production of a digital  
5230 media project.

5231 (2) "Digital media project" means all or part of a production of interactive  
5232 entertainment or animated production that is produced for distribution in commercial or  
5233 educational markets, which shall include projects intended for Internet or wireless distribution.

5234 (3) "Dollars left in the state" means expenditures made in the state for a state-approved  
5235 production, including:

5236 (a) an expenditure that is subject to:

5237 (i) a corporate franchise or income tax under Title 59, Chapter 7, Corporate Franchise

5238 and Income Taxes;

5239 (ii) an individual income tax under Title 59, Chapter 10, Individual Income Tax Act;

5240 and

5241 (iii) a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act,

5242 notwithstanding any sales and use tax exemption allowed by law; or

5243 (iv) a combination of Subsections (3)(a)(i), (ii), and (iii);

5244 (b) payments made to a nonresident only to the extent of the income tax paid to the

5245 state on the payments, the amount of per diems paid in the state, and other direct

5246 reimbursements transacted in the state; and

5247 (c) payments made to a payroll company or loan-out corporation that is registered to do

5248 business in the state, only to the extent of the amount of withholding under Section [59-10-402](#).

5249 (4) "Loan-out corporation" means a corporation owned by one or more artists that

5250 provides services of the artists to a third party production company.

5251 (5) "Motion picture company" means a company engaged in the production of:

5252 (a) motion pictures;

5253 (b) television series; or

5254 (c) made-for-television movies.

5255 (6) "Motion picture incentive" means either a cash rebate from the Motion Picture

5256 Incentive Account or a refundable tax credit under Section [59-7-614.5](#) or [59-10-1108](#).

5257 (7) "New state revenues" means:

5258 (a) incremental new state sales and use tax revenues generated as a result of a digital

5259 media project that a digital media company pays under Title 59, Chapter 12, Sales and Use Tax

5260 Act;

5261 (b) incremental new state tax revenues that a digital media company pays as a result of

5262 a digital media project under:

5263 (i) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

5264 (ii) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and

5265 Information;

- 5266 (iii) Title 59, Chapter 10, Part 2, Trusts and Estates;
- 5267 (iv) Title 59, Chapter 10, Part 4, Withholding of Tax; or
- 5268 (v) a combination of Subsections (7)(b)(i), (ii), (iii), and (iv);
- 5269 (c) incremental new state revenues generated as individual income taxes under Title
- 5270 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information, paid by
- 5271 employees of the new digital media project as evidenced by payroll records from the digital
- 5272 media company; or
- 5273 (d) a combination of Subsections (7)(a), (b), and (c).
- 5274 (8) "Payroll company" means a business entity that handles the payroll and becomes
- 5275 the employer of record for the staff, cast, and crew of a motion picture production.
- 5276 (9) "Refundable tax credit" means a refundable motion picture tax credit authorized
- 5277 under Section 63N-8-103 and claimed under Section 59-7-614.5 or 59-10-1108.
- 5278 (10) "Restricted account" means the Motion Picture Incentive Account created in
- 5279 Section 63N-8-103.
- 5280 (11) "State-approved production" means a production under Subsections (2) and (5)
- 5281 that is:
- 5282 (a) approved by the office and ratified by the [board] GO Utah board; and
- 5283 (b) produced in the state by a motion picture company.
- 5284 (12) "Tax credit amount" means the amount the office lists as a tax credit on a tax
- 5285 credit certificate for a taxable year.
- 5286 (13) "Tax credit certificate" means a certificate issued by the office that:
- 5287 (a) lists the name of the applicant;
- 5288 (b) lists the applicant's taxpayer identification number;
- 5289 (c) lists the amount of tax credit that the office awards the applicant for the taxable
- 5290 year; and
- 5291 (d) may include other information as determined by the office.
- 5292 Section 123. Section 63N-8-103 is amended to read:
- 5293 **63N-8-103. Motion Picture Incentive Account created -- Cash rebate incentives --**

5294 **Refundable tax credit incentives.**

5295 (1) (a) There is created within the General Fund a restricted account known as the  
5296 Motion Picture Incentive Account, which the office shall use to provide cash rebate incentives  
5297 for state-approved productions by a motion picture company.

5298 (b) All interest generated from investment of money in the restricted account shall be  
5299 deposited in the restricted account.

5300 (c) The restricted account shall consist of an annual appropriation by the Legislature.

5301 (d) The office shall:

5302 (i) with the advice of the [~~board~~] GO Utah board, administer the restricted account; and

5303 (ii) make payments from the restricted account as required under this section.

5304 (e) The cost of administering the restricted account shall be paid from money in the  
5305 restricted account.

5306 (2) (a) A motion picture company or digital media company seeking disbursement of  
5307 an incentive allowed under an agreement with the office shall follow the procedures and  
5308 requirements of this Subsection (2).

5309 (b) The motion picture company or digital media company shall provide the office with  
5310 an incentive request form, provided by the office, identifying and documenting the dollars left  
5311 in the state and new state revenues generated by the motion picture company or digital media  
5312 company for state-approved production, including any related tax returns by the motion picture  
5313 company, payroll company, digital media company, or loan-out corporation under Subsection  
5314 (2)(d).

5315 (c) For a motion picture company, an independent certified public accountant shall:

5316 (i) review the incentive request form submitted by the motion picture company; and

5317 (ii) provide a report on the accuracy and validity of the incentive request form,  
5318 including the amount of dollars left in the state, in accordance with the agreed upon procedures  
5319 established by the office by rule.

5320 (d) The motion picture company, digital media company, payroll company, or loan-out  
5321 corporation shall provide the office with a document that expressly directs and authorizes the

5322 State Tax Commission to disclose the entity's tax returns and other information concerning the  
5323 entity that would otherwise be subject to confidentiality under Section 59-1-403 or Section  
5324 6103, Internal Revenue Code, to the office.

5325 (e) The office shall submit the document described in Subsection (2)(d) to the State  
5326 Tax Commission.

5327 (f) Upon receipt of the document described in Subsection (2)(d), the State Tax  
5328 Commission shall provide the office with the information requested by the office that the  
5329 motion picture company, digital media company, payroll company, or loan-out corporation  
5330 directed or authorized the State Tax Commission to provide to the office in the document  
5331 described in Subsection (2)(d).

5332 (g) Subject to Subsection (3), for a motion picture company the office shall:

5333 (i) review the incentive request form from the motion picture company described in  
5334 Subsection (2)(b) and verify that the incentive request form was reviewed by an independent  
5335 certified public accountant as described in Subsection (2)(c); and

5336 (ii) based upon the independent certified public accountant's report under Subsection  
5337 (2)(c), determine the amount of the incentive that the motion picture company is entitled to  
5338 under the motion picture company's agreement with the office.

5339 (h) Subject to Subsection (3), for a digital media company, the office shall:

5340 (i) ensure the digital media project results in new state revenues; and

5341 (ii) based upon review of new state revenues, determine the amount of the incentive  
5342 that a digital media company is entitled to under the digital media company's agreement with  
5343 the office.

5344 (i) Subject to Subsection (3), if the incentive is in the form of a cash rebate, the office  
5345 shall pay the incentive from the restricted account to the motion picture company,  
5346 notwithstanding Subsections 51-5-3(23)(b) and 63J-1-105(6).

5347 (j) If the incentive is in the form of a refundable tax credit under Section 59-7-614.5 or  
5348 59-10-1108, the office shall:

5349 (i) issue a tax credit certificate to the motion picture company or digital media

5350 company; and

5351 (ii) provide a [~~duplicate copy~~] digital record of the tax credit certificate to the State Tax  
5352 Commission.

5353 (k) A motion picture company or digital media company may not claim a motion  
5354 picture tax credit under Section 59-7-614.5 or 59-10-1108 unless the motion picture company  
5355 or digital media company has received a tax credit certificate for the claim issued by the office  
5356 under Subsection (2)(j)(i).

5357 (l) A motion picture company or digital media company may claim a motion picture  
5358 tax credit on the motion picture company's or the digital media company's tax return for the  
5359 amount listed on the tax credit certificate issued by the office.

5360 (m) A motion picture company or digital media company that claims a tax credit under  
5361 Subsection (2)(l) shall retain the tax credit certificate and all supporting documentation in  
5362 accordance with Subsection 63N-8-104(6).

5363 (3) (a) Subject to Subsection (3)(b), the office may issue \$6,793,700 in tax credit  
5364 certificates under this part in a fiscal year.

5365 (b) If the office does not issue tax credit certificates in a fiscal year totaling the amount  
5366 authorized under Subsection (3)(a), the office may carry over that amount for issuance in  
5367 subsequent fiscal years.

5368 Section 124. Section 63N-8-104 is amended to read:

5369 **63N-8-104. Motion picture incentives -- Standards to qualify for an incentive --**  
5370 **Limitations -- Content of agreement between office and motion picture company or**  
5371 **digital media company.**

5372 (1) In addition to the requirements for receiving a motion picture incentive as set forth  
5373 in this part, the office, in accordance with Title 63G, Chapter 3, Utah Administrative  
5374 Rulemaking Act, shall make rules establishing:

5375 (a) the standards that a motion picture company or digital media company must meet to  
5376 qualify for the motion picture incentive; and

5377 (b) criteria for determining the amount of the incentive.



- 5378 (2) The office shall ensure that those standards include the following:
- 5379 (a) an incentive may only be issued for a state-approved production by a motion picture
- 5380 company or digital media company;
- 5381 (b) financing has been obtained and is in place for the production; and
- 5382 (c) the economic impact of the production on the state represents new incremental
- 5383 economic activity in the state as opposed to existing economic activity.
- 5384 (3) With respect to a digital media project, the office shall consider economic
- 5385 modeling, including the costs and benefits of the digital media project to state and local
- 5386 governments in determining the motion picture incentive amount.
- 5387 (4) The office may also consider giving preference to a production that stimulates
- 5388 economic activity in rural areas of the state or that has Utah content, such as recognizing that
- 5389 the production was made in the state or uses Utah as Utah in the production.
- 5390 (5) (a) The office, with advice from the ~~[board]~~ GO Utah board, may enter into an
- 5391 agreement with a motion picture company or digital media company that meets the standards
- 5392 established under this section and satisfies the other qualification requirements under this part.
- 5393 (b) Subject to Subsection [63N-8-103\(3\)](#), the office may commit or authorize a motion
- 5394 picture incentive:
- 5395 (i) to a motion picture company of up to 20% of the dollars left in the state by the
- 5396 motion picture company, and a motion picture company can receive an additional 5%, not to
- 5397 exceed 25% of the dollars left in the state by the motion picture company if the company
- 5398 fulfills certain requirements determined by the office including:
- 5399 (A) employing a significant percentage of cast and crew from Utah;
- 5400 (B) highlighting the state of Utah and the Utah Film Commission in the motion picture
- 5401 credits; or
- 5402 (C) other promotion opportunities as agreed upon by the office and the motion picture
- 5403 company; and
- 5404 (ii) to a digital media company, if the incentive does not exceed 100% of the new state
- 5405 revenue less the considerations under Subsection (3), but not to exceed 20% of the dollars left

5406 in the state by the digital media company.

5407 (c) The office may not give a cash rebate incentive from the Motion Picture Incentive  
5408 Restricted Account for a digital media project.

5409 (b) The office shall ensure that the agreement entered into with a motion picture  
5410 company or digital media company under Subsection (5)(a):

5411 (a) details the requirements that the motion picture company or digital media company  
5412 must meet to qualify for an incentive under this part;

5413 (b) specifies:

5414 (i) the nature of the incentive; and

5415 (ii) the maximum amount of the motion picture incentive that the motion picture  
5416 company or digital media company may earn for a taxable year and over the life of the  
5417 production;

5418 (c) establishes the length of time over which the motion picture company or digital  
5419 media company may claim the motion picture incentive;

5420 (d) requires the motion picture company or digital media company to retain records  
5421 supporting its claim for a motion picture incentive for at least four years after the motion  
5422 picture company or digital media company claims the incentive under this part; and

5423 (e) requires the motion picture company or digital media company to submit to audits  
5424 for verification of the claimed motion picture incentive.

5425 Section 125. Section **63N-8-105** is amended to read:

5426 **63N-8-105. Annual report.**

5427 The office shall include the following information in the annual written report described  
5428 in Section [~~63N-1-301~~] [63N-1a-306](#):

5429 (1) the office's success in attracting within-the-state production of television series,  
5430 made-for-television movies, and motion pictures, including feature films and independent  
5431 films;

5432 (2) the amount of incentive commitments made by the office under this part and the  
5433 period of time over which the incentives will be paid; and

5434 (3) the economic impact on the state related to:

5435 (a) dollars left in the state; and

5436 (b) providing motion picture incentives under this part.

5437 Section 126. Section **63N-9-104** is amended to read:

5438 **63N-9-104. Creation of outdoor recreation office and appointment of director --**  
5439 **Responsibilities of outdoor recreation office.**

5440 (1) There is created within the [~~Governor's Office of Economic Development~~] office  
5441 the Utah Office of Outdoor Recreation.

5442 (2) (a) The executive director shall appoint a director of the outdoor recreation office.

5443 (b) The director [~~shall report to the executive director and~~] may appoint staff.

5444 (3) The outdoor recreation office shall:

5445 (a) coordinate outdoor recreation policy, management, and promotion:

5446 (i) among state and federal agencies and local government entities in the state; [~~and~~]

5447 (ii) with the Public Lands Policy Coordinating Office created in Section **63J-4-602**, if  
5448 public land is involved; and

5449 (iii) on a quarterly basis, with the executive director and the executive director of the  
5450 Department of Natural Resources;

5451 (b) promote economic development in the state by:

5452 (i) coordinating with outdoor recreation stakeholders;

5453 (ii) improving recreational opportunities; and

5454 (iii) recruiting outdoor recreation business;

5455 (c) promote all forms of outdoor recreation, including vehicular and non-vehicular  
5456 outdoor recreation;

5457 [~~(c)~~] (d) recommend to the governor and Legislature policies and initiatives to enhance  
5458 recreational amenities and experiences in the state and help implement those policies and  
5459 initiatives;

5460 (e) in performing the outdoor recreation office's duties, seek to ensure safe and  
5461 adequate access to outdoor recreation for all user groups and for all forms of recreation;

5462            [~~(d)~~] (f) develop data regarding the impacts of outdoor recreation in the state; and  
5463            [~~(e)~~] (g) promote the health and social benefits of outdoor recreation, especially to  
5464 young people.

5465            (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal  
5466 Funds Procedures Act, the outdoor recreation office may:

5467            (a) seek federal grants or loans;  
5468            (b) seek to participate in federal programs; and  
5469            (c) in accordance with applicable federal program guidelines, administer federally  
5470 funded outdoor recreation programs.

5471            (5) For purposes of administering this part, the outdoor recreation office may make  
5472 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5473            Section 127. Section **63N-9-106** is amended to read:

5474            **63N-9-106. Annual report.**

5475            The executive director shall include in the annual written report described in Section  
5476 [~~63N-1-301~~] [63N-1a-306](#) a report from the director on the activities of the outdoor recreation  
5477 office, including a description and the amount of any awarded infrastructure grants and any  
5478 awarded UCORE grants.

5479            Section 128. Section **63N-9-203** is amended to read:

5480            **63N-9-203. Rulemaking and requirements for awarding an infrastructure grant.**

5481            (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5482 outdoor recreation office shall make rules establishing the eligibility and reporting criteria for  
5483 an entity to receive an infrastructure grant, including:

5484            (a) the form and process of submitting an application to the outdoor recreation office  
5485 for an infrastructure grant;

5486            (b) which entities are eligible to apply for an infrastructure grant;

5487            (c) specific categories of recreational infrastructure projects that are eligible for an  
5488 infrastructure grant;

5489            (d) the method and formula for determining grant amounts; and

- 5490 (e) the reporting requirements of grant recipients.
- 5491 (2) In determining the award of an infrastructure grant, the outdoor recreation office  
5492 may prioritize a recreational infrastructure project that will serve an underprivileged or  
5493 underserved community.
- 5494 (3) An infrastructure grant may only be awarded by the executive director after  
5495 consultation with the director and the ~~[board]~~ GO Utah board.
- 5496 (4) The following entities may not receive an infrastructure grant under this part:
- 5497 (a) a federal government entity;
- 5498 (b) a state agency; and
- 5499 (c) a for-profit entity.
- 5500 (5) An infrastructure grant may only be awarded under this part:
- 5501 (a) for a recreational infrastructure project that is accessible to the general public; and
- 5502 (b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching  
5503 funds having a value equal to or greater than the amount of the infrastructure grant.
- 5504 (6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be  
5505 provided through an in-kind contribution by the grant recipient, if:
- 5506 (a) approved by the executive director after consultation with the director and the  
5507 ~~[board]~~ GO Utah board; and
- 5508 (b) the in-kind donation does not include real property.
- 5509 (7) An infrastructure grant may not be awarded under this part if the grant, or the grant  
5510 recipient match described in Subsection (5)(b), will be used for the purchase of real property or  
5511 for the purchase or transfer of a conservation easement.
- 5512 Section 129. Section **63N-9-403** is amended to read:
- 5513 **63N-9-403. Rulemaking and requirements for awarding a UCORE grant.**
- 5514 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5515 outdoor recreation office shall make rules establishing the eligibility and reporting criteria for  
5516 an entity to receive a UCORE grant, including:
- 5517 (a) the form and process of submitting an application to the outdoor recreation office

5518 for a UCORE grant;

5519 (b) which entities are eligible to apply for a UCORE grant;

5520 (c) specific categories of children's programs that are eligible for a UCORE grant;

5521 (d) the method and formula for determining grant amounts; and

5522 (e) the reporting requirements of grant recipients.

5523 (2) In determining the award of a UCORE grant, the outdoor recreation office may  
5524 prioritize a children's program that will serve an underprivileged or underserved community in  
5525 the state.

5526 (3) A UCORE grant may only be awarded by the executive director after consultation  
5527 with the director and the ~~[board]~~ GO Utah board.

5528 (4) The following entities may not receive a UCORE grant under this part:

5529 (a) a federal government entity;

5530 (b) a state agency, except for public schools and institutions of higher education; and

5531 (c) a for-profit entity.

5532 (5) In awarding UCORE grants, consideration shall be given to entities that implement  
5533 programs that:

5534 (a) contribute to healthy and active lifestyles through outdoor recreation; and

5535 (b) include one or more of the following attributes in their programs or initiatives:

5536 (i) serve children with the greatest needs in rural, suburban, and urban areas of the  
5537 state;

5538 (ii) provide students with opportunities to directly experience nature;

5539 (iii) maximize the number of children who can participate;

5540 (iv) commit matching and in-kind resources;

5541 (v) create partnerships with public and private entities;

5542 (vi) include ongoing program evaluation and assessment;

5543 (vii) utilize veterans in program implementation;

5544 (viii) include outdoor or nature-based programming that incorporates concept learning  
5545 in science, technology, engineering, or math; or

5546 (ix) utilize educated volunteers in program implementation.

5547 Section 130. Section **63N-13-101** is amended to read:

5548 **63N-13-101. Title -- Projects to assist companies to secure new business with**  
5549 **federal, state, and local governments.**

5550 (1) This chapter is known as "Procurement Programs."

5551 (2) The Legislature recognizes that:

5552 (a) many Utah companies provide products and services which are routinely procured  
5553 by a myriad of governmental entities at all levels of government, but that attempting to  
5554 understand and comply with the numerous certification, registration, proposal, and contract  
5555 requirements associated with government procurement often raises significant barriers for  
5556 those companies with no government contracting experience;

5557 (b) the costs associated with obtaining a government contract for products or services  
5558 often prevent most small businesses from working in the governmental procurement market;

5559 (c) currently a majority of federal procurement opportunities are contracted to  
5560 businesses located outside of the state;

5561 (d) the [~~Governor's Office of Economic Development~~] office currently administers  
5562 programs and initiatives that help create and grow companies in Utah and recruit companies to  
5563 Utah through the use of state employees, public-private partnerships, and contractual services;  
5564 and

5565 (e) there exists a significant opportunity for Utah companies to secure new business  
5566 with federal, state, and local governments.

5567 (3) The office, through its executive director:

5568 (a) shall manage and direct the administration of state and federal programs and  
5569 initiatives whose purpose is to procure federal, state, and local governmental contracts;

5570 (b) may require program accountability measures; and

5571 (c) may receive and distribute legislative appropriations and public and private grants  
5572 for projects and programs that:

5573 (i) are focused on growing Utah companies and positively impacting statewide

5574 revenues by helping these companies secure new business with federal, state, and local  
5575 governments;

5576 (ii) provide guidance to Utah companies interested in obtaining new business with  
5577 federal, state, and local governmental entities;

5578 (iii) would facilitate marketing, business development, and expansion opportunities for  
5579 Utah companies in cooperation with the [~~Governor's Office of Economic Development's~~]  
5580 office's Procurement Technical Assistance Center Program and with public, nonprofit, or  
5581 private sector partners such as local chambers of commerce, trade associations, or private  
5582 contractors as determined by the office's director to successfully match Utah businesses with  
5583 government procurement opportunities; and

5584 (iv) may include the following components:

5585 (A) recruitment, individualized consultation, and an introduction to government  
5586 contracting;

5587 (B) specialized contractor training for companies located in Utah;

5588 (C) a Utah contractor matching program for government requirements;

5589 (D) experienced proposal and bid support; and

5590 (E) specialized support services.

5591 (4) (a) The office, through its executive director, shall make any distribution referred to  
5592 in Subsection (3) on a semiannual basis.

5593 (b) A recipient of money distributed under this section shall provide the office with a  
5594 set of standard monthly reports, the content of which shall be determined by the office to  
5595 include at least the following information:

5596 (i) consultive meetings with Utah companies;

5597 (ii) seminars or training meetings held;

5598 (iii) government contracts awarded to Utah companies;

5599 (iv) increased revenues generated by Utah companies from new government contracts;

5600 (v) jobs created;

5601 (vi) salary ranges of new jobs; and



5602 (vii) the value of contracts generated.

5603 Section 131. Section **63N-15-103** is amended to read:

5604 **63N-15-103. Reporting and use of appropriations.**

5605 (1) The office shall include in the office's 2020 and 2021 annual reports to the governor  
5606 and the Legislature under Section [~~63N-1-301~~] 63N-1a-306 the following information about  
5607 each of the grant programs established under this chapter:

5608 (a) the number of applications submitted under the grant program;

5609 (b) the number of grants awarded under the grant program;

5610 (c) the aggregate amount of grant funds awarded under the grant program; and

5611 (d) any other information the office considers relevant to evaluating the success of the  
5612 grant program.

5613 (2) After providing notice to members of the legislative committee, the executive  
5614 director, in cooperation with the director of the Division of Finance, may move funds among  
5615 the following programs to make efficient and full use of CARES Act funding:

5616 (a) the COVID-19 Commercial Rental and Mortgage Assistance Program described in  
5617 Chapter 14, COVID-19 Commercial Rental and Mortgage Assistance Program;

5618 (b) any of the programs described in this chapter;

5619 (c) after consultation with the commissioner of the Department of Agriculture and  
5620 Food, the COVID-19 Agricultural Operations Grant Program described in Section 4-18-106.1;

5621 (d) after consultation with the executive director of the Department of Heritage and  
5622 Arts, the COVID-19 Cultural Assistance Grant Program described in Title 9, Chapter 6, Part 9,  
5623 COVID-19 Cultural Assistance Grant Program; and

5624 (e) after consultation with the executive director of the Department of Workforce  
5625 Services, COVID-19 Residential Housing Assistance described in Title 35A, Chapter 8, Part  
5626 23, COVID-19 Residential Housing Assistance.

5627 Section 132. Section **63N-16-101** is enacted to read:

5628 **CHAPTER 16. UTAH BROADBAND CENTER AND ACCESS ACT**

5629 **Part 1. General Provisions**

5630 **63N-16-101. Title.**

5631 This chapter is known as the "Utah Broadband Center and Access Act."

5632 Section 133. Section **63N-16-102** is enacted to read:

5633 **63N-16-102. Definitions.**

5634 As used in this chapter:

5635 (1) "Broadband center" means the Utah Broadband Center created in Section

5636 63N-16-201.

5637 (2) "Eligible applicant" means:

5638 (a) a telecommunications provider or an Internet service provider;

5639 (b) a local government entity and one or more private entities, collectively, who are

5640 parties to a public-private partnership established for the purpose of expanding affordable

5641 broadband access in the state; or

5642 (c) a tribal government.

5643 (3) "Public-private partnership" means an arrangement or agreement between a

5644 government entity and one or more private persons to fund and provide for a public need

5645 through the development or operation of a public project in which the private person or persons

5646 share with the government entity the responsibility or risk of developing, owning, maintaining,

5647 financing, or operating the project.

5648 (4) "Underserved area" means an area of the state that is underserved in terms of the

5649 area's access to broadband service, as further defined by rule made by the broadband center.

5650 (5) "Unserved area" means an area of the state that is rural and unserved in terms of the

5651 area's access to broadband service, as further defined by rule made by the broadband center.

5652 Section 134. Section **63N-16-201** is enacted to read:

5653 **Part 2. Utah Broadband Center**

5654 **63N-16-201. Utah Broadband Center -- Creation -- Director -- Duties.**

5655 (1) There is created within the office the Utah Broadband Center.

5656 (2) The executive director shall appoint a director of the broadband center to oversee

5657 the operations of the broadband center.

- 5658           (3) The broadband center shall:  
5659           (a) ensure that publicly funded broadband projects continue to be publicly accessible  
5660 and provide a public benefit;  
5661           (b) develop a statewide digital connectivity plan;  
5662           (c) carry out the duties described in Section [63N-16-202](#); and  
5663           (d) administer the Broadband Access Grant Program in accordance with Part 3,  
5664 Broadband Access Grant Program.

5665           Section 135. Section **63N-16-202**, which is renumbered from Section 63N-3-501 is  
5666 renumbered and amended to read:

5667           ~~[63N-3-501].~~           **63N-16-202. Infrastructure and broadband coordination.**

5668           (1) The ~~[office]~~ broadband center shall partner with the Automated Geographic  
5669 Reference Center created in Section [63F-1-506](#) to collect and maintain a database and  
5670 interactive map that displays economic development data statewide, including:

- 5671           (a) voluntarily submitted broadband availability, speeds, and other broadband data;  
5672           (b) voluntarily submitted public utility data;  
5673           (c) workforce data, including information regarding:

5674           (i) enterprise zones designated under Section [63N-2-206](#);

5675           ~~[(ii) business resource centers;]~~

5676           ~~[(iii)]~~ (ii) public institutions of higher education; and

5677           ~~[(iv)]~~ (iii) procurement technical assistance centers;

5678           (d) transportation data, which may include information regarding railway routes,  
5679 commuter rail routes, airport locations, and major highways;

5680           (e) lifestyle data, which may include information regarding state parks, national parks  
5681 and monuments, United States Forest Service boundaries, ski areas, golf courses, and hospitals;  
5682 and

5683           (f) other relevant economic development data as determined by the office, including  
5684 data provided by partner organizations.

5685           (2) The ~~[office]~~ broadband center may:

5686 (a) make recommendations to state and federal agencies, local governments, the  
5687 governor, and the Legislature regarding policies and initiatives that promote the development  
5688 of broadband-related infrastructure in the state and help implement those policies and  
5689 initiatives;

5690 (b) facilitate coordination between broadband providers and public and private entities;

5691 (c) collect and analyze data on broadband availability and usage in the state, including  
5692 Internet speed, capacity, the number of unique visitors, and the availability of broadband  
5693 infrastructure throughout the state;

5694 (d) create a voluntary broadband advisory committee, which shall include broadband  
5695 providers and other public and private stakeholders, to solicit input on broadband-related policy  
5696 guidance, best practices, and adoption strategies;

5697 (e) work with broadband providers, state and local governments, and other public and  
5698 private stakeholders to facilitate and encourage the expansion and maintenance of broadband  
5699 infrastructure throughout the state; and

5700 (f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds  
5701 Procedures Act, and in accordance with federal requirements:

5702 (i) apply for federal grants;

5703 (ii) participate in federal programs; and

5704 (iii) administer federally funded broadband-related programs.

5705 Section 136. Section **63N-16-301** is enacted to read:

5706 **Part 3. Broadband Access Grant Program**

5707 **63N-16-301. Creation of Broadband Access Grant Program.**

5708 (1) There is established a grant program known as the Broadband Access Grant  
5709 Program that is administered by the broadband center in accordance with this part.

5710 (2) (a) The broadband center may award a grant under this part to an eligible applicant  
5711 who submits to the broadband center an application that includes a proposed project to extend  
5712 broadband service to individuals and businesses in an unserved area or an underserved area by  
5713 providing last-mile connections to end users.

5714 (b) Subsection (2)(a) does not prohibit the broadband center from awarding a grant for  
5715 a proposed project that also includes middle-mile elements that are necessary for the last-mile  
5716 connections.

5717 (3) In awarding grants under this part, the broadband center shall:

5718 (a) based on the following criteria and in the order provided, prioritize proposed  
5719 projects:

5720 (i) located in unserved areas;

5721 (ii) located in underserved areas;

5722 (iii) (A) that the eligible applicant developed after meaningful engagement with the  
5723 impacted community to identify the community's needs and innovative means of providing a  
5724 public benefit that addresses the community's needs; and

5725 (B) that include, as a component of the proposed project, a long-term public benefit to  
5726 the impacted community developed in response to the eligible applicant's engagement with the  
5727 community;

5728 (iv) located in an economically distressed area of the state, as measured by indices of  
5729 unemployment, poverty, or population loss;

5730 (v) that make the greatest investment in last-mile connections;

5731 (vi) that provide higher speed broadband access to end users; and

5732 (vii) for which the eligible applicant provides at least 25% of the money needed for the  
5733 proposed project, with higher priority to proposed projects for which the eligible applicant  
5734 provides a greater percentage of the money needed for the proposed project; and

5735 (b) consider the impact of available funding for the proposed project from other  
5736 sources, including money from matching federal grant programs.

5737 (4) The broadband center may not award a grant under this part that exceeds  
5738 \$7,500,000.

5739 (5) For a project that the eligible applicant cannot complete in a single fiscal year, the  
5740 broadband center may distribute grant proceeds for the project over the course of the project's  
5741 construction.

5742 (6) In awarding grants under this part, the broadband center shall ensure that grant  
5743 funds are not used in a manner that causes competition among projects that are substantially  
5744 supported by state funds, as determined in accordance with rule made by the broadband center.

5745 (7) As provided in and subject to the requirements of Title 63G, Chapter 2,  
5746 Government Records Access and Management Act, a record submitted to the broadband center  
5747 that contains a trade secret or confidential commercial information described in Subsection  
5748 63G-2-305(2) is a protected record.

5749 Section 137. Section **63N-16-302** is enacted to read:

5750 **63N-16-302. Duties of the broadband center.**

5751 (1) The broadband center shall:

5752 (a) establish an application process by which an eligible applicant may apply for a  
5753 grant under this part, which application shall include:

5754 (i) a declaration, signed under penalty of perjury, that the application is complete, true,  
5755 and correct; and

5756 (ii) an acknowledgment that the eligible applicant is subject to audit;

5757 (b) establish a method for the broadband center to determine which eligible applicants  
5758 qualify to receive a grant;

5759 (c) establish a formula to award grant funds; and

5760 (d) report the information described in Subsections (1)(a) through (c) to the director of  
5761 the Division of Finance.

5762 (2) Subject to appropriation, the broadband center shall:

5763 (a) collect applications for grant funds from eligible applicants;

5764 (b) determine which applicants qualify for receiving a grant; and

5765 (c) award the grant funds in accordance with the process established under Subsection  
5766 (1) and in accordance with Section 63N-16-301.

5767 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5768 broadband center may make rules to administer the grant program.

5769 Section 138. Section **72-1-209** is amended to read:

5770 **72-1-209. Department to cooperate in programs relating to scenic centers.**

5771 The department shall cooperate in planning and promoting road-building programs into  
5772 the scenic centers of the state and in providing camping grounds and facilities in scenic centers  
5773 for tourists with:

5774 (1) the Governor's Office of Economic [~~Development~~] Opportunity;

5775 (2) other states;

5776 (3) all national, state, and local planning and zoning agencies and boards;

5777 (4) municipal and county officials; and

5778 (5) other agencies.

5779 Section 139. Section **72-4-302** is amended to read:

5780 **72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership --**  
5781 **Meetings -- Expenses.**

5782 (1) There is created the Utah State Scenic Byway Committee.

5783 (2) (a) The committee shall consist of the following 13 members:

5784 (i) a representative from each of the following entities appointed by the governor:

5785 (A) the Governor's Office of Economic [~~Development~~] Opportunity;

5786 (B) the Utah Department of Transportation;

5787 (C) the Department of Heritage and Arts;

5788 (D) the Division of Parks and Recreation;

5789 (E) the Federal Highway Administration;

5790 (F) the National Park Service;

5791 (G) the National Forest Service; and

5792 (H) the Bureau of Land Management;

5793 (ii) one local government tourism representative appointed by the governor;

5794 (iii) a representative from the private business sector appointed by the governor; and

5795 (iv) three local elected officials from a county, city, or town within the state appointed  
5796 by the governor.

5797 (b) Except as provided in Subsection (2)(c), the members appointed in this Subsection

5798 (2) shall be appointed for a four-year term of office.

5799 (c) The governor shall, at the time of appointment or reappointment for appointments  
5800 made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the  
5801 terms of committee members are staggered so that approximately half of the committee is  
5802 appointed every two years.

5803 (3) (a) The representative from the Governor's Office of Economic [~~Development~~]  
5804 Opportunity shall chair the committee.

5805 (b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as  
5806 nonvoting, ex officio members of the committee.

5807 (4) The Governor's Office of Economic [~~Development~~] Opportunity and the  
5808 department shall provide staff support to the committee.

5809 (5) (a) The chair may call a meeting of the committee only with the concurrence of the  
5810 department.

5811 (b) A majority of the voting members of the committee constitute a quorum.

5812 (c) Action by a majority vote of a quorum of the committee constitutes action by the  
5813 committee.

5814 (6) A member may not receive compensation or benefits for the member's service, but  
5815 may receive per diem and travel expenses as allowed in:

5816 (a) Section 63A-3-106;

5817 (b) Section 63A-3-107; and

5818 (c) rules made by the Division of Finance according to Sections 63A-3-106 and  
5819 63A-3-107.

5820 Section 140. Section 72-7-504 is amended to read:

5821 **72-7-504. Advertising prohibited near interstate or primary system -- Exceptions**  
5822 **-- Logo advertising -- Department rules.**

5823 (1) As used in this section, "specific service trailblazer sign" means a guide sign that  
5824 provides users with business identification or directional information for services and eligible  
5825 activities that are advertised on a logo advertising sign authorized under Subsection (3)(a)(i).



5826           (2) Outdoor advertising that is capable of being read or comprehended from any place  
5827 on the main-traveled way of an interstate or primary system may not be erected or maintained,  
5828 except:

5829           (a) directional and other official signs and notices authorized or required by law,  
5830 including signs and notices pertaining to natural wonders and scenic and historic attractions,  
5831 informational or directional signs regarding utility service, emergency telephone signs, buried  
5832 or underground utility markers, and above ground utility closure signs;

5833           (b) on-premise signs advertising the sale or lease of property upon which the  
5834 on-premise signs are located;

5835           (c) on-premise signs advertising major activities conducted on the property where the  
5836 on-premise signs are located;

5837           (d) public assembly facility signs;

5838           (e) unified commercial development signs that have received a waiver as described in  
5839 Section [72-7-504.6](#);

5840           (f) signs located in a commercial or industrial zone;

5841           (g) signs located in unzoned industrial or commercial areas as determined from actual  
5842 land uses; and

5843           (h) logo advertising under Subsection (3).

5844           (3) (a) The department may itself or by contract erect, administer, and maintain  
5845 informational signs:

5846           (i) on the main-traveled way of an interstate or primary system, as it existed on June 1,  
5847 1991, specific service signs for the display of logo advertising and information of interest,  
5848 excluding specific service trailblazer signs as defined in rules adopted in accordance with  
5849 Section [41-6a-301](#), to the traveling public if:

5850           (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in  
5851 the lease or other contract agreement with a private party for the sign or sign space; and

5852           (B) the private party for the lease of the sign or sign space pays an amount set by the  
5853 department to be paid to the department or the party under contract with the department under

5854 this Subsection (3); and

5855 (ii) only on rural conventional roads as defined in rules adopted in accordance with  
5856 Section 41-6a-301 in a county of the fourth, fifth, or sixth class for tourist-oriented directional  
5857 signs that display logo advertising and information of interest to the traveling public if:

5858 (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in  
5859 the lease or other contract agreement with a private party for the tourist-oriented directional  
5860 sign or sign space; and

5861 (B) the private party for the lease of the sign or sign space pays an amount set by the  
5862 department to be paid to the department or the party under contract with the department under  
5863 this Subsection (3).

5864 (b) The amount shall be sufficient to cover the costs of erecting, administering, and  
5865 maintaining the signs or sign spaces.

5866 (c) (i) Any sign erected pursuant to this Subsection (3) which was existing as of March  
5867 1, 2015, shall be permitted as if it were in compliance with this Subsection (3).

5868 (ii) A noncompliant sign shall only be permitted for the contract period of the  
5869 advertising contract.

5870 (iii) A new advertising contract may not be issued for a noncompliant sign.

5871 (d) The department may consult the Governor's Office of Economic [~~Development~~]  
5872 Opportunity in carrying out this Subsection (3).

5873 (4) (a) Revenue generated under Subsection (3) shall be:

5874 (i) applied first to cover department costs under Subsection (3); and

5875 (ii) deposited [~~in~~] into the Transportation Fund.

5876 (b) Revenue in excess of costs under Subsection (3)(a) shall be deposited [~~in~~] into the  
5877 General Fund as a dedicated credit for use by the Governor's Office of Economic  
5878 [~~Development~~] Opportunity no later than the following fiscal year.

5879 (5) Outdoor advertising under Subsections (2)(a), (f), (g), and (h) shall conform to the  
5880 rules made by the department under Sections 72-7-506 and 72-7-507.

5881 Section 141. Section 79-4-1103 is amended to read:

5882           **79-4-1103. Governor's duties -- Priority of federal property.**

5883           (1) During a fiscal emergency, the governor shall:

5884           (a) if financially practicable, work with the federal government to open and maintain  
5885 the operation of one or more national parks, national monuments, national forests, and national  
5886 recreation areas in the state, in the order established under this section; and

5887           (b) report to the speaker of the House and the president of the Senate on the need, if  
5888 any, for additional appropriations to assist the division in opening and operating one or more  
5889 national parks, national monuments, national forests, and national recreation areas in the state.

5890           (2) The director of the Outdoor Recreation Office, created in Section [63N-9-104](#), in  
5891 consultation with the executive director of the Governor's Office of Economic ~~Development~~  
5892 Opportunity, shall determine, by rule, the priority of national parks, national monuments,  
5893 national forests, and national recreation areas in the state.

5894           (3) In determining the priority described in Subsection (2), the director of the Outdoor  
5895 Recreation Office shall consider the:

5896           (a) economic impact of the national park, national monument, national forest, or  
5897 national recreation area in the state; and

5898           (b) recreational value offered by the national park, national monument, national forest,  
5899 or national recreation area.

5900           (4) The director of the Outdoor Recreation Office shall:

5901           (a) report the priority determined under Subsection (2) to the Natural Resources,  
5902 Agriculture, and Environment Interim Committee by November 30, 2014; and

5903           (b) annually review the priority set under Subsection (2) to determine whether the  
5904 priority list should be amended.

5905           Section 142. **Repealer.**

5906           This bill repeals:

5907           Section [63C-10-101](#), **Title.**

5908           Section [63C-10-102](#), **Governor's Rural Partnership Board -- Creation --**  
5909 **Membership -- Vacancies -- Chairs -- Expenses.**

5910 Section **63C-10-103, Duties.**  
5911 Section **63N-1-501, Governor's Economic Development Coordinating Council --**  
5912 **Membership -- Expenses.**  
5913 Section **63N-1-502, Council powers and duties.**  
5914 Section **63N-3-108, Financial assistance to companies that create economic**  
5915 **impediments.**  
5916 Section **63N-3-109.5, Financial assistance to entities offering economic**  
5917 **opportunities in the nonattainment area.**  
5918 Section **63N-3-201, Title.**  
5919 Section **63N-3-202, Purpose.**  
5920 Section **63N-3-203, Definitions.**  
5921 Section **63N-3-205, Business team consultants.**  
5922 Section **63N-3-301, Title.**  
5923 Section **63N-3-302, Purpose.**  
5924 Section **63N-3-303, Definitions.**  
5925 Section **63N-3-304, Establishment and administration of business resource centers**  
5926 **-- Components.**  
5927 Section **63N-3-305, Duties and responsibilities of a business resource center.**  
5928 Section **63N-3-306, Advisory group.**  
5929 Section **63N-3-307, Office duties.**  
5930 Section **63N-12-501, Definitions.**  
5931 Section 143. **Appropriation.**  
5932 The following sums of money are appropriated for the fiscal year beginning July 1,  
5933 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for  
5934 fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
5935 Act, the Legislature appropriates the following sums of money from the funds or accounts  
5936 indicated for the use and support of the government of the state of Utah.  
5937 ITEM 1

5938	<u>To Economic Development - Business Development</u>	
5939	<u>From General Fund</u>	<u>\$842,100</u>
5940	<u>Schedule of Programs:</u>	
5941	<u>Corporate Recruitment and Business Services</u>	<u>\$767,100</u>
5942	<u>Outreach and International Trade</u>	<u>\$75,000</u>
5943	<u>ITEM 2</u>	
5944	<u>To Economic Development - Administration</u>	
5945	<u>From General Fund, One-time</u>	<u>\$75,000</u>
5946	<u>Schedule of Programs:</u>	
5947	<u>Administration</u>	<u>\$75,000</u>
5948	<u>ITEM 3</u>	
5949	<u>To Legislature - Senate</u>	
5950	<u>From General Fund</u>	<u>\$3,200</u>
5951	<u>Schedule of Programs:</u>	
5952	<u>Administration</u>	<u>\$3,200</u>
5953	<u>ITEM 4</u>	
5954	<u>To Legislature - House of Representatives</u>	
5955	<u>From General Fund</u>	<u>\$3,200</u>
5956	<u>Schedule of Programs:</u>	
5957	<u>Administration</u>	<u>\$3,200</u>
5958	Section 144. <b>Effective date.</b>	
5959	<u>This bill takes effect July 1, 2021.</u>	
5960	Section 145. <b>Revisor instructions.</b>	
5961	<u>The Legislature intends that the Office of Legislative Research and General Counsel, in</u>	
5962	<u>preparing the Utah Code database for publication, make the following changes in any new</u>	
5963	<u>language added to the Utah Code by legislation passed during the 2021 General Session:</u>	
5964	<u>(1) replace "Governor's Office of Economic Development" with "Governor's Office of</u>	
5965	<u>Economic Opportunity"; and</u>	

5966            (2) replace "GOED" with "the GO Utah office".

5967            Section 146. **Coordinating H.B. 348 with H.B. 356 -- Superseding technical and**  
5968 **substantive amendments.**

5969            If this H.B. 348 and H.B. 356, Rural Economic Development Tax Increment Financing,  
5970 both pass and become law, it is the intent of the Legislature that the amendments to Subsection  
5971 63N-2-104(3)(c) in H.B. 356 supersede the amendments to Subsection 63N-2-104(3)(c) in this  
5972 bill when the Office of Legislative Research and General Counsel prepares the Utah Code  
5973 database for publication.