

HB0348S02 compared with HB0348S01

~~{deleted text}~~ shows text that was in HB0348S01 but was deleted in HB0348S02.

inserted text shows text that was not in HB0348S01 but was inserted into HB0348S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Representative Timothy D. Hawkes}~~Senator Ann Millner proposes the following substitute bill:

ECONOMIC DEVELOPMENT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Timothy D. Hawkes

Senate Sponsor: Ann Millner

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);
- ~~{~~ → moves the Pete Suazo Utah Athletic Commission into the Department of Commerce;
- ‡ ▶ extends the deadline by which the GO Utah office must create a database to track certain information related to community reinvestment agencies;

HB0348S02 compared with HB0348S01

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

Money Appropriated in this Bill:

~~{None}~~ [This bill appropriates in fiscal year 2022:](#)

- ▶ [to Economic Development - Business Development - Corporate Recruitment and](#)

HB0348S02 compared with HB0348S01

Business Services as an ongoing appropriation:

- from the General Fund, \$767,100;
- ▶ to Economic Development - Business Development - Outreach and International

Trade as an ongoing appropriation:

- from the General Fund, \$75,000;
- ▶ to Economic Development - Administration - Administration as an ongoing appropriation:
 - from the General Fund, \$75,000;
- ▶ to the Legislature - Senate - Administration as an ongoing appropriation:
 - from the General Fund, \$3,200; and
- ▶ to the Legislature - House of Representatives - Administration as an ongoing appropriation:
 - from the General Fund, \$3,200.

Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

This bill provides revisor instructions.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

HB0348S02 compared with HB0348S01

17C-1-603, as last amended by Laws of Utah 2019, Chapter 21
17D-1-507, as enacted by Laws of Utah 2008, Chapter 360
35A-1-104.5, as last amended by Laws of Utah 2020, Chapter 354
35A-1-109, as last amended by Laws of Utah 2018, Chapter 423
35A-1-201, as last amended by Laws of Utah 2020, Chapter 352
35A-6-105, as last amended by Laws of Utah 2020, Chapter 365
41-6a-1626, as last amended by Laws of Utah 2019, Chapter 461
49-11-406, as last amended by Laws of Utah 2020, Chapter 24
53B-1-114, as last amended by Laws of Utah 2020, Chapter 365
53B-1-301, as last amended by Laws of Utah 2020, Chapters 365 and 403
53B-7-702, as last amended by Laws of Utah 2020, Chapter 365
53B-7-704, as enacted by Laws of Utah 2017, Chapter 365
53B-8-304, as enacted by Laws of Utah 2019, Chapter 444
53B-10-201, as last amended by Laws of Utah 2020, Chapter 365
53B-10-203, as enacted by Laws of Utah 2018, Chapter 402
53B-26-102, as last amended by Laws of Utah 2019, Chapters 136 and 357
53B-26-103, as last amended by Laws of Utah 2020, Chapter 365
53B-26-303, as enacted by Laws of Utah 2020, Chapter 361
54-4-41, as enacted by Laws of Utah 2020, Chapter 217
59-1-403, as last amended by Laws of Utah 2020, Chapter 294
59-7-159, as last amended by Laws of Utah 2019, Chapters 247 and 465
59-7-614.2, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
59-7-614.5, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
59-7-614.10, as last amended by Laws of Utah 2020, Chapter 354
59-7-621, as enacted by Laws of Utah 2017, Chapter 274
59-7-624, as last amended by Laws of Utah 2020, Chapter 354
59-10-137, as last amended by Laws of Utah 2019, Chapters 247 and 465
59-10-1037, as last amended by Laws of Utah 2020, Chapter 354
59-10-1038, as enacted by Laws of Utah 2017, Chapter 274
59-10-1107, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
59-10-1108, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1

HB0348S02 compared with HB0348S01

- 59-10-1112, as last amended by Laws of Utah 2020, Chapter 354
- 63A-3-111, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12
- 63B-18-401, as last amended by Laws of Utah 2019, Chapters 327, 479, and 497
- 63B-24-201, as last amended by Laws of Utah 2018, Chapter 406
- 63C-17-103, as enacted by Laws of Utah 2016, Chapter 156
- 63C-17-105, as enacted by Laws of Utah 2016, Chapter 156
- 63G-21-102, as last amended by Laws of Utah 2018, Chapter 281
- 63G-21-201, as last amended by Laws of Utah 2018, Chapter 261
- 63H-1-801, as last amended by Laws of Utah 2009, Chapters 92 and 388
- 63H-2-204, as last amended by Laws of Utah 2012, Chapter 37
- 63I-1-235, as last amended by Laws of Utah 2020, Chapters 154 and 417
- 63I-1-263, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230, 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 360
- 63I-2-263, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12
- 63J-1-602.1, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 63J-4-301, as last amended by Laws of Utah 2018, Chapters 423 and 469
- 63J-4-708, as last amended by Laws of Utah 2018, Chapter 423
- 63L-2-301, as last amended by Laws of Utah 2020, Chapter 168
- 63M-5-306, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63M-6-201, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63M-6-202, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63M-6-203, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 63M-11-201, as last amended by Laws of Utah 2019, Chapter 246
- 63N-2-103, as last amended by Laws of Utah 2019, Chapters 399, 465, 498 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 465
- 63N-2-104, as last amended by Laws of Utah 2018, Chapter 281
- 63N-2-105, as last amended by Laws of Utah 2016, Chapter 350
- 63N-2-106, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
- 63N-2-107, as last amended by Laws of Utah 2016, Chapter 350
- 63N-2-203, as last amended by Laws of Utah 2020, Chapter 360

HB0348S02 compared with HB0348S01

63N-2-213, as last amended by Laws of Utah 2020, Chapter 360
63N-2-303, as last amended by Laws of Utah 2017, Chapter 352
63N-2-503, as last amended by Laws of Utah 2019, Chapter 136
63N-2-504, as last amended by Laws of Utah 2019, Chapter 136
63N-2-510, as last amended by Laws of Utah 2015, Chapter 417 and renumbered and amended by Laws of Utah 2015, Chapter 283
63N-2-512, as last amended by Laws of Utah 2016, Chapter 291
63N-2-808, as last amended by Laws of Utah 2016, Chapter 354
63N-2-810, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
63N-3-102, as last amended by Laws of Utah 2018, Chapter 428
63N-3-103, as last amended by Laws of Utah 2018, Chapters 204 and 428
63N-3-105, as last amended by Laws of Utah 2019, Chapter 325
63N-3-106, as last amended by Laws of Utah 2016, Chapters 34 and 183
63N-3-109, as last amended by Laws of Utah 2020, Chapter 265
63N-3-111, as last amended by Laws of Utah 2018, Chapter 182
63N-3-204, as last amended by Laws of Utah 2018, Chapter 453
63N-4-101, as renumbered and amended by Laws of Utah 2015, Chapter 283
63N-4-102, as renumbered and amended by Laws of Utah 2015, Chapter 283
63N-4-103, as renumbered and amended by Laws of Utah 2015, Chapter 283
63N-4-104, as last amended by Laws of Utah 2020, Chapter 360
63N-4-105, as renumbered and amended by Laws of Utah 2015, Chapter 283
63N-4-106, as renumbered and amended by Laws of Utah 2015, Chapter 283
63N-4-205, as renumbered and amended by Laws of Utah 2015, Chapter 283
63N-4-403, as enacted by Laws of Utah 2018, Chapter 340
63N-4-704, as enacted by Laws of Utah 2020, Chapter 360
63N-7-201, as renumbered and amended by Laws of Utah 2015, Chapter 283
63N-8-102, as renumbered and amended by Laws of Utah 2015, Chapter 283
63N-8-103, as last amended by Laws of Utah 2019, First Special Session, Chapter 3
63N-8-104, as last amended by Laws of Utah 2020, Chapter 357
63N-8-105, as renumbered and amended by Laws of Utah 2015, Chapter 283
63N-9-104, as last amended by Laws of Utah 2016, Chapter 88

HB0348S02 compared with HB0348S01

63N-9-106, as last amended by Laws of Utah 2019, Chapter 506

63N-9-203, as last amended by Laws of Utah 2017, Chapter 166

63N-9-403, as enacted by Laws of Utah 2019, Chapter 506

63N-13-101, as renumbered and amended by Laws of Utah 2015, Chapter 283

63N-15-103, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 19

72-1-209, as last amended by Laws of Utah 2005, Chapter 148

72-4-302, as last amended by Laws of Utah 2019, Chapter 246

72-7-504, as last amended by Laws of Utah 2017, Chapter 260

79-4-1103, as last amended by Laws of Utah 2015, Chapter 283

ENACTS:

53B-30-101, Utah Code Annotated 1953

53B-30-102, Utah Code Annotated 1953

63N-1a-103, Utah Code Annotated 1953

63N-1a-201, Utah Code Annotated 1953

63N-1a-202, Utah Code Annotated 1953

63N-1b-101, Utah Code Annotated 1953

63N-1b-102, Utah Code Annotated 1953

63N-3-112, Utah Code Annotated 1953

63N-16-101, Utah Code Annotated 1953

63N-16-102, Utah Code Annotated 1953

63N-16-201, Utah Code Annotated 1953

63N-16-301, Utah Code Annotated 1953

63N-16-302, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

~~{ 13-58-101, (Renumbered from 63N-10-101, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~13-58-102, (Renumbered from 63N-10-102, as last amended by Laws of Utah 2019, Chapter 349)~~

~~13-58-201, (Renumbered from 63N-10-201, as last amended by Laws of Utah 2018, Chapter 466)~~

~~13-58-202, (Renumbered from 63N-10-202, as renumbered and amended by Laws of~~

HB0348S02 compared with HB0348S01

~~Utah 2015, Chapter 283)~~

~~———— 13-58-203, (Renumbered from 63N-10-203, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~———— 13-58-204, (Renumbered from 63N-10-204, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~———— 13-58-205, (Renumbered from 63N-10-205, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~———— 13-58-301, (Renumbered from 63N-10-301, as last amended by Laws of Utah 2019, Chapter 349)~~

~~———— 13-58-302, (Renumbered from 63N-10-302, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~———— 13-58-303, (Renumbered from 63N-10-303, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~———— 13-58-304, (Renumbered from 63N-10-304, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~———— 13-58-305, (Renumbered from 63N-10-305, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~———— 13-58-306, (Renumbered from 63N-10-306, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~———— 13-58-307, (Renumbered from 63N-10-307, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~———— 13-58-308, (Renumbered from 63N-10-308, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~———— 13-58-309, (Renumbered from 63N-10-309, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~———— 13-58-310, (Renumbered from 63N-10-310, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~———— 13-58-311, (Renumbered from 63N-10-311, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

~~———— 13-58-312, (Renumbered from 63N-10-312, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~

HB0348S02 compared with HB0348S01

- ~~13-58-313, (Renumbered from 63N-10-313, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~
- ~~13-58-314, (Renumbered from 63N-10-314, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~
- ~~13-58-315, (Renumbered from 63N-10-315, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~
- ~~13-58-316, (Renumbered from 63N-10-316, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~
- ~~13-58-317, (Renumbered from 63N-10-317, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~
- ~~13-58-318, (Renumbered from 63N-10-318, as renumbered and amended by Laws of Utah 2015, Chapter 283)~~
- ‡ **53B-30-201**, (Renumbered from 63N-12-509, as renumbered and amended by Laws of Utah 2019, Chapter 246)
- 63N-1a-101**, (Renumbered from 63N-1-101, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 63N-1a-102**, (Renumbered from 63N-1-102, as last amended by Laws of Utah 2019, Chapter 465)
- 63N-1a-301**, (Renumbered from 63N-1-201, as last amended by Laws of Utah 2019, Chapter 246)
- 63N-1a-302**, (Renumbered from 63N-1-202, as last amended by Laws of Utah 2020, Chapter 352)
- 63N-1a-303**, (Renumbered from 63N-1-203, as last amended by Laws of Utah 2018, Chapter 423)
- 63N-1a-304**, (Renumbered from 63N-1-204, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 63N-1a-305**, (Renumbered from 63N-1-205, as enacted by Laws of Utah 2020, Chapter 154)
- 63N-1a-306**, (Renumbered from 63N-1-301, as last amended by Laws of Utah 2020, Chapter 365)
- 63N-1b-201**, (Renumbered from 63N-1-401, as last amended by Laws of Utah 2020,

HB0348S02 compared with HB0348S01

Chapters 352 and 373)

63N-1b-202, (Renumbered from 63N-1-402, as renumbered and amended by Laws of Utah 2015, Chapter 283)

63N-1b-301, (Renumbered from 63N-12-503, as last amended by Laws of Utah 2020, Chapter 365)

63N-1b-302, (Renumbered from 63N-12-502, as enacted by Laws of Utah 2018, Chapter 423)

63N-1b-303, (Renumbered from 63N-12-504, as last amended by Laws of Utah 2019, Chapter 427)

63N-1b-304, (Renumbered from 63N-12-505, as last amended by Laws of Utah 2020, Chapter 164 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 365)

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

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

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

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

REPEALS:

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

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

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

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

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

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

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

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

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

HB0348S02 compared with HB0348S01

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

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

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

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

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

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

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

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

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

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

Utah Code Sections Affected by Coordination Clause:

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

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

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

9-6-903. Duties of the division.

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

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

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

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

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

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

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

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

(2) The division shall:

HB0348S02 compared with HB0348S01

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

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

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

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

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

(c) award the grant funds:

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

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

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

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

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

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

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

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

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

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

HB0348S02 compared with HB0348S01

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

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

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

Contact information.

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

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

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

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

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

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

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

(i) the Department of Human Services;

(ii) the Department of Natural Resources;

(iii) the Department of Workforce Services;

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

(v) the State Board of Education; and

(vi) the Utah Board of Higher Education.

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

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

(ii) notify the division:

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

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

HB0348S02 compared with HB0348S01

(b) This Subsection (3) applies to:

- (i) the Department of Agriculture and Food;
- (ii) the Department of Heritage and Arts;
- (iii) the Department of Corrections;
- (iv) the Department of Environmental Quality;
- (v) the Department of Public Safety;
- (vi) the Department of Transportation;
- (vii) the Office of the Attorney General;
- (viii) the State Tax Commission; and
- (ix) any agency described in Subsections (2)(c) through (e).

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

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

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

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

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

9-22-102. Definitions.

As used in this chapter:

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

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

(3) "Educator" means the same as that term is defined in Section 53E-6-102.

(4) "Foundation" means a foundation established as described in Subsections 9-22-104(3) and (4).

HB0348S02 compared with HB0348S01

(5) "Fund" means the STEM Action Center Foundation Fund created in Section 9-22-105.

(6) "Grant program" means the Computing Partnerships Grants program created in this part.

(7) "High quality professional development" means professional development that meets high quality standards developed by the State Board of Education.

(8) "Institution of higher education" means an institution listed in Section 53B-1-102.

(9) "K-16" means kindergarten through grade 12 and post-secondary education programs.

(10) "Provider" means a provider selected on behalf of the STEM board by the staff of the STEM board and the staff of the State Board of Education:

(a) through a request for proposals process; or

(b) through a direct award or sole source procurement process for a pilot described in Section 9-22-107.

(11) "Review committee" means the committee established under Section 9-22-114.

(12) "Stacked credentials" means credentials that:

(a) an individual can build upon to access an advanced job or higher wage;

(b) are part of a career pathway system;

(c) provide a pathway culminating in the equivalent of an associate's or bachelor's degree;

(d) facilitate multiple exit and entry points; and

(e) recognize sub-goals or momentum points.

(13) "STEM" means science, technology, engineering, and mathematics.

(14) "STEM Action Center" means the center described in Section 9-22-106.

(15) "STEM board" means the STEM Action Center Board created in Section 9-22-103.

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

Section ~~3}4~~ Section **11-17-18** is amended to read:

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

For purposes of this chapter and for the purposes of the Utah Interlocal Cooperation

HB0348S02 compared with HB0348S01

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

Section ~~{4}~~5. Section **11-58-901** is amended to read:

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

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

(2) Upon the dissolution of the authority:

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

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

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

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

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

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

Section ~~{5}~~6. Section **11-59-302** is amended to read:

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

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

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

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

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

(i) one of whom shall be a member of the board of or employed by the Governor's

HB0348S02 compared with HB0348S01

Office of Economic ~~Development~~ Opportunity, created in Section ~~[63N-1-201]~~ 63N-1a-301; and

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

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

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

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

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

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

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

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

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

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

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

Section ~~67~~7. Section **11-59-304** is amended to read:

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

HB0348S02 compared with HB0348S01

(1) As used in this section:

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

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

(2) If and as requested by the board:

(a) the division shall:

(i) provide staff support to the board; and

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

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

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

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

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

Section ~~{7}8~~. Section **11-59-501** is amended to read:

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

(1) The authority may not be dissolved unless:

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

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

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

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

HB0348S02 compared with HB0348S01

and

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

(3) Upon the dissolution of the authority:

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

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

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

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

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

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

Section ~~{8. Section 13-58-101, which is renumbered from Section 63N-10-101 is renumbered and amended to read:~~

~~CHAPTER 58. PETE SUAZO UTAH ATHLETIC COMMISSION ACT~~

~~———— [63N-10-101]. ———— 13-58-101. Title:~~

~~———— This chapter is known as the "Pete Suazo Utah Athletic Commission Act."~~

~~———— Section 9. Section 13-58-102, which is renumbered from Section 63N-10-102 is renumbered and amended to read:~~

~~———— [63N-10-102]. ———— 13-58-102. Definitions:~~

~~———— As used in this chapter:~~

~~———— (1) "Bodily injury" has the same meaning as defined in Section 76-1-601.~~

~~———— (2) "Boxing" means the sport of attack and defense using the fist, which is covered by an approved boxing glove.~~

~~———— (3) (a) "Club fighting" means any contest of unarmed combat, whether admission is charged or not, where:~~

~~———— (i) the rules of the contest are not approved by the commission;~~

~~———— (ii) a licensed physician, osteopath, or physician assistant approved by the commission is not in attendance;~~

HB0348S02 compared with HB0348S01

- ~~—— (iii) a correct HIV negative test regarding each contestant has not been provided to the commission;~~
- ~~—— (iv) the contest is not conducted in accordance with commission rules; or~~
- ~~—— (v) the contestants are not matched by the weight standards established in accordance with Section [63N-10-316] 13-58-316.~~
- ~~—— (b) "Club fighting" does not include sparring if:~~
 - ~~—— (i) it is conducted for training purposes;~~
 - ~~—— (ii) no tickets are sold to spectators;~~
 - ~~—— (iii) no concessions are available for spectators;~~
 - ~~—— (iv) protective clothing, including protective headgear, a mouthguard, and a protective cup, is worn; and~~
 - ~~—— (v) for boxing, 16 ounce boxing gloves are worn.~~
- ~~—— (4) "Commission" means the Pete Suazo Utah Athletic Commission created by this chapter.~~
- ~~—— (5) "Contest" means a live match, performance, or exhibition involving two or more persons engaged in unarmed combat.~~
- ~~—— (6) "Contestant" means an individual who participates in a contest.~~
- ~~—— (7) "Designated commission member" means a member of the commission designated to:~~
 - ~~—— (a) attend and supervise a particular contest; and~~
 - ~~—— (b) act on the behalf of the commission at a contest venue.~~
- ~~—— (8) "Director" means the director appointed by the commission.~~
- ~~—— (9) "Elimination unarmed combat contest" means a contest where:~~
 - ~~—— (a) a number of contestants participate in a tournament;~~
 - ~~—— (b) the duration is not more than 48 hours; and~~
 - ~~—— (c) the loser of each contest is eliminated from further competition.~~
- ~~—— (10) "Exhibition" means an engagement in which the participants show or display their skills without necessarily striving to win.~~
- ~~—— (11) "Judge" means an individual qualified by training or experience to:~~
 - ~~—— (a) rate the performance of contestants;~~
 - ~~—— (b) score a contest; and~~

HB0348S02 compared with HB0348S01

~~—— (c) determine with other judges whether there is a winner of the contest or whether the contestants performed equally, resulting in a draw.~~

~~—— (12) "Licensee" means an individual licensed by the commission to act as a:~~

~~—— (a) contestant;~~

~~—— (b) judge;~~

~~—— (c) manager;~~

~~—— (d) promoter;~~

~~—— (e) referee;~~

~~—— (f) second; or~~

~~—— (g) other official established by the commission by rule.~~

~~—— (13) "Manager" means an individual who represents a contestant for the purpose of:~~

~~—— (a) obtaining a contest for a contestant;~~

~~—— (b) negotiating terms and conditions of the contract under which the contestant will engage in a contest; or~~

~~—— (c) arranging for a second for the contestant at a contest.~~

~~—— (14) "Promoter" means a person who engages in producing or staging contests and promotions.~~

~~—— (15) "Promotion" means a single contest or a combination of contests that:~~

~~—— (a) occur during the same time and at the same location; and~~

~~—— (b) is produced or staged by a promoter.~~

~~—— (16) "Purse" means any money, prize, remuneration, or any other valuable consideration a contestant receives or may receive for participation in a contest.~~

~~—— (17) "Referee" means an individual qualified by training or experience to act as the official attending a contest at the point of contact between contestants for the purpose of:~~

~~—— (a) enforcing the rules relating to the contest;~~

~~—— (b) stopping the contest in the event the health, safety, and welfare of a contestant or any other person in attendance at the contest is in jeopardy; and~~

~~—— (c) acting as a judge if so designated by the commission.~~

~~—— (18) "Round" means one of a number of individual time periods that, taken together, constitute a contest during which contestants are engaged in a form of unarmed combat.~~

~~—— (19) "Second" means an individual who attends a contestant at the site of the contest~~

HB0348S02 compared with HB0348S01

~~before, during, and after the contest in accordance with contest rules:~~

~~—— (20) "Serious bodily injury" has the same meaning as defined in Section 76-1-601.~~

~~—— (21) "Total gross receipts" means the amount of the face value of all tickets sold to a particular contest plus any sums received as consideration for holding the contest at a particular location.~~

~~—— (22) "Ultimate fighting" means a live contest, whether or not an admission fee is charged, in which:~~

~~—— (a) contest rules permit contestants to use a combination of boxing, kicking, wrestling, hitting, punching, or other combative contact techniques;~~

~~—— (b) contest rules incorporate a formalized system of combative techniques against which a contestant's performance is judged to determine the prevailing contestant;~~

~~—— (c) contest rules divide nonchampionship contests into three equal and specified rounds of no more than five minutes per round with a rest period of one minute between each round;~~

~~—— (d) contest rules divide championship contests into five equal and specified rounds of no more than five minutes per round with a rest period of one minute between each round; and~~

~~—— (e) contest rules prohibit contestants from:~~

~~—— (i) using anything that is not part of the human body, except for boxing gloves, to intentionally inflict serious bodily injury upon an opponent through direct contact or the expulsion of a projectile;~~

~~—— (ii) striking a person who demonstrates an inability to protect himself from the advances of an opponent;~~

~~—— (iii) biting; or~~

~~—— (iv) direct, intentional, and forceful strikes to the eyes, groin area, Adam's apple area of the neck, and the rear area of the head and neck.~~

~~—— (23) (a) "Unarmed combat" means boxing or any other form of competition in which a blow is usually struck which may reasonably be expected to inflict bodily injury.~~

~~—— (b) "Unarmed combat" does not include a competition or exhibition between participants in which the participants engage in simulated combat for entertainment purposes.~~

~~—— (24) "Unlawful conduct" means organizing, promoting, or participating in a contest which involves contestants that are not licensed under this chapter.~~

~~—— (25) "Unprofessional conduct" means:~~

HB0348S02 compared with HB0348S01

- ~~—— (a) entering into a contract for a contest in bad faith;~~
- ~~—— (b) participating in any sham or fake contest;~~
- ~~—— (c) participating in a contest pursuant to a collusive understanding or agreement in which the contestant competes in or terminates the contest in a manner that is not based upon honest competition or the honest exhibition of the skill of the contestant;~~
- ~~—— (d) engaging in an act or conduct that is detrimental to a contest, including any foul or unsportsmanlike conduct in connection with a contest;~~
- ~~—— (e) failing to comply with any limitation, restriction, or condition placed on a license;~~
- ~~—— (f) striking of a downed opponent by a contestant while the contestant remains on the contestant's feet, unless the designated commission member or director has exempted the contest and each contestant from the prohibition on striking a downed opponent before the start of the contest;~~
- ~~—— (g) after entering the ring or contest area, penetrating an area within four feet of an opponent by a contestant, manager, or second before the commencement of the contest; or~~
- ~~—— (h) as further defined by rules made by the commission under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~
- ~~—— (26) "White-collar contest" means a contest conducted at a training facility where no alcohol is served in which:~~
 - ~~—— (a) for boxing:~~
 - ~~—— (i) neither contestant is or has been a licensed contestant in any state or an amateur registered with USA Boxing, Inc.;~~
 - ~~—— (ii) no cash prize, or other prize valued at greater than \$35, is awarded;~~
 - ~~—— (iii) protective clothing, including protective headgear, a mouthguard, a protective cup, and for a female contestant a chestguard, is worn;~~
 - ~~—— (iv) 16 ounce boxing gloves are worn;~~
 - ~~—— (v) the contest is no longer than three rounds of no longer than three minutes each;~~
 - ~~—— (vi) no winner or loser is declared or recorded; and~~
 - ~~—— (vii) the contestants do not compete in a cage; and~~
 - ~~—— (b) for ultimate fighting:~~
 - ~~—— (i) neither contestant is or has been a licensed contestant in any state or an amateur registered with USA Boxing, Inc.;~~

HB0348S02 compared with HB0348S01

- ~~—— (ii) no cash prize, or other prize valued at greater than \$35, is awarded;~~
- ~~—— (iii) protective clothing, including a protective mouthguard and a protective cup, is worn;~~
- ~~—— (iv) downward elbow strikes are not allowed;~~
- ~~—— (v) a contestant is not allowed to stand and strike a downed opponent;~~
- ~~—— (vi) a closed-hand blow to the head is not allowed while either contestant is on the ground;~~
- ~~—— (vii) the contest is no longer than three rounds of no longer than three minutes each;~~
- ~~and~~
- ~~—— (viii) no winner or loser is declared or recorded.~~

~~—— Section 10. Section **13-58-201**, which is renumbered from Section 63N-10-201 is renumbered and amended to read:~~

~~**Part 2. Creation of Pete Suazo Utah Athletic Commission**~~

~~—— **[63N-10-201]. 13-58-201. Commission -- Creation -- Appointments -- Terms -- Expenses -- Quorum:**~~

~~—— (1) There is created within the [office] Department of Commerce the Pete Suazo Utah Athletic Commission consisting of five members.~~

~~—— (2) (a) The governor shall appoint three commission members.~~

~~—— (b) The president of the Senate and the speaker of the House of Representatives shall each appoint one commission member.~~

~~—— (c) The commission members may not be licensees under this chapter.~~

~~—— (3) (a) Except as required by Subsection (3)(b), as terms of current members expire, the governor, president, or speaker, respectively, shall appoint each new member or reappointed member to a four-year term.~~

~~—— (b) The governor shall, at the time of appointment or reappointment, adjust the length of the governor's appointees' terms to ensure that the terms of members are staggered so that approximately half of the commission is appointed every two years.~~

~~—— (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.~~

~~—— (d) A commission member may be removed for any reason and replaced in accordance with this section by:~~

HB0348S02 compared with HB0348S01

- ~~—— (i) the governor, for a commission member appointed by the governor;~~
- ~~—— (ii) the president of the Senate, for a commission member appointed by the president of the Senate; or~~
- ~~—— (iii) the speaker of the House of Representatives, for a commission member appointed by the speaker of the House of Representatives.~~
- ~~—— (4) (a) A majority of the commission members constitutes a quorum.~~
- ~~—— (b) A majority of a quorum is sufficient authority for the commission to act.~~
- ~~—— (5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:~~
- ~~—— (a) Section 63A-3-106;~~
- ~~—— (b) Section 63A-3-107; and~~
- ~~—— (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~
- ~~—— (6) The commission shall annually designate one of its members to serve as chair for a one-year period.~~
- ~~—— Section 11. Section **13-58-202**, which is renumbered from Section 63N-10-202 is renumbered and amended to read:~~
- ~~—— **[63N-10-202].** **13-58-202. Commission powers and duties.**~~
- ~~—— (1) The commission shall:~~
- ~~—— (a) purchase and use a seal;~~
- ~~—— (b) adopt rules for the administration of this chapter in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;~~
- ~~—— (c) prepare all forms of contracts between sponsors, licensees, promoters, and contestants; and~~
- ~~—— (d) hold hearings relating to matters under its jurisdiction, including violations of this chapter or rules made under this chapter.~~
- ~~—— (2) The commission may subpoena witnesses, take evidence, and require the production of books, papers, documents, records, contracts, recordings, tapes, correspondence, or other information relevant to an investigation if the commission or its designee considers it necessary.~~
- ~~—— Section 12. Section **13-58-203**, which is renumbered from Section 63N-10-203 is renumbered and amended to read:~~

HB0348S02 compared with HB0348S01

~~[63N-10-203]. 13-58-203. Commission director:~~

~~(1) The commission shall employ a director, who may not be a member of the commission, to conduct the commission's business.~~

~~(2) The director serves at the pleasure of the commission.~~

~~Section 13. Section 13-58-204, which is renumbered from Section 63N-10-204 is renumbered and amended to read:~~

~~[63N-10-204]. 13-58-204. Inspectors:~~

~~(1) The commission may appoint one or more official representatives to be designated as inspectors, who shall serve at the pleasure of the commission.~~

~~(2) Each inspector must receive from the commission a card authorizing that inspector to act as an inspector for the commission.~~

~~(3) An inspector may not promote or sponsor any contest.~~

~~(4) Each inspector may receive a fee approved by the commission for the performance of duties under this chapter.~~

~~Section 14. Section 13-58-205, which is renumbered from Section 63N-10-205 is renumbered and amended to read:~~

~~[63N-10-205]. 13-58-205. Affiliation with other commissions:~~

~~The commission may affiliate with any other state, tribal, or national boxing commission or athletic authority.~~

~~Section 15. Section 13-58-301, which is renumbered from Section 63N-10-301 is renumbered and amended to read:~~

Part 3. Licensing

~~[63N-10-301]. 13-58-301. Licensing:~~

~~(1) A license is required for a person to act as or to represent that the person is:~~

~~(a) a promoter;~~

~~(b) a manager;~~

~~(c) a contestant;~~

~~(d) a second;~~

~~(e) a referee;~~

~~(f) a judge; or~~

~~(g) another official established by the commission by rule.~~

HB0348S02 compared with HB0348S01

~~—— (2) The commission shall issue to a person who qualifies under this chapter a license in the classifications of:~~

~~—— (a) promoter;~~

~~—— (b) manager;~~

~~—— (c) contestant;~~

~~—— (d) second;~~

~~—— (e) referee;~~

~~—— (f) judge; or~~

~~—— (g) another official who meets the requirements established by rule under Subsection (1)(g):~~

~~—— (3) All money collected under this section and Sections [63N-10-304, 63N-10-307, 63N-10-310, and 63N-10-313] 13-58-304, 13-58-307, 13-58-310, and 13-58-313 shall be retained as dedicated credits to pay for commission expenses.~~

~~—— (4) Each applicant for licensure as a promoter shall:~~

~~—— (a) submit an application in a form prescribed by the commission;~~

~~—— (b) pay the fee determined by the commission under Section 63J-1-504;~~

~~—— (c) provide to the commission evidence of financial responsibility, which shall include financial statements and other information that the commission may reasonably require to determine that the applicant or licensee is able to competently perform as and meet the obligations of a promoter in this state;~~

~~—— (d) make assurances that the applicant:~~

~~—— (i) is not engaging in illegal gambling with respect to sporting events or gambling with respect to the promotions the applicant is promoting;~~

~~—— (ii) has not been found in a criminal or civil proceeding to have engaged in or attempted to engage in any fraud or misrepresentation in connection with a contest or any other sporting event; and~~

~~—— (iii) has not been found in a criminal or civil proceeding to have violated or attempted to violate any law with respect to a contest in any jurisdiction or any law, rule, or order relating to the regulation of contests in this state or any other jurisdiction;~~

~~—— (e) acknowledge in writing to the commission receipt, understanding, and intent to comply with this chapter and the rules made under this chapter; and~~

HB0348S02 compared with HB0348S01

~~—— (f) if requested by the commission or the director, meet with the commission or the director to examine the applicant's qualifications for licensure;~~

~~—— (5) Each applicant for licensure as a contestant shall:~~

~~—— (a) be not less than 18 years [of age] old at the time the application is submitted to the commission;~~

~~—— (b) submit an application in a form prescribed by the commission;~~

~~—— (c) pay the fee established by the commission under Section 63J-1-504;~~

~~—— (d) provide a certificate of physical examination, dated not more than 60 days prior to the date of application for licensure, in a form provided by the commission, completed by a licensed physician and surgeon or physician assistant certifying that the applicant is free from any physical or mental condition that indicates the applicant should not engage in activity as a contestant;~~

~~—— (e) make assurances that the applicant:~~

~~—— (i) is not engaging in illegal gambling with respect to sporting events or gambling with respect to a contest in which the applicant will participate;~~

~~—— (ii) has not been found in a criminal or civil proceeding to have engaged in or attempted to have engaged in any fraud or misrepresentation in connection with a contest or any other sporting event; and~~

~~—— (iii) has not been found in a criminal or civil proceeding to have violated or attempted to violate any law with respect to contests in any jurisdiction or any law, rule, or order relating to the regulation of contests in this state or any other jurisdiction;~~

~~—— (f) acknowledge in writing to the commission receipt, understanding, and intent to comply with this chapter and the rules made under this chapter; and~~

~~—— (g) if requested by the commission or the director, meet with the commission or the director to examine the applicant's qualifications for licensure.~~

~~—— (6) Each applicant for licensure as a manager or second shall:~~

~~—— (a) submit an application in a form prescribed by the commission;~~

~~—— (b) pay a fee determined by the commission under Section 63J-1-504;~~

~~—— (c) make assurances that the applicant:~~

~~—— (i) is not engaging in illegal gambling with respect to sporting events or gambling with respect to a contest in which the applicant is participating;~~

HB0348S02 compared with HB0348S01

- ~~—— (ii) has not been found in a criminal or civil proceeding to have engaged in or attempted to have engaged in any fraud or misrepresentation in connection with a contest or any other sporting event; and~~
- ~~—— (iii) has not been found in a criminal or civil proceeding to have violated or attempted to violate any law with respect to a contest in any jurisdiction or any law, rule, or order relating to the regulation of contests in this state or any other jurisdiction;~~
- ~~—— (d) acknowledge in writing to the commission receipt, understanding, and intent to comply with this chapter and the rules made under this chapter; and~~
- ~~—— (e) if requested by the commission or director, meet with the commission or the director to examine the applicant's qualifications for licensure.~~
- ~~—— (7) Each applicant for licensure as a referee or judge shall:~~
 - ~~—— (a) submit an application in a form prescribed by the commission;~~
 - ~~—— (b) pay a fee determined by the commission under Section 63J-1-504;~~
 - ~~—— (c) make assurances that the applicant:
 - ~~—— (i) is not engaging in illegal gambling with respect to sporting events or gambling with respect to a contest in which the applicant is participating;~~
 - ~~—— (ii) has not been found in a criminal or civil proceeding to have engaged in or attempted to have engaged in any fraud or misrepresentation in connection with a contest or any other sporting event; and~~
 - ~~—— (iii) has not been found in a criminal or civil proceeding to have violated or attempted to violate any law with respect to contests in any jurisdiction or any law, rule, or order relating to the regulation of contests in this state or any other jurisdiction;~~
 - ~~—— (d) acknowledge in writing to the commission receipt, understanding, and intent to comply with this chapter and the rules made under this chapter;~~
 - ~~—— (e) provide evidence satisfactory to the commission that the applicant is qualified by training and experience to competently act as a referee or judge in a contest; and~~
 - ~~—— (f) if requested by the commission or the director, meet with the commission or the director to examine the applicant's qualifications for licensure.~~~~
- ~~—— (8) The commission may make rules concerning the requirements for a license under this chapter, that deny a license to an applicant for the violation of a crime that, in the commission's determination, would have a material affect on the integrity of a contest held~~

HB0348S02 compared with HB0348S01

~~under this chapter.~~

~~—— (9) (a) A licensee serves at the pleasure, and under the direction, of the commission while participating in any way at a contest.~~

~~—— (b) A licensee's license may be suspended, or a fine imposed, if the licensee does not follow the commission's direction at an event or contest.~~

~~—— Section 16. Section ~~13-58-302~~, which is renumbered from Section 63N-10-302 is renumbered and amended to read:~~

~~—— ~~[63N-10-302].~~ 13-58-302. Term of license -- Expiration -- Renewal.~~

~~—— (1) The commission shall issue each license under this chapter in accordance with a renewal cycle established by rule.~~

~~—— (2) At the time of renewal, the licensee shall show satisfactory evidence of compliance with renewal requirements established by rule by the commission.~~

~~—— (3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with the rules established by the commission.~~

~~—— Section 17. Section ~~13-58-303~~, which is renumbered from Section 63N-10-303 is renumbered and amended to read:~~

~~—— ~~[63N-10-303].~~ 13-58-303. Grounds for denial of license -- Disciplinary proceedings -- Reinstatement.~~

~~—— (1) The commission shall refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this chapter.~~

~~—— (2) The commission may refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand to, or otherwise act upon the license of any licensee if:~~

~~—— (a) the applicant or licensee has engaged in unlawful or unprofessional conduct, as defined by statute or rule under this chapter;~~

~~—— (b) the applicant or licensee has been determined to be mentally incompetent for any reason by a court of competent jurisdiction; or~~

~~—— (c) the applicant or licensee is unable to practice the occupation or profession with reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any other mental or physical~~

HB0348S02 compared with HB0348S01

~~condition, when the licensee's condition demonstrates a threat or potential threat to the public health, safety, or welfare, as determined by a ringside physician or the commission:~~

~~—— (3) Any licensee whose license under this chapter has been suspended, revoked, or restricted may apply for reinstatement of the license at reasonable intervals and upon compliance with any conditions imposed upon the licensee by statute, rule, or terms of the license suspension, revocation, or restriction:~~

~~—— (4) The commission may issue cease and desist orders:~~

~~—— (a) to a licensee or applicant who may be disciplined under Subsection (1) or (2); and~~

~~—— (b) to any person who otherwise violates this chapter or any rules adopted under this chapter:~~

~~—— (5) (a) The commission may impose an administrative fine for acts of unprofessional or unlawful conduct under this chapter:~~

~~—— (b) An administrative fine under this Subsection (5) may not exceed \$2,500 for each separate act of unprofessional or unlawful conduct:~~

~~—— (c) The commission shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in any action to impose an administrative fine under this chapter:~~

~~—— (d) The imposition of a fine under this Subsection (5) does not affect any other action the commission or department may take concerning a license issued under this chapter:~~

~~—— (6) (a) The commission may not take disciplinary action against any person for unlawful or unprofessional conduct under this chapter, unless the commission initiates an adjudicative proceeding regarding the conduct within four years after the conduct is reported to the commission, except under Subsection (6)(b):~~

~~—— (b) The commission may not take disciplinary action against any person for unlawful or unprofessional conduct more than 10 years after the occurrence of the conduct, unless the proceeding is in response to a civil or criminal judgment or settlement and the proceeding is initiated within one year following the judgment or settlement:~~

~~—— (7) (a) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, the following may immediately suspend the license of a licensee at such time and for such period that the following believes is necessary to protect the health, safety, and welfare of the licensee, another licensee, or the public:~~

~~—— (i) the commission;~~

HB0348S02 compared with HB0348S01

~~—— (ii) a designated commission member; or~~

~~—— (iii) if a designated commission member is not present, the director.~~

~~—— (b) The commission shall establish by rule appropriate procedures to invoke the suspension and to provide a suspended licensee a right to a hearing before the commission with respect to the suspension within a reasonable time after the suspension.~~

~~—— Section 18. Section ~~13-58-304~~, which is renumbered from Section 63N-10-304 is renumbered and amended to read:~~

~~—— [63N-10-304]. 13-58-304. Additional fees for license of promoter ==~~

~~**Dedicated credits == Promotion of contests == Annual exemption of showcase event.**~~

~~—— (1) In addition to the payment of any other fees and money due under this chapter, every promoter shall pay a license fee determined by the commission and established in rule.~~

~~—— (2) License fees collected under this Subsection (2) from professional boxing contests or exhibitions shall be retained by the commission as a dedicated credit to be used by the commission to award grants to organizations that promote amateur boxing in the state and cover commission expenses.~~

~~—— (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall adopt rules:~~

~~—— (a) governing the manner in which applications for grants under Subsection (2) may be submitted to the commission; and~~

~~—— (b) establishing standards for awarding grants under Subsection (2) to organizations which promote amateur boxing in the state.~~

~~—— (4) (a) For the purpose of creating a greater interest in contests in the state, the commission may exempt from the payment of license fees under this section one contest or exhibition in each calendar year, intended as a showcase event.~~

~~—— (b) The commission shall select the contest or exhibition to be exempted based on factors which include:~~

~~—— (i) attraction of the optimum number of spectators;~~

~~—— (ii) costs of promoting and producing the contest or exhibition;~~

~~—— (iii) ticket pricing;~~

~~—— (iv) committed promotions and advertising of the contest or exhibition;~~

~~—— (v) rankings and quality of the contestants; and~~

HB0348S02 compared with HB0348S01

~~_____ (vi) committed television and other media coverage of the contest or exhibition.~~

~~_____ Section 19. Section **13-58-305**, which is renumbered from Section 63N-10-305 is renumbered and amended to read:~~

~~_____ **[63N-10-305]. _____ 13-58-305. Jurisdiction of commission.**~~

~~_____ (1) (a) The commission has the sole authority concerning direction, management, control, and jurisdiction over all contests or exhibitions of unarmed combat to be conducted, held, or given within this state.~~

~~_____ (b) A contest or exhibition may not be conducted, held, or given within this state except in accordance with this chapter.~~

~~_____ (2) Any contest involving a form of unarmed self-defense must be conducted pursuant to rules for that form which are approved by the commission before the contest is conducted, held, or given.~~

~~_____ (3) (a) An area not less than six feet from the perimeter of the ring shall be reserved for the use of:~~

~~_____ (i) the designated commission member;~~

~~_____ (ii) other commission members in attendance;~~

~~_____ (iii) the director;~~

~~_____ (iv) commission employees;~~

~~_____ (v) officials;~~

~~_____ (vi) licensees participating or assisting in the contest; and~~

~~_____ (vii) others granted credentials by the commission.~~

~~_____ (b) The promoter shall provide security at the direction of the commission or designated commission member to secure the area described in Subsection (3)(a).~~

~~_____ (4) The area described in Subsection (3), the area in the dressing rooms, and other areas considered necessary by the designated commission member for the safety and welfare of a licensee and the public shall be reserved for the use of:~~

~~_____ (a) the designated commission member;~~

~~_____ (b) other commission members in attendance;~~

~~_____ (c) the director;~~

~~_____ (d) commission employees;~~

~~_____ (e) officials;~~

HB0348S02 compared with HB0348S01

~~—— (f) licensees participating or assisting in the contest; and~~

~~—— (g) others granted credentials by the commission;~~

~~—— (5) The promoter shall provide security at the direction of the commission or designated commission member to secure the areas described in Subsections (3) and (4).~~

~~—— (6) (a) The designated commission member may direct the removal from the contest venue and premises, of any individual whose actions:~~

~~—— (i) are disruptive to the safe conduct of the contest; or~~

~~—— (ii) pose a danger to the safety and welfare of the licensees, the commission, or the public, as determined by the designated commission member.~~

~~—— (b) The promoter shall provide security at the direction of the commission or designated commission member to effectuate a removal under Subsection (6)(a).~~

~~—— Section 20. Section **13-58-306**, which is renumbered from Section 63N-10-306 is renumbered and amended to read:~~

~~—— **[63N-10-306].** **13-58-306. Club fighting prohibited.**~~

~~—— (1) Club fighting is prohibited.~~

~~—— (2) Any person who publicizes, promotes, conducts, or engages in a club fighting match is:~~

~~—— (a) guilty of a class A misdemeanor as provided in Section 76-9-705; and~~

~~—— (b) subject to license revocation under this chapter.~~

~~—— Section 21. Section **13-58-307**, which is renumbered from Section 63N-10-307 is renumbered and amended to read:~~

~~—— **[63N-10-307].** **13-58-307. Approval to hold contest or promotion -- Bond required.**~~

~~—— (1) An application to hold a contest or multiple contests as part of a single promotion shall be made by a licensed promoter to the commission on forms provided by the commission.~~

~~—— (2) The application shall be accompanied by a contest fee determined by the commission under Section 63J-1-505.~~

~~—— (3) (a) The commission may approve or deny approval to hold a contest or promotion permitted under this chapter.~~

~~—— (b) Provisional approval under Subsection (3)(a) shall be granted upon a determination by the commission that:~~

HB0348S02 compared with HB0348S01

- ~~—— (i) the promoter of the contest or promotion is properly licensed;~~
- ~~—— (ii) a bond meeting the requirements of Subsection (6) has been posted by the promoter of the contest or promotion; and~~
- ~~—— (iii) the contest or promotion will be held in accordance with this chapter and rules made under this chapter.~~
- ~~—— (4) (a) Final approval to hold a contest or promotion may not be granted unless the commission receives, not less than seven days before the day of the contest with 10 or more rounds:~~
 - ~~—— (i) proof of a negative HIV test performed not more than 180 days before the day of the contest for each contestant;~~
 - ~~—— (ii) a copy of each contestant's federal identification card;~~
 - ~~—— (iii) a copy of a signed contract between each contestant and the promoter for the contest;~~
 - ~~—— (iv) a statement specifying the maximum number of rounds of the contest;~~
 - ~~—— (v) a statement specifying the site, date, and time of weigh-in; and~~
 - ~~—— (vi) the name of the physician selected from among a list of registered and commission-approved ringside physicians who shall act as ringside physician for the contest.~~
- ~~—— (b) Notwithstanding Subsection (4)(a), the commission may approve a contest or promotion if the requirements under Subsection (4)(a) are not met because of unforeseen circumstances beyond the promoter's control.~~
- ~~—— (5) Final approval for a contest under 10 rounds in duration may be granted as determined by the commission after receiving the materials identified in Subsection (4) at a time determined by the commission.~~
- ~~—— (6) An applicant shall post a surety bond or cashier's check with the commission in the greater of \$10,000 or the amount of the purse, providing for forfeiture and disbursement of the proceeds if the applicant fails to comply with:~~
 - ~~—— (a) the requirements of this chapter; or~~
 - ~~—— (b) rules made under this chapter relating to the promotion or conduct of the contest or promotion.~~
- ~~—— Section 22. Section ~~13-58-308~~, which is renumbered from Section 63N-10-308 is renumbered and amended to read:~~

HB0348S02 compared with HB0348S01

~~_____ [63N-10-308]. _____ 13-58-308. Rules for the conduct of contests:~~

~~_____ (1) The commission shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the conduct of contests in the state:~~

~~_____ (2) The rules shall include:~~

~~_____ (a) authority for:~~

~~_____ (i) stopping contests; and~~

~~_____ (ii) impounding purses with respect to contests when there is a question with respect to the contest, contestants, or any other licensee associated with the contest; and~~

~~_____ (b) reasonable and necessary provisions to ensure that all obligations of a promoter with respect to any promotion or contest are paid in accordance with agreements made by the promoter:~~

~~_____ (3) (a) The commission may, in its discretion, exempt a contest and each contestant from the definition of unprofessional conduct found in Subsection [63N-10-102(25)(f)] 13-58-102(26)(f) after:~~

~~_____ (i) a promoter requests the exemption; and~~

~~_____ (ii) the commission considers relevant factors, including:~~

~~_____ (A) the experience of the contestants;~~

~~_____ (B) the win and loss records of each contestant;~~

~~_____ (C) each contestant's level of training; and~~

~~_____ (D) any other evidence relevant to the contestants' professionalism and the ability to safely conduct the contest:~~

~~_____ (b) The commission's hearing of a request for an exemption under this Subsection (3) is an informal adjudicative proceeding under Section 63G-4-202:~~

~~_____ (c) The commission's decision to grant or deny a request for an exemption under this Subsection (3) is not subject to agency review under Section 63G-4-301:~~

~~_____ Section 23. Section 13-58-309, which is renumbered from Section 63N-10-309 is renumbered and amended to read:~~

~~_____ [63N-10-309]. _____ 13-58-309. Medical examinations and drug tests:~~

~~_____ (1) The commission shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for medical examinations and drug testing of contestants; including provisions under which contestants shall:~~

HB0348S02 compared with HB0348S01

~~—— (a) produce evidence based upon competent laboratory examination that they are HIV negative as a condition of participating as a contestant in any contest;~~

~~—— (b) be subject to random drug testing before or after participation in a contest, and sanctions, including barring participation in a contest or withholding a percentage of any purse, that shall be placed against a contestant testing positive for alcohol or any other drug that in the opinion of the commission is inconsistent with the safe and competent participation of that contestant in a contest;~~

~~—— (c) be subject to a medical examination by the ringside physician not more than 30 hours before the contest to identify any physical ailment or communicable disease that, in the opinion of the commission or designated commission member, are inconsistent with the safe and competent participation of that contestant in the contest; and~~

~~—— (d) be subject to medical testing for communicable diseases as considered necessary by the commission to protect the health, safety, and welfare of the licensees and the public.~~

~~—— (2) (a) Medical information concerning a contestant shall be provided by the contestant or medical professional or laboratory.~~

~~—— (b) A promoter or manager may not provide to or receive from the commission medical information concerning a contestant.~~

~~—— Section 24. Section **13-58-310**, which is renumbered from Section 63N-10-310 is renumbered and amended to read:~~

~~—— [63N-10-310]. **13-58-310. Contests.**~~

~~—— (1) Except as provided in Section [63N-10-317] **13-58-317**, a licensee may not participate in an unarmed combat contest within a predetermined time after another unarmed combat contest, as prescribed in rules made by the commission.~~

~~—— (2) During the period of time beginning 60 minutes before the beginning of a contest, the promoter shall demonstrate the promoter's compliance with the commission's security requirements to all commission members present at the contest.~~

~~—— (3) The commission shall establish fees in accordance with Section 63J-1-504 to be paid by a promoter for the conduct of each contest or event composed of multiple contests conducted under this chapter.~~

~~—— Section 25. Section **13-58-311**, which is renumbered from Section 63N-10-311 is renumbered and amended to read:~~

HB0348S02 compared with HB0348S01

~~[63N-10-311].~~ 13-58-311. Ringside physician.

~~(1) The commission shall maintain a list of ringside physicians who hold a Doctor of Medicine (MD) degree and are registered with the commission as approved to act as a ringside physician and meet the requirements of Subsection (2).~~

~~(2) (a) The commission shall appoint a registered ringside physician to perform the duties of a ringside physician at each contest held under this chapter.~~

~~(b) The promoter of a contest shall pay a fee determined by the commission by rule to the commission for a ringside physician.~~

~~(3) An applicant for registration as a ringside physician shall:~~

~~(a) submit an application for registration;~~

~~(b) provide the commission with evidence of the applicant's licensure to practice medicine in the state; and~~

~~(c) satisfy minimum qualifications established by the department by rule.~~

~~(4) A ringside physician at attendance at a contest:~~

~~(a) may stop the contest at any point if the ringside physician determines that a contestant's physical condition renders the contestant unable to safely continue the contest; and~~

~~(b) works under the direction of the commission.~~

~~Section 26. Section 13-58-312, which is renumbered from Section 63N-10-312 is renumbered and amended to read:~~

~~[63N-10-312].~~ 13-58-312. Contracts.

~~Before a contest is held, a copy of the signed contract or agreement between the promoter of the contest and each contestant shall be filed with the commission. Approval of the contract's terms and conditions shall be obtained from the commission as a condition precedent to the contest.~~

~~Section 27. Section 13-58-313, which is renumbered from Section 63N-10-313 is renumbered and amended to read:~~

~~[63N-10-313].~~ 13-58-313. Withholding of purse.

~~(1) The commission, the director, or any other agent authorized by the commission may order a promoter to withhold any part of a purse or other money belonging or payable to any contestant, manager, or second if, in the judgment of the commission, director, or other agent:~~

HB0348S02 compared with HB0348S01

~~—— (a) the contestant is not competing honestly or to the best of the contestant's skill and ability or the contestant otherwise violates any rules adopted by the commission or any of the provisions of this chapter; or~~

~~—— (b) the manager or second violates any rules adopted by the commission or any of the provisions of this chapter.~~

~~—— (2) This section does not apply to any contestant in a wrestling exhibition who appears not to be competing honestly or to the best of the contestant's skill and ability.~~

~~—— (3) Upon the withholding of any part of a purse or other money pursuant to this section, the commission shall immediately schedule a hearing on the matter, provide adequate notice to all interested parties, and dispose of the matter as promptly as possible.~~

~~—— (4) If it is determined that a contestant, manager, or second is not entitled to any part of that person's share of the purse or other money, the promoter shall pay the money over to the commission.~~

~~—— Section 28. Section ~~13-58-314~~, which is renumbered from Section 63N-10-314 is renumbered and amended to read:~~

~~—— ~~[63N-10-314]~~. ~~13-58-314. Penalty for unlawful conduct.~~~~

~~—— A person who engages in any act of unlawful conduct, as defined in Section ~~[63N-10-102]~~ ~~13-58-102~~, is guilty of a class A misdemeanor.~~

~~—— Section 29. Section ~~13-58-315~~, which is renumbered from Section 63N-10-315 is renumbered and amended to read:~~

~~—— ~~[63N-10-315]~~. ~~13-58-315. Exemptions.~~~~

~~—— This chapter does not apply to:~~

~~—— (1) any amateur contest or exhibition of unarmed combat conducted by or participated in exclusively by:~~

~~—— (a) a school accredited by the Utah Board of Education;~~

~~—— (b) a college or university accredited by the United States Department of Education; or~~

~~—— (c) any association or organization of a school, college, or university described in Subsections (1)(a) and (b), when each participant in the contests or exhibitions is a bona fide student in the school, college, or university;~~

~~—— (2) any contest or exhibition of unarmed combat conducted in accordance with the standards and regulations of USA Boxing, Inc.; or~~

HB0348S02 compared with HB0348S01

~~_____ (3) a white-collar contest.~~

~~_____ Section 30. Section **13-58-316**, which is renumbered from Section 63N-10-316 is renumbered and amended to read:~~

~~_____ **[63N-10-316]. _____ 13-58-316. Contest weights and classes -- Matching contestants:**~~

~~_____ (1) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing boxing contest weights and classes consistent with those adopted by the Association of Boxing Commissions:~~

~~_____ (2) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing contest weights and classes for unarmed combat that is not boxing:~~

~~_____ (3) (a) As to any unarmed combat contest, a contestant may not fight another contestant who is outside of the contestant's weight classification:~~

~~_____ (b) Notwithstanding Subsection (3)(a), the commission may permit a contestant to fight another contestant who is outside of the contestant's weight classification:~~

~~_____ (4) Except as provided in Subsection (3)(b), as to any unarmed combat contest:~~

~~_____ (a) a contestant who has contracted to participate in a given weight class may not be permitted to compete if the contestant is not within that weight class at the weigh-in, and~~

~~_____ (b) a contestant may have two hours to attempt to gain or lose not more than three pounds in order to be reweighed:~~

~~_____ (5) (a) As to any unarmed combat contest, the commission may not allow a contest in which the contestants are not fairly matched:~~

~~_____ (b) Factors in determining if contestants are fairly matched include:~~

~~_____ (i) the win-loss record of the contestants;~~

~~_____ (ii) the weight differential between the contestants;~~

~~_____ (iii) the caliber of opponents for each contestant;~~

~~_____ (iv) each contestant's number of fights; and~~

~~_____ (v) previous suspensions or disciplinary actions of the contestants.~~

~~_____ Section 31. Section **13-58-317**, which is renumbered from Section 63N-10-317 is renumbered and amended to read:~~

~~_____ **[63N-10-317]. _____ 13-58-317. Elimination contests -- Conduct of contests --**~~

HB0348S02 compared with HB0348S01

~~Applicability of provisions -- Limitations on license -- Duration of contests -- Equipment -- Limitations on contests:~~

~~—— (1) An elimination unarmed combat contest shall be conducted under the supervision and authority of the commission:~~

~~—— (2) Except as otherwise provided in this section and except as otherwise provided by specific statute, the provisions of this chapter pertaining to boxing apply to an elimination unarmed combat contest:~~

~~—— (3) (a) All contests in an elimination unarmed combat contest shall be no more than three rounds in duration:~~

~~—— (b) A round of unarmed combat in an elimination unarmed combat contest shall:~~

~~—— (i) be no more than one minute in duration; or~~

~~—— (ii) be up to three minutes in duration if there is only a single round:~~

~~—— (c) A period of rest following a round shall be no more than one minute in duration:~~

~~—— (4) A contestant:~~

~~—— (a) shall wear gloves approved by the commission; and~~

~~—— (b) shall wear headgear approved by the commission, the designated commission member, or the director if a designated commission member is not present:~~

~~—— (5) A contestant may participate in more than one contest, but may not participate in more than a total of seven rounds in the entire tournament:~~

~~—— Section 32. Section ~~13-58-318~~, which is renumbered from Section ~~63N-10-318~~ is renumbered and amended to read:~~

~~—— ~~[63N-10-318]~~. 13-58-318. Commission rulemaking:~~

~~—— The commission may make rules governing the conduct of a contest held under this chapter to protect the health and safety of licensees and members of the public:~~

~~—— ~~Section 33}9~~. Section ~~17-31-5.5~~ is amended to read:~~

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

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

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

HB0348S02 compared with HB0348S01

- (a) for the transient room tax, identification of expenditures for:
 - (i) establishing and promoting:
 - (A) recreation;
 - (B) tourism;
 - (C) film production; and
 - (D) conventions;
 - (ii) acquiring, leasing, constructing, furnishing, or operating:
 - (A) convention meeting rooms;
 - (B) exhibit halls;
 - (C) visitor information centers;
 - (D) museums; and
 - (E) related facilities;
 - (iii) acquiring or leasing land required for or related to the purposes listed in Subsection (2)(a)(ii);
 - (iv) mitigation costs as identified in Subsection 17-31-2(2)(d); and
 - (v) making the annual payment of principal, interest, premiums, and necessary reserves for any or the aggregate of bonds issued to pay for costs referred to in Subsections 17-31-2(2)(e) and (5)(a); and
- (b) for the tourism, recreation, cultural, convention, and airport facilities tax, identification of expenditures for:
 - (i) financing tourism promotion, which means an activity to develop, encourage, solicit, or market tourism that attracts transient guests to the county, including planning, product development, and advertising;
 - (ii) the development, operation, and maintenance of the following facilities as defined in Section 59-12-602:
 - (A) an airport facility;
 - (B) a convention facility;
 - (C) a cultural facility;
 - (D) a recreation facility; and
 - (E) a tourist facility; and
 - (iii) a pledge as security for evidences of indebtedness under Subsection 59-12-603(3).

HB0348S02 compared with HB0348S01

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

- (a) whether the expenditure was used for in-state and out-of-state promotion efforts;
- (b) an explanation of how the expenditure targeted a cost created by tourism; and
- (c) an accounting of the expenditure showing that the expenditure was used only for

costs directly related to a cost created by tourism.

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

- (a) the Utah Office of Tourism within the Governor's Office of Economic

~~[Development]~~ Opportunity;

- (b) its tourism tax advisory board; and
- (c) the Office of the Legislative Fiscal Analyst.

Section ~~34~~10. Section 17-31-9 is amended to read:

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

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

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

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

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

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

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

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

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

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

HB0348S02 compared with HB0348S01

Section ~~{35}~~11. Section 17-54-102 is amended to read:

17-54-102. Definitions.

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

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

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

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

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

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

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

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

Section ~~{36}~~12. Section 17-54-103 is amended to read:

17-54-103. Rural County Grant Program.

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

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

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

(i) business recruitment, development, and expansion;

(ii) workforce training and development; and

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

HB0348S02 compared with HB0348S01

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

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

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

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

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

(a) demonstrates a funding match, which may include a funding match provided by any combination of a community reinvestment agency, redevelopment agency, community development and renewal agency, private-sector entity, nonprofit entity, federal matching grant, county or municipality general fund match, or in-kind match, and that totals:

(i) a 10% match for a county of the sixth class;

(ii) a 20% match for a county of the fifth class;

(iii) a 30% match for a county of the fourth class; and

(iv) a 40% match for a county of the third class; and

(b) has complied with the reporting requirements required by the ~~[rural partnership]~~ GO Utah board and the reporting requirements described in Subsection (9) for all previous years that the county has received a grant.

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

(a) the form and process for a county to submit an application to the ~~[rural partnership]~~ GO Utah board for a grant;

(b) the method of scoring and prioritizing grant program applications from rural counties;

(c) the reporting, auditing, and post-performance requirements for a rural county that

HB0348S02 compared with HB0348S01

receives grant money; and

(d) any deadlines that shall be met by a rural county when applying for a grant.

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

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

(a) that the county has or is actively pursuing the creation of an effective strategic economic development plan;

(b) consistency with local economic development priorities;

(c) economic need;

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

(e) evidence that jobs will be created; and

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

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

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

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

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

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

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

(10) The ~~[Office of]~~ Center for Rural Development shall compile the reported

HB0348S02 compared with HB0348S01

information and provide a written report to the Governor's Office of Economic ~~Development~~ Opportunity for inclusion in the Governor's Office of Economic ~~Development's~~ Opportunity's annual written report described in Section ~~[63N-1-301]~~ 63N-1a-306.

Section ~~{37}~~13. Section **17C-1-603** is amended to read:

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

(1) On or before ~~[June 30, 2021]~~ June 1, 2022, the Governor's Office of Economic ~~Development~~ Opportunity shall:

- (a) create a database to track information for each agency located within the state; and
- (b) make the database publicly accessible from the office's website.

(2) (a) The Governor's Office of Economic ~~Development~~ Opportunity may:

(i) contract with a third party to create and maintain the database described in Subsection (1); and

(ii) charge a fee for a county, city, or agency to provide information to the database described in Subsection (1).

(b) The Governor's Office of Economic ~~Development~~ Opportunity shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a fee schedule for the fee described in Subsection (2)(a)(ii).

(3) Beginning in ~~[2021]~~ 2022, on or before ~~[December 31]~~ June 30 of each calendar year, an agency shall, for each active project area for which the project area funds collection period has not expired, provide to the database described in Subsection (1) the following information:

(a) an assessment of the change in marginal value, including:

- (i) the base year;
- (ii) the base taxable value;
- (iii) the prior year's assessed value;
- (iv) the estimated current assessed value;
- (v) the percentage change in marginal value; and
- (vi) a narrative description of the relative growth in assessed value;

(b) the amount of project area funds the agency received for each year of the project area funds collection period, including:

HB0348S02 compared with HB0348S01

(i) a comparison of the actual project area funds received for each year to the amount of project area funds forecasted for each year when the project area was created, if available;

(ii) (A) the agency's historical receipts of project area funds, including the tax year for which the agency first received project area funds from the project area; or

(B) if the agency has not yet received project area funds from the project area, the year in which the agency expects each project area funds collection period to begin;

(iii) a list of each taxing entity that levies or imposes a tax within the project area and a description of the benefits that each taxing entity receives from the project area; and

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

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

(i) a narrative of any significant project area development, including infrastructure development, site development, participation agreements, or vertical construction; and

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

(A) the total developed acreage;

(B) the total undeveloped acreage;

(C) the percentage of residential development; and

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

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

including:

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

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

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

(ii) the amount of project area funds the agency is authorized to receive from the project area cumulatively and from each taxing entity, including:

(A) the total dollar amount; and

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

(iii) the remaining amount of project area funds the agency is authorized to receive from the project area cumulatively and from each taxing entity; and

(iv) the amount of project area funds the agency is authorized to use to pay for the agency's administrative costs, as described in Subsection 17C-1-409(1), including:

HB0348S02 compared with HB0348S01

- (A) the total dollar amount; and
 - (B) the percentage of the total amount of all project area funds;
 - (e) the estimated amount of project area funds that the agency is authorized to receive from the project area for the current calendar year;
 - (f) the estimated amount of project area funds to be paid to the agency for the next calendar year;
 - (g) a map of the project area; and
 - (h) any other relevant information the agency elects to provide.
- (4) (a) Until the Governor's Office of Economic ~~[Development]~~ Opportunity creates a database as required in Subsection (1), an agency shall, on or before November 1 of each calendar year, electronically submit a report to:
- (i) the community in which the agency operates;
 - (ii) the county auditor;
 - (iii) the State Tax Commission;
 - (iv) the State Board of Education; and
 - (v) each taxing entity from which the agency receives project area funds.
- (b) An agency shall ensure that the report described in Subsection (4)(a):
- (i) contains the same information described in Subsection (3); and
 - (ii) is posted on the website of the community in which the agency operates.
- (5) Any information an agency submits in accordance with this section:
- (a) is for informational purposes only; and
 - (b) does not alter the amount of project area funds that an agency is authorized to receive from a project area.
- (6) The provisions of this section apply regardless of when the agency or project area is created.

Section ~~38~~14. Section **17D-1-507** is amended to read:

17D-1-507. Guaranteed bonds.

- (1) Before a special service district may issue guaranteed bonds:
 - (a) the special service district shall:
 - (i) obtain a report:
 - (A) prepared by:

HB0348S02 compared with HB0348S01

- (I) a qualified, registered architect or engineer; or
- (II) a person qualified by experience appropriate to the project proposed to be funded by the proceeds from the guaranteed bonds;
- (B) setting forth:
 - (I) a description of the project proposed to be funded by the proceeds from the guaranteed bonds;
 - (II) the estimated or, if available, the actual cost of the project;
 - (III) the principal amount and date and amount of each stated maturity of:
 - (Aa) the guaranteed bonds to be issued; and
 - (Bb) any outstanding guaranteed bonds of the special service district;
 - (IV) the interest rate or rates of any outstanding guaranteed bonds of the special service district;
 - (V) the amount of the annual debt service for each year during the life of all outstanding guaranteed bonds issued by the special service district;
 - (VI) the estimated amount of the annual debt service for each year during the life of all guaranteed bonds that the special service district intends to issue to finance all or any part of the project; and
 - (VII) the date or estimated date that the project will be complete; and
 - (ii) submit to the Governor's Office of Economic ~~Development~~ Opportunity:
 - (A) the report described in Subsection (1)(a)(i);
 - (B) a copy of each proposed guarantee of the guaranteed bonds, certified by the special service district;
 - (C) a legal opinion indicating that each guarantee, when executed, will be the legal and binding obligation of the taxpayer executing the guarantee in accordance with the terms of the guarantee; and
 - (D) evidence satisfactory to the Governor's Office of Economic ~~Development~~ Opportunity from each taxpayer executing a guarantee of the guaranteed bonds as to the financial ability of the taxpayer to perform under the guarantee;
 - (b) the Governor's Office of Economic ~~Development~~ Opportunity shall, if it approves the issuance of the guaranteed bonds, deliver to the special service district governing body a written statement of its approval; and

HB0348S02 compared with HB0348S01

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

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

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

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

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

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

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

Section ~~39~~15. Section **35A-1-104.5** is amended to read:

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

(1) The department shall work with the Department of Health, the Insurance Department, the Governor's Office of Economic [~~Development~~] Opportunity, and the Legislature to develop the health system reform.

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

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

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

HB0348S02 compared with HB0348S01

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

Section ~~{40}~~16. Section **35A-1-109** is amended to read:

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

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

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

- (a) a description of the operation, activity, program, or service;
- (b) data and metrics:
 - (i) selected and used by the department to measure progress, performance, effectiveness, and scope of the operation, activity, program, or service, including summary data; and
 - (ii) that are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement as determined by the executive directors of the department, the Governor's Office of Economic ~~[Development]~~ Opportunity, and the Governor's Office of Management and Budget;
- (c) budget data, including the amount and source of funding, expenses, and allocation of full-time employees for the operation, activity, program, or service;
- (d) historical data from previous years for comparison with data reported under Subsections (2)(b) and (c);
- (e) goals, challenges, and achievements related to the operation, activity, program, or service;
- (f) relevant federal and state statutory references and requirements;
- (g) contact information of officials knowledgeable and responsible for each operation, activity, program, or service; and
- (h) other information determined by the department that:
 - (i) may be needed, useful, or of historical significance; or

HB0348S02 compared with HB0348S01

(ii) promotes accountability and transparency for each operation, activity, program, or service with the public and elected officials.

(3) The annual report shall be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature.

(4) The department shall:

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

(b) make the annual report, and previous annual reports, accessible to the public by placing a link to the reports on the department's website; and

(c) provide the data and metrics described in Subsection (2)(b) to the [~~Talent Ready Utah Board created in Section 63N-12-503~~] Talent, Education, and Industry Alignment Subcommittee created in Section 63N-1b-301.

Section ~~{41}~~17. Section **35A-1-201** is amended to read:

35A-1-201. Executive director -- Appointment -- Removal -- Compensation -- Qualifications -- Responsibilities -- Deputy directors.

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

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

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

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

(2) The executive director shall:

(a) administer and supervise the department in compliance with Title 67, Chapter 19, Utah State Personnel Management Act;

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

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

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

(e) approve all applications for federal grants or assistance in support of any

HB0348S02 compared with HB0348S01

department program;

(f) coordinate with the executive directors of the Governor's Office of Economic [Development] Opportunity and the Governor's Office of Management and Budget to review data and metrics to be reported to the Legislature as described in Subsection 35A-1-109(2)(b); and

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

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

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

Section ~~{42}~~18. Section **35A-6-105** is amended to read:

35A-6-105. Commissioner of Apprenticeship Programs.

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

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

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

(4) The commissioner shall:

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

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

(c) provide an annual written report to:

HB0348S02 compared with HB0348S01

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

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

(iii) the Higher Education Appropriations Subcommittee.

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

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

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

(c) the completion rate of each program;

(d) the cost of state funding for each program; and

(e) recommendations for improving apprenticeship programs.

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

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

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

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

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

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

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

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

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

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

HB0348S02 compared with HB0348S01

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0348S02 compared with HB0348S01

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

(b) For purposes of the first sale of a vehicle at retail, an air pollution control device may be substituted for the manufacturer's original device if the substituted device is at least as effective in the reduction of emissions from the vehicle motor as the air pollution control device furnished by the manufacturer of the vehicle as standard equipment for the same vehicle class.

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

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

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

Section ~~{43}~~20. Section **49-11-406** is amended to read:

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

(1) As used in this section:

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

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

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

(a) the state auditor;

HB0348S02 compared with HB0348S01

- (b) the state treasurer;
- (c) an appointed executive under Subsection 67-22-2(1)(a);
- (d) an employee in the Governor's Office;
- (e) senior staff in the Governor's Office of Management and Budget;
- (f) senior staff in the Governor's Office of Economic ~~[Development]~~ Opportunity;
- (g) senior staff in the Commission on Criminal and Juvenile Justice;
- (h) a legislative employee appointed under Subsection 36-12-7(3)(a); or
- (i) a legislative employee appointed by the speaker of the House of Representatives, the House of Representatives minority leader, the president of the Senate, or the Senate minority leader~~[, or]~~.

~~[(j) senior staff of the Utah Science Technology and Research Initiative created under Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act.]~~

- (3) An election made under Subsection (2):
 - (a) is final, and no right exists to make any further election;
 - (b) is considered a request to be exempt from coverage under a defined benefits system; and
 - (c) shall be made on forms provided by the office.
- (4) The board shall adopt rules to implement and administer this section.

Section ~~{44}~~21. Section **53B-1-114** is amended to read:

53B-1-114. Coordination for education.

(1) At least quarterly, in order to coordinate education services, the commissioner and the state superintendent of public instruction shall convene a meeting of individuals who have responsibilities related to Utah's education system, including:

- (a) the state superintendent of public instruction;
- (b) the commissioner;
- (c) the executive director of the Department of Workforce Services described in Section 35A-1-201;
- (d) the executive director of the Governor's Office of Economic ~~[Development]~~ Opportunity described in Section ~~[63N-1-202]~~ 63N-1a-302;
- (e) the chair of the State Board of Education;
- (f) the chair of the Utah Board of Higher Education;

HB0348S02 compared with HB0348S01

- (g) a member of the governor's staff; and
- (h) the chairs of the Education Interim Committee.

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

- (a) coordinate strategic planning efforts;
- (b) encourage alignment of strategic plans; and
- (c) report on the State Board of Education's strategic plan to the Utah Board of Higher Education and the Utah Board of Higher Education's strategic plan to the State Board of Education.

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

Section ~~{45}~~22. Section **53B-1-301** is amended to read:

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

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

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

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

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

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

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

(f) the report described in Section 53B-8-303 by the board regarding Access Utah promise scholarships;

(g) the report described in Section 53B-8d-104 by the Division of Child and Family Services on tuition waivers for wards of the state;

(h) the report described in Section 53B-12-107 by the Utah Higher Education

HB0348S02 compared with HB0348S01

Assistance Authority;

(i) the report described in Section 53B-13a-104 by the board on the Success Stipend Program;

(j) the report described in Section 53B-17-201 by the University of Utah regarding the Miners' Hospital for Disabled Miners;

(k) the report described in Section 53B-26-103 by the Governor's Office of Economic [Development] Opportunity on high demand technical jobs projected to support economic growth;

(l) the report described in Section 53B-26-202 by the Medical Education Council on projected demand for nursing professionals; and

(m) the report described in Section 53E-10-308 by the State Board of Education and board on student participation in the concurrent enrollment program.

(2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Higher Education Appropriations Subcommittee:

(a) upon request, the information described in Section 53B-8a-111 submitted by the Utah Educational Savings Plan;

(b) as described in Section 53B-26-103, a proposal by an eligible partnership related to workforce needs for technical jobs projected to support economic growth;

(c) a proposal described in Section 53B-26-202 by an eligible program to respond to projected demand for nursing professionals;

(d) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board on the fire and rescue training program described in Section 53B-29-202; and

(e) the reports described in Section 63C-19-202 by the Higher Education Strategic Planning Commission on the commission's progress.

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

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

(b) the review described in Section 53B-7-705 of the implementation of performance funding;

(c) an appropriation recommendation described in Section 53B-26-103 to fund a

HB0348S02 compared with HB0348S01

proposal responding to workforce needs of a strategic industry cluster;

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

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

Section ~~{46}~~23. Section **53B-7-702** is amended to read:

53B-7-702. Definitions.

As used in this part:

(1) "Account" means the Performance Funding Restricted Account created in Section 53B-7-703.

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

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

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

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

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

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

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

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

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

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

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

(11) "Targeted job" means a job designated by the Department of Workforce Services

HB0348S02 compared with HB0348S01

or ~~[GOED]~~ the GO Utah office in accordance with Section 53B-7-704.

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

- (a) has earned a certificate from an accredited program at a technical college; and
- (b) is no longer enrolled in the technical college.

Section ~~{47}~~24. Section **53B-7-704** is amended to read:

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

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

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

- (i) has a base employment level of at least 100 individuals;
- (ii) ranks in the top 20% of jobs for outlook based on:
 - (A) projected number of openings; and
 - (B) projected rate of growth;
- (iii) ranks in the top 20% of jobs for median annual wage; and
- (iv) requires postsecondary training.

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

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

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

- (i) the method used to determine which jobs are targeted jobs;
- (ii) changes to which jobs are targeted jobs; and
- (iii) the reasons for each change described in Subsection (2)(d)(ii).

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

HB0348S02 compared with HB0348S01

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

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

(ii) using the best available information;

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

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

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

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

(b) the Division of Finance.

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

53B-8-304. Utah promise partners.

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

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

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

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

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

(a) applies for a partner award;

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

(c) is a Utah resident;

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

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

and

HB0348S02 compared with HB0348S01

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

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

(b) The board may:

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

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

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

(i) two years after the individual initially receives a partner award;

(ii) the recipient uses a partner award to attend an institution for four semesters;

(iii) the recipient completes the requirements for an associate degree; or

(iv) if the recipient attends an institution that does not offer associate degrees, the recipient has 60 earned credit hours.

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

(a) requirements for an employer to seek and receive approval from the board for the employer's employees to receive partner awards;

(b) requirements related to an employer providing reimbursement to an employee who receives a partner award for a portion of the employee's tuition and fees;

(c) a process for an individual to apply for a partner award;

(d) criteria for the board to prioritize awarding partner awards; and

(e) a requirement that an institution shall, for a recipient of a partner award:

(i) evaluate the recipient's knowledge, skills, and competencies acquired through formal or informal education outside the traditional postsecondary academic environment; and

(ii) award credit, as applicable, for the recipient's prior learning described in Subsection (5)(e)(i).

HB0348S02 compared with HB0348S01

Section ~~{48}~~26. Section **53B-10-201** is amended to read:

53B-10-201. Definitions.

As used in this part:

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

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

(3) "Incentive loan" means a loan described in Section 53B-10-202.

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

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

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

(7) "Qualifying job" means a job:

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

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

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

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

(C) in which the recipient is working.

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

Section ~~{49}~~27. Section **53B-10-203** is amended to read:

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

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

(a) five qualifying jobs that:

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

(ii) offer high wages; and

(b) the qualifying degrees for each qualifying job.

HB0348S02 compared with HB0348S01

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

(a) ensure that each qualifying job:

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

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

(iii) requires an associate's degree or a bachelor's degree; and

(b) report the five qualifying jobs and qualifying degrees to the board.

Section ~~50~~28. Section **53B-26-102** is amended to read:

53B-26-102. Definitions.

As used in this part:

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

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

(3) "Eligible partnership" means:

(a) a regional partnership; or

(b) a statewide partnership.

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

(5) "Industry advisory group" means:

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

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

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

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

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

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

(i) a technical college;

(ii) a school district or charter school; or

HB0348S02 compared with HB0348S01

(iii) an institution of higher education.

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

(a) an individual can build upon to access an advanced job or higher wage;

(b) is part of a career pathway system;

(c) provides a pathway culminating in the equivalent of an associate's or bachelor's degree;

(d) facilitates multiple exit and entry points; and

(e) recognizes sub-goals or momentum points.

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

(10) "Technical college" means:

(a) a college described in Section 53B-2a-105;

(b) the School of Applied Technology at Salt Lake Community College established under Section 53B-16-209;

(c) Utah State University Eastern established under Section 53B-18-1201;

(d) Utah State University Blanding established under Section 53B-18-1202; or

(e) the Snow College Richfield campus established under Section 53B-16-205.

Section ~~51~~29. Section **53B-26-103** is amended to read:

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

(1) Every other year, the Governor's Office of Economic [~~Development~~] Opportunity shall report to the Higher Education Appropriations Subcommittee and the board on the high demand technical jobs projected to support economic growth in the following high need strategic industry clusters:

(a) aerospace and defense;

(b) energy and natural resources;

(c) financial services;

(d) life sciences;

(e) outdoor products;

(f) software development and information technology; and

(g) any other strategic industry cluster designated by the Governor's Office of Economic [~~Development~~] Opportunity.

HB0348S02 compared with HB0348S01

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

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

(a) a program of instruction that:

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

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

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

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

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

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

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

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

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

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

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

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

(4) The Higher Education Appropriations Subcommittee shall:

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

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

(ii) for a proposal from a regional partnership, support for the proposal is widespread within the CTE region; and

(iii) the proposal expands the capacity to meet state or regional workforce needs;

(b) determine the extent to which to fund the proposal; and

(c) make a recommendation to the Legislature for funding the proposal through the

HB0348S02 compared with HB0348S01

appropriations process.

(5) An eligible partnership that receives funding under this section:

(a) shall use the money to deliver the program of instruction described in the eligible partnership's proposal; and

(b) may not use the money for administration.

Section ~~52~~30. Section **53B-26-303** is amended to read:

53B-26-303. Deep Technology Talent Advisory Council.

(1) There is created the Deep Technology Talent Advisory Council to make recommendations to the board in the board's administration of the deep technology talent initiative described in Section 53B-26-302.

(2) The advisory council shall consist of the following members:

(a) two members who have extensive experience in deep technology in the private sector appointed by the president of the Senate;

(b) two members who have extensive experience in deep technology in the private sector appointed by the speaker of the House of Representatives;

(c) a representative of the board appointed by the chair of the board;

(d) a representative of the Governor's Office of Economic ~~Development~~ Opportunity appointed by the executive director of the Governor's Office of Economic ~~Development~~ Opportunity;

(e) one member of the Senate appointed by the president of the Senate;

(f) one member of the House of Representatives appointed by the speaker of the House of Representatives; and

(g) other specialized industry experts who may be invited by a majority of the advisory council to participate as needed as nonvoting members.

(3) The board shall provide staff support for the advisory council.

(4) (a) One of the advisory council members appointed under Subsection (2)(a) shall serve an initial term of two years and one of the advisory council members appointed under Subsection (2)(b) shall serve an initial term of two years.

(b) Except as described in Subsection (4)(a), all other advisory council members shall serve an initial term of four years.

(c) Successor advisory council members upon appointment or reappointment shall each

HB0348S02 compared with HB0348S01

serve a term of four years.

(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the initial appointing authority for the unexpired term.

(e) An advisory council member may not serve more than two consecutive terms.

(5) A vote of a majority of the advisory council members is necessary to take action on behalf of the advisory council.

(6) The duties of the advisory council include reviewing, prioritizing, and making recommendations to the board regarding proposals for funding under the deep technology talent initiative described in Section 53B-26-302.

(7) A member may not receive compensation or benefits for the member's service, but a member who is not a legislator may receive per diem and travel expenses in accordance with:

(a) Sections 63A-3-106 and 63A-3-107; and

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

Section ~~{53}~~31. Section **53B-30-101** is enacted to read:

CHAPTER 30. CAREER READINESS ACT

Part 3. General Provisions

53B-30-101. Title.

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

Section ~~{54}~~32. Section **53B-30-102** is enacted to read:

53B-30-102. Definitions.

As used in this chapter:

(1) "Education provider" means:

(a) ~~{a Utah}~~an institution of higher education ~~{as defined}~~listed in Section 53B-2-101;

or

(b) a nonprofit Utah provider of postsecondary education.

(2) "Student user" means:

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

(b) a Utah postsecondary education student;

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

(d) a Utah potential postsecondary education student.

HB0348S02 compared with HB0348S01

Section ~~{55}~~33. Section **53B-30-201**, which is renumbered from Section 63N-12-509 is renumbered and amended to read:

Part 2. State Online Career Counseling

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) ~~[allow]~~ allows a student user to:

(i) access, subject to Subsection (3), information about an education provider or a scholarship provider;

(ii) access information about different career opportunities and understand the related educational requirements to enter that career;

(iii) access information about education providers;

(iv) access up to date information about entrance requirements to education providers;

and

~~[(v) apply for entrance to multiple schools without having to fully replicate the application process;]~~

~~[(vi) apply for loans, scholarships, or grants from multiple education providers in one location without having to fully replicate the application process for multiple education~~

HB0348S02 compared with HB0348S01

~~providers; and]~~

~~[(vii)] (v) research open jobs from different companies within the user's career interest and apply for those jobs without having to leave the website to do so;~~

(b) ~~[allow]~~ allows all users to:

(i) access information about different career opportunities and understand the related educational requirements to enter that career;

(ii) access information about education providers; and

(iii) access up-to-date information about entrance requirements to education providers;

~~[(iv) apply for entrance to multiple schools without having to fully replicate the application process;]~~

~~[(v) apply for loans, scholarships, or grants from multiple education providers in one location without having to fully replicate the application process for multiple education providers; and]~~

~~[(vi) research open jobs from different companies within the user's career interest and apply for those jobs without having to leave the website to do so;]~~

(c) ~~[allow]~~ allows an education provider to:

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

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

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

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

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

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

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

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

(3) A student may access information described in Subsection (2)(a)(i) only if ~~[Utah~~

HB0348S02 compared with HB0348S01

~~Futures]~~ the program obtains written consent:

- (a) of a student's parent or legal guardian through the student's school or LEA; or
- (b) for a student who is age 18 or older or an emancipated minor, from the student.

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

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

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

Section ~~56~~34. Section **54-4-41** is amended to read:

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

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

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

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

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

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

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

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

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

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

(c) includes a transportation plan that promotes:

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

(ii) the availability of utility vehicle charging service.

(3) Before submitting a proposed charging infrastructure program to the commission

HB0348S02 compared with HB0348S01

for commission approval under Subsection (2), a large-scale electric utility shall seek and consider input from:

- (a) the Division of Public Utilities, established in Section 54-4a-1;
- (b) the Office of Consumer Services, created in Section 54-10a-201;
- (c) the Division of Air Quality, created in Section 19-1-105;
- (d) the Department of Transportation, created in Section 72-1-201;
- (e) the Governor's Office of Economic ~~[Development]~~ Opportunity, created in Section ~~[63N-1-201]~~ 63N-1a-301;
- (f) the Office of Energy Development, created in Section 63M-4-401;
- (g) the board of the Utah Inland Port Authority, created in Section 11-58-201;
- (h) representatives of the Point of the Mountain State Land Development Authority, created in Section 11-59-201;
- (i) third-party electric vehicle battery charging service operators; and
- (j) any other person who files a request for notice with the commission.

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

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

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

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

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

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

HB0348S02 compared with HB0348S01

- (a) is prudent;
- (b) will provide net benefits to customers; and
- (c) is otherwise consistent with the requirements of Subsection (2).

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

(a) charging infrastructure program costs associated with prudent investment, including the large-scale electric utility's pre-tax average weighted cost of capital approved by the commission in the large-scale electric utility's most recent general rate proceeding, and associated revenue and prudently incurred expenses; and

- (b) a carrying charge.

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

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

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

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

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

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

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

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

HB0348S02 compared with HB0348S01

- (b) the disposition of charging infrastructure program funds; and
- (c) the charging infrastructure program's impact on rates.

Section ~~57~~35. Section **59-1-403** is amended to read:

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

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

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

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

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

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

(2) This section does not prohibit:

- (a) a person or that person's duly authorized representative from receiving a copy of any return or report filed in connection with that person's own tax;
- (b) the publication of statistics as long as the statistics are classified to prevent the identification of particular reports or returns; and
- (c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer:

HB0348S02 compared with HB0348S01

(i) who brings action to set aside or review a tax based on the report or return;
(ii) against whom an action or proceeding is contemplated or has been instituted under this title; or

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

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

(i) the United States Internal Revenue Service; or

(ii) the revenue service of any other state.

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

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

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

(e) Notwithstanding Subsection (1), at the request of any person the commission shall provide that person sales and purchase volume data reported to the commission on a report, return, or other information filed with the commission under:

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

HB0348S02 compared with HB0348S01

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

(f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer, as defined in Section 59-22-202, the commission shall report to the manufacturer:

(i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer and reported to the commission for the previous calendar year under Section 59-14-407; and

(ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer for which a tax refund was granted during the previous calendar year under Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

(g) Notwithstanding Subsection (1), the commission shall notify manufacturers, distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

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

(i) provide to the Division of Consumer Protection within the Department of Commerce and the attorney general data:

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

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

(ii) upon request, provide to any person data reported to the commission under Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

(i) Notwithstanding Subsection (1), the commission shall, at the request of a committee of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of Management and Budget, provide to the committee or office the total amount of revenues collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period specified by the committee or office.

(j) Notwithstanding Subsection (1), the commission shall make the directory required by Section 59-14-603 available for public inspection.

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

(l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of Recovery Services within the Department of Human Services any relevant information obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer

HB0348S02 compared with HB0348S01

who has become obligated to the Office of Recovery Services.

(ii) The information described in Subsection (3)(1)(i) may be provided by the Office of Recovery Services to any other state's child support collection agency involved in enforcing that support obligation.

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

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

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

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

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

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

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

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

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

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

HB0348S02 compared with HB0348S01

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

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

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

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

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

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

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

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

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

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

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

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

(D) a document filed with the commission; or

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

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

HB0348S02 compared with HB0348S01

(i) requests the information; and

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

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

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

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

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

(ii) the eligibility worker has complied with the identity verification and consent provisions of Sections 26-18-2.5 and 26-40-105.

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

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

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

(w) Notwithstanding Subsection (1), the commission may, upon request, provide to the

HB0348S02 compared with HB0348S01

Department of Workforce Services any information received under Chapter 10, Part 4, Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

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

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

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

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

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

(c) Notwithstanding Subsection (5)(a) or (b), [~~GOED~~] the GO Utah office, when requesting information in accordance with Subsection (3)(n)(iii), or an individual who requests information in accordance with Subsection (3)(n)(v):

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

(ii) is not subject to:

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

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

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

Section ~~{58}~~36. Section **59-7-159** is amended to read:

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

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

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

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

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

(ii) invite state agencies, individuals, and organizations concerned with the tax credit

HB0348S02 compared with HB0348S01

under review to provide testimony;

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

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

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

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

(B) the purpose and effectiveness of the tax credit; and

(C) the extent to which the state benefits from the tax credit; and

(v) undertake other review efforts as determined by the committee chairs or as otherwise required by law.

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

(i) Section 59-7-601;

(ii) Section 59-7-607;

(iii) Section 59-7-612;

(iv) Section 59-7-614.1; and

(v) Section 59-7-614.5.

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

(i) Section 59-7-609;

(ii) Section 59-7-614.2;

(iii) Section 59-7-614.10;

(iv) Section 59-7-619;

(v) Section 59-7-620; and

HB0348S02 compared with HB0348S01

(vi) Section 59-7-624.

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

(i) Section 59-7-610;

(ii) Section 59-7-614; and

(iii) Section 59-7-614.7; and.

~~[(iv) Section 59-7-618.]~~

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

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

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

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

(1) As used in this section:

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

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

(c) ~~"{Local government entity}~~ Incremental job" means the same as that term is defined in Section ~~{63N-2-103}~~ 63N-1a-102.

~~[(c)]~~ (d) ~~"{New incremental jobs}~~ Local government entity" means the same as that term is defined in Section 63N-2-103.

~~[(c) d]~~ ~~"New {state revenues}~~ incremental jobs" means the same as that term is defined in Section 63N-2-103; ~~]~~

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

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

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

HB0348S02 compared with HB0348S01

development.

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

(4) A community reinvestment agency may claim a tax credit under this section only if a local government entity assigns the tax credit to the community reinvestment agency in accordance with Section 63N-2-104.

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

- (i) a local government entity;
- (ii) a community reinvestment agency; or
- (iii) a business entity if the amount of the tax credit exceeds the business entity's tax liability for a taxable year.

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

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

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

- (i) the amount of tax credit that the office grants to each business entity, local government entity, or community reinvestment agency for each calendar year;
- (ii) the criteria that the office uses in granting a tax credit;
- (iii) (A) for a business entity, the new state ~~revenues~~ revenue generated by the business entity for the calendar year; or

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

HB0348S02 compared with HB0348S01

calendar year;

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

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

(B) the amount of new state ~~revenues~~ revenue that will be generated; and

(C) the number of new incremental jobs within the state that will be generated;

(v) the information contained in the office's latest report under Section 63N-2-106; and

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

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

(ii) If, notwithstanding the redactions made under Subsection (6)(c)(i), reporting the information described in Subsection (6)(b) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (6)(b) in the aggregate for all entities and agencies that receive the tax credit under this section.

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

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

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

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

Section ~~59~~ 38. Section **59-7-614.5** is amended to read:

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

(1) As used in this section:

(a) "Motion picture company" means a taxpayer that meets the definition of a motion picture company under Section 63N-8-102.

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

(c) "State-approved production" means the same as that term is defined in Section 63N-8-102.

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

(3) The tax credit under this section is the amount listed as the tax credit amount on the

HB0348S02 compared with HB0348S01

tax credit certificate that the office issues to a motion picture company under Section 63N-8-103 for the taxable year.

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

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

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

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

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

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

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

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

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

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

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

(B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (5)(b)(i) in the aggregate for all motion picture

HB0348S02 compared with HB0348S01

companies that receive the tax credit under this section.

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

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

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

Section ~~60~~39. Section **59-7-614.10** is amended to read:

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

(1) As used in this section:

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

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

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

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

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

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

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

HB0348S02 compared with HB0348S01

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

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

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

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

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

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

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

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

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

(c) As part of the study required by this Subsection (6), the Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection (6)(b).

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

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

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

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

Section ~~61~~40. Section **59-7-621** is amended to read:

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

HB0348S02 compared with HB0348S01

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

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

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

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

Section ~~{62}~~41. Section **59-7-624** is amended to read:

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

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

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

(3) For a taxable year for which a business applicant claims a targeted business income tax credit under this section, the business applicant may not claim or carry forward a tax credit under Section 59-7-610, Section 59-10-1007, or Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

Section ~~{63}~~42. Section **59-10-137** is amended to read:

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

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

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

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

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

HB0348S02 compared with HB0348S01

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

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

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

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

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

(B) the purpose and effectiveness of the tax credit; and

(C) the extent to which the state benefits from the tax credit; and

(v) undertake other review efforts as determined by the committee chairs or as otherwise required by law.

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

(i) Section 59-10-1004;

(ii) Section 59-10-1010;

(iii) Section 59-10-1015;

(iv) Section 59-10-1025;

(v) Section 59-10-1027;

(vi) Section 59-10-1031;

(vii) Section 59-10-1032;

(viii) Section 59-10-1035;

(ix) Section 59-10-1104;

(x) Section 59-10-1105; and

(xi) Section 59-10-1108.

(b) On or before November 30, 2018, and every three years after 2018, the committee

HB0348S02 compared with HB0348S01

shall conduct the review required under Subsection (2) of the tax credits allowed under the following sections:

- (i) Section 59-10-1005;
- (ii) Section 59-10-1006;
- (iii) Section 59-10-1012;
- (iv) Section 59-10-1022;
- (v) Section 59-10-1023;
- (vi) Section 59-10-1028;
- (vii) Section 59-10-1034;
- (viii) Section 59-10-1037;
- (ix) Section 59-10-1107; and
- (x) Section 59-10-1112.

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

- (i) Section 59-10-1007;
- (ii) Section 59-10-1014;
- (iii) Section 59-10-1017;
- (iv) Section 59-10-1018;
- (v) Section 59-10-1019;
- (vi) Section 59-10-1024;
- (vii) Section 59-10-1029;
- ~~[(viii) Section 59-10-1033;]~~
- ~~[(ix)]~~ [(viii)] Section 59-10-1036;
- ~~[(x)]~~ [(ix)] Section 59-10-1106; and
- ~~[(xi)]~~ [(x)] Section 59-10-1111.

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

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

HB0348S02 compared with HB0348S01

Section ~~{64}~~43. Section 59-10-1037 is amended to read:

59-10-1037. Nonrefundable enterprise zone tax credit.

(1) As used in this section:

(a) "Business entity" means a claimant, estate, or trust that meets the definition of "business entity" as that term is defined in Section 63N-2-202.

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

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

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

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

(5) A business entity may not claim or carry forward a tax credit under this part for a taxable year during which the business entity has claimed the targeted business income tax credit under Section 59-10-1112.

(6) (a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.

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

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

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

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

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

HB0348S02 compared with HB0348S01

(E) the information related to the tax credit contained in the office's latest report under Section ~~[63N-1-301]~~ 63N-1a-306; and

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

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

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

(c) As part of the study required by this Subsection (6), the Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection (6)(b).

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

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

Section ~~{65}~~44. Section **59-10-1038** is amended to read:

59-10-1038. Nonrefundable rural job creation tax credit.

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

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

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

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

HB0348S02 compared with HB0348S01

Section 45. Section 59-10-1107 is amended to read:

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

(1) As used in this section:

(a) "Business entity" means a claimant, estate, or trust that meets the definition of "business entity" as defined in Section 63N-2-103.

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

~~[(c) "New state revenues" means the same as that term is defined in Section 63N-2-103.]~~
"Incremental job" means the same as that term is defined in Section 63N-1a-102.

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

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

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

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

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

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

(5) (a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.

(b) Except as provided in Subsection (5)(c), for purposes of the study required by this Subsection (5), the office shall provide the following information, if available to the office, to the Revenue and Taxation Interim Committee by electronic means:

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

HB0348S02 compared with HB0348S01

- (ii) the criteria the office uses in granting a tax credit;
 - (iii) the new state ~~revenues~~ revenue generated by each taxpayer for each calendar year;
 - (iv) estimates for each of the next three calendar years of the following:
 - (A) the amount of tax credits that the office will grant;
 - (B) the amount of new state ~~revenues~~ revenue that will be generated; and
 - (C) the number of new incremental jobs within the state that will be generated;
 - (v) the information contained in the office's latest report under Section 63N-2-106; and
 - (vi) any other information that the Revenue and Taxation Interim Committee requests.
- (c) (i) In providing the information described in Subsection (5)(b), the office shall redact information that identifies a recipient of a tax credit under this section.

(ii) If, notwithstanding the redactions made under Subsection (5)(c)(i), reporting the information described in Subsection (5)(b) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (5)(b) in the aggregate for all taxpayers that receive the tax credit under this section.

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

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

Section ~~66~~46. Section **59-10-1108** is amended to read:

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

- (1) As used in this section:
 - (a) "Motion picture company" means a claimant, estate, or trust that meets the definition of a motion picture company under Section 63N-8-102.
 - (b) "Office" means the Governor's Office of Economic ~~Development~~ Opportunity created in Section ~~[63N-1-201]~~ 63N-1a-301.
 - (c) "State-approved production" means the same as that term is defined in Section 63N-8-102.

- (2) For a taxable year beginning on or after January 1, 2009, a motion picture company

HB0348S02 compared with HB0348S01

may claim a refundable tax credit for a state-approved production.

(3) The tax credit under this section is the amount listed as the tax credit amount on the tax credit certificate that the office issues to a motion picture company under Section 63N-8-103 for the taxable year.

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

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

(5) (a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.

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

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

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

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

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

(E) the information contained in the office's latest report under Section 63N-8-105; and

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

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

(B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (5)(b)(i) in the aggregate for all taxpayers that

HB0348S02 compared with HB0348S01

receive the tax credit under this section.

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

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

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

Section ~~{67}~~47. Section **59-10-1112** is amended to read:

59-10-1112. Targeted business income tax credit.

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

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

(3) For a taxable year for which a business applicant claims a targeted business income tax credit under this section, the business applicant may not claim or carry forward a tax credit under Section 59-7-610, Section 59-10-1007, or Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

Section ~~{68}~~48. Section **63A-3-111** is amended to read:

63A-3-111. COVID-19 economic recovery programs reports.

(1) As used in this section:

- (a) "COVID-19 economic recovery programs" means the programs created in:
 - (i) Title 9, Chapter 6, Part 9, COVID-19 Cultural Assistance Grant Program;
 - (ii) Subsection ~~[63N-12-508]~~ 63N-1b-307(3); and
 - (iii) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs.

(b) "Legislative committee" means:

- (i) the president of the Senate;

HB0348S02 compared with HB0348S01

- (ii) the speaker of the House of Representatives;
- (iii) the minority leader of the Senate; and
- (iv) the minority leader of the House of Representatives.

(2) Upon receiving the reports required by Sections 9-6-903, 63N-15-202, and 63N-15-302 and Subsection ~~[63N-12-508]~~ 63N-1b-307(3), the director, in conjunction with the Division of Arts and Museums and the Governor's Office of Economic ~~[Development]~~ Opportunity, shall present to the legislative committee the COVID-19 economic recovery programs.

(3) The legislative committee may make recommendations for adjustments to the COVID-19 economic recovery programs.

Section ~~{69}~~49. Section **63B-18-401** is amended to read:

63B-18-401. Highway bonds -- Maximum amount -- Use of proceeds for highway projects.

(1) (a) The total amount of bonds issued under this section may not exceed \$2,077,000,000.

(b) When the Department of Transportation certifies to the commission that the requirements of Subsection 72-2-124(7) have been met and certifies the amount of bond proceeds that it needs to provide funding for the projects described in Subsection (2) for the next fiscal year, the commission may issue and sell general obligation bonds in an amount equal to the certified amount plus costs of issuance.

(2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds shall be provided to the Department of Transportation to pay all or part of the costs of the following state highway construction or reconstruction projects:

- (a) Interstate 15 reconstruction in Utah County;
- (b) the Mountain View Corridor;
- (c) the Southern Parkway; and
- (d) state and federal highways prioritized by the Transportation Commission through:
 - (i) the prioritization process for new transportation capacity projects adopted under

Section 72-1-304; or

- (ii) the state highway construction program.

(3) (a) Except as provided in Subsection (5), the bond proceeds issued under this

HB0348S02 compared with HB0348S01

section shall be provided to the Department of Transportation.

(b) The Department of Transportation shall use bond proceeds and the funds provided to it under Section 72-2-124 to pay for the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements to the following highways:

(i) \$35 million to add highway capacity on I-15 south of the Spanish Fork Main Street interchange to Payson;

(ii) \$28 million for improvements to Riverdale Road in Ogden;

(iii) \$1 million for intersection improvements on S.R. 36 at South Mountain Road;

(iv) \$2 million for capacity enhancements on S.R. 248 between Sidewinder Drive and Richardson Flat Road;

(v) \$12 million for Vineyard Connector from 800 North Geneva Road to Lake Shore Road;

(vi) \$7 million for 2600 South interchange modifications in Woods Cross;

(vii) \$9 million for reconfiguring the 1100 South interchange on I-15 in Box Elder County;

(viii) \$18 million for the Provo west-side connector;

(ix) \$8 million for interchange modifications on I-15 in the Layton area;

(x) \$3,000,000 for an energy corridor study and environmental review for improvements in the Uintah Basin;

(xi) \$2,000,000 for highway improvements to Harrison Boulevard in Ogden City;

(xii) \$2,500,000 to be provided to Tooele City for roads around the Utah State University campus to create improved access to an institution of higher education;

(xiii) \$3,000,000 to be provided to the Utah Office of Tourism within the Governor's Office of Economic ~~Development~~ Opportunity for transportation infrastructure improvements associated with annual tourism events that have:

(A) a significant economic development impact within the state; and

(B) significant needs for congestion mitigation;

(xiv) \$4,500,000 to be provided to the Governor's Office of Economic ~~Development~~ Opportunity for transportation infrastructure acquisitions and improvements that have a significant economic development impact within the state;

(xv) \$125,000,000 to pay all or part of the costs of state and federal highway

HB0348S02 compared with HB0348S01

construction or reconstruction projects prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(xvi) \$10,000,000 for the Transportation Fund to pay all or part of the costs of state and federal highway construction or reconstruction projects as prioritized by the Transportation Commission;

(xvii) \$13,000,000 for corridor preservation and land acquisition for a transit hub at the mouth of Big Cottonwood Canyon;

(xviii) \$10,000,000 to be provided to the Governor's Office of Economic [Development] Opportunity for transportation infrastructure and right-of-way acquisitions in a project area created by the military installation development authority created in Section 63H-1-201;

(xix) \$28,000,000 for right-of-way or land acquisition, design, engineering, and construction of infrastructure related to the Inland Port Authority created in Section 11-58-201;

(xx) \$6,000,000 for right-of-way acquisition, design, engineering, and construction related to Shepard Lane in Davis County; and

(xxi) \$4,000,000 for right-of-way acquisition, design, engineering, and construction costs related to 1600 North in Orem City.

(4) (a) The Department of Transportation shall use bond proceeds and the funds under Section 72-2-121 to pay for, or to provide funds to, a municipality, county, or political subdivision to pay for the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements to the following highway or transit projects in Salt Lake County:

(i) \$4,000,000 to Taylorsville City for bus rapid transit planning on 4700 South;

(ii) \$4,200,000 to Taylorsville City for highway improvements on or surrounding 6200 South and pedestrian crossings and system connections;

(iii) \$2,250,000 to Herriman City for highway improvements to the Salt Lake Community College Road;

(iv) \$5,300,000 to West Jordan City for highway improvements on 5600 West from 6200 South to 8600 South;

(v) \$4,000,000 to West Jordan City for highway improvements to 7800 South from 1300 West to S.R. 111;

HB0348S02 compared with HB0348S01

- (vi) \$7,300,000 to Sandy City for highway improvements on Monroe Street;
- (vii) \$3,000,000 to Draper City for highway improvements to 13490 South from 200 West to 700 West;
- (viii) \$5,000,000 to Draper City for highway improvements to Suncrest Road;
- (ix) \$1,200,000 to Murray City for highway improvements to 5900 South from State Street to 900 East;
- (x) \$1,800,000 to Murray City for highway improvements to 1300 East;
- (xi) \$3,000,000 to South Salt Lake City for intersection improvements on West Temple, Main Street, and State Street;
- (xii) \$2,000,000 to Salt Lake County for highway improvements to 5400 South from 5600 West to Mountain View Corridor;
- (xiii) \$3,000,000 to West Valley City for highway improvements to 6400 West from Parkway Boulevard to SR-201 Frontage Road;
- (xiv) \$4,300,000 to West Valley City for highway improvements to 2400 South from 4800 West to 7200 West and pedestrian crossings;
- (xv) \$4,000,000 to Salt Lake City for highway improvements to 700 South from 2800 West to 5600 West;
- (xvi) \$2,750,000 to Riverton City for highway improvements to 4570 West from 12600 South to Riverton Boulevard;
- (xvii) \$1,950,000 to Cottonwood Heights for improvements to Union Park Avenue from I-215 exit south to Creek Road and Wasatch Boulevard and Big Cottonwood Canyon;
- (xviii) \$1,300,000 to Cottonwood Heights for highway improvements to Bengal Boulevard;
- (xix) \$1,500,000 to Midvale City for highway improvements to 7200 South from I-15 to 1000 West;
- (xx) \$1,000,000 to Bluffdale City for an environmental impact study on Porter Rockwell Boulevard;
- (xxi) \$2,900,000 to the Utah Transit Authority for the following public transit studies:
 - (A) a circulator study; and
 - (B) a mountain transport study; and
- (xxii) \$1,000,000 to South Jordan City for highway improvements to 2700 West.

HB0348S02 compared with HB0348S01

(b) (i) Before providing funds to a municipality or county under this Subsection (4), the Department of Transportation shall obtain from the municipality or county:

(A) a written certification signed by the county or city mayor or the mayor's designee certifying that the municipality or county will use the funds provided under this Subsection (4) solely for the projects described in Subsection (4)(a); and

(B) other documents necessary to protect the state and the bondholders and to ensure that all legal requirements are met.

(ii) Except as provided in Subsection (4)(c), by January 1 of each year, the municipality or county receiving funds described in this Subsection (4) shall submit to the Department of Transportation a statement of cash flow for the next fiscal year detailing the funds necessary to pay project costs for the projects described in Subsection (4)(a).

(iii) After receiving the statement required under Subsection (4)(b)(ii) and after July 1, the Department of Transportation shall provide funds to the municipality or county necessary to pay project costs for the next fiscal year based upon the statement of cash flow submitted by the municipality or county.

(iv) Upon the financial close of each project described in Subsection (4)(a), the municipality or county receiving funds under this Subsection (4) shall submit a statement to the Department of Transportation detailing the expenditure of funds received for each project.

(c) For calendar year 2012 only:

(i) the municipality or county shall submit to the Department of Transportation a statement of cash flow as provided in Subsection (4)(b)(ii) as soon as possible; and

(ii) the Department of Transportation shall provide funds to the municipality or county necessary to pay project costs based upon the statement of cash flow.

(5) Twenty million dollars of the bond proceeds issued under this section and funds available under Section 72-2-124 shall be provided to the State Infrastructure Bank Fund created by Section 72-2-202 to make funds available for transportation infrastructure loans and transportation infrastructure assistance under Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund.

(6) The costs under Subsections (2), (3), and (4) may include the costs of studies necessary to make transportation infrastructure improvements, the cost of acquiring land, interests in land, easements and rights-of-way, improving sites, and making all improvements

HB0348S02 compared with HB0348S01

necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds during the period to be covered by construction of the projects plus a period of six months after the end of the construction period, interest estimated to accrue on any bond anticipation notes issued under the authority of this title, and all related engineering, architectural, and legal fees.

(7) The commission or the state treasurer may make any statement of intent relating to a reimbursement that is necessary or desirable to comply with federal tax law.

(8) The Department of Transportation may enter into agreements related to the projects described in Subsections (2), (3), and (4) before the receipt of proceeds of bonds issued under this section.

(9) The Department of Transportation may enter into a new or amend an existing interlocal agreement related to the projects described in Subsections (3) and (4) to establish any necessary covenants or requirements not otherwise provided for by law.

Section ~~70~~50. Section **63B-24-201** is amended to read:

63B-24-201. Authorizations to design and construct capital facilities using institutional or agency funds.

(1) The Legislature intends that:

(a) the University of Utah may, subject to the requirements of Title 63A, Chapter 5b, Administration of State Facilities, use up to \$8,200,000 in institutional funds to plan, design, and construct the William C. Browning Building Addition with up to 24,000 square feet;

(b) the university may not use state funds for any portion of this project; and

(c) the university may use state funds for operation and maintenance costs or capital improvements.

(2) The Legislature intends that:

(a) Utah State University may, subject to the requirements of Title 63A, Chapter 5b, Administration of State Facilities, use up to \$10,000,000 in institutional funds to plan, design, and construct the Fine Arts Complex Addition/Renovation with up to 17,000 square feet;

(b) the university may not use state funds for any portion of this project; and

(c) the university may use state funds for operation and maintenance costs or capital improvements.

(3) The Legislature intends that:

(a) Salt Lake Community College may, subject to the requirements of Title 63A,

HB0348S02 compared with HB0348S01

Chapter 5b, Administration of State Facilities, use up to \$3,900,000 in institutional funds to plan, design, and construct a Strength and Conditioning Center with up to 11,575 square feet;

(b) the college may not use state funds for any portion of this project; and

(c) the college may not request state funds for operation and maintenance costs or capital improvements.

(4) The Legislature intends that:

(a) the Governor's Office of Economic [~~Development~~] Opportunity may, subject to the requirements of Title 63A, Chapter 5b, Administration of State Facilities, use up to \$1,800,000 in nonlapsing balances and donations to plan, design, and construct or lease a Southern Utah Welcome Center with up to 5,000 square feet;

(b) the office may request additional state funds for the project, unless the office receives donations and begins design or construction of the project; and

(c) the office may use state funds for operation and maintenance costs or capital improvements.

Section ~~{71}~~51. Section **63C-17-103** is amended to read:

63C-17-103. Creation of Point of the Mountain Development Commission --

Members.

(1) There is created the Point of the Mountain Development Commission consisting of the following 15 members:

(a) two members shall be members of the Senate appointed by the president of the Senate;

(b) two members shall be members of the House of Representatives appointed by the speaker of the House of Representatives;

(c) one member shall be the mayor of Lehi City, Utah, or the mayor's designee;

(d) one member shall be the mayor of Draper City, Utah, or the mayor's designee;

(e) one member shall be the mayor of Salt Lake County, or the mayor's designee;

(f) one member shall be an appointee of the Utah County Commission;

(g) two members shall be mayors of communities in or close to the project area who shall be appointed by the Utah League of Cities and Towns;

(h) one member shall be an appointee of the Economic Development Corporation of Utah;

HB0348S02 compared with HB0348S01

(i) one member, who is a member of the Board of the Governor's Office of Economic [Development] Opportunity, shall be appointed by the governor;

(j) one member, who is an employee of the Governor's Office of Economic [Development] Opportunity, shall be an appointee of the governor;

(k) one member shall be a member of the public, representing the school boards in or close to the project area, jointly appointed by the president of the Senate and the speaker of the House of Representatives; and

(l) one member shall be a member of the public, representing the information technology sector with a physical presence within the project area, jointly appointed by the president of the Senate and the speaker of the House of Representatives.

(2) (a) The president of the Senate and the speaker of the House of Representatives shall jointly designate a member of the Legislature appointed under Subsection (1)(a) or (b) as a cochair of the commission.

(b) The governor shall designate a representative from the Governor's Office of Economic [Development] Opportunity appointed under Subsection (1)(i) or (j) as a cochair of the commission.

(3) Any vacancy shall be filled in the same manner under this section as the appointment of the member whose vacancy is being filled.

(4) Each member of the commission shall serve until a successor is appointed and qualified.

(5) A majority of members constitutes a quorum. The action of a majority of a quorum constitutes the action of the commission.

Section ~~{72}~~52. Section **63C-17-105** is amended to read:

63C-17-105. Commission staff and expenses.

The Office of Legislative Research and General Counsel, in coordination with the Governor's Office of Economic [Development] Opportunity, shall provide staff support for the commission.

Section ~~{73}~~53. Section **63G-21-102** is amended to read:

63G-21-102. Definitions.

As used in this chapter:

(1) "Designated agency" means:

HB0348S02 compared with HB0348S01

- (a) the Governor's Office of Economic [~~Development~~] Opportunity;
- (b) the Division of Wildlife Resources;
- (c) the Department of Public Safety;
- (d) the Department of Technology Services; or
- (e) the Department of Workforce Services.

(2) (a) "State service" means a service or benefit regularly provided to the public by a designated agency.

(b) "State service" includes:

- (i) for the Governor's Office of Economic [~~Development~~] Opportunity or the Department of Technology Services, public high-speed Internet access;
- (ii) for the Division of Wildlife Resources, fishing, hunting, and trapping licenses;
- (iii) for the Department of Public Safety, fingerprinting, an online driver license renewal, online appointment scheduling, an online motor vehicle record request, and an online change of address with the Driver License Division; and
- (iv) for the Department of Workforce Services, online job searches, verification of submission for benefits administered by the Department of Workforce Services, online unemployment applications, online food stamp applications, and online appointment scheduling.

(3) "USPS" means the United States Postal Service.

Section ~~{74}~~54. Section **63G-21-201** is amended to read:

63G-21-201. Limited authorization to provide state services at post office locations.

(1) If allowed by federal law, a designated agency may negotiate and enter into an agreement with USPS that allows USPS to provide one or more state services at one or more post office locations within the state.

(2) The designated agency shall ensure that the agreement described in Subsection (1) includes:

- (a) the term of the agreement, which may not extend beyond July 1, 2025;
- (b) provisions to ensure the security of state data and resources;
- (c) provisions to provide training to USPS employees on how to provide each state service in the agreement;

HB0348S02 compared with HB0348S01

(d) except as provided in Subsection (2)(e), provisions authorizing compensation to USPS for at least 100% of attributable costs of all property and services that USPS provides under the agreement; and

(e) if the agreement is between USPS and the Division of Wildlife Resources to sell fishing, hunting, or trapping licenses, provisions requiring compliance with Section 23-19-15 regarding wildlife license agents, including remuneration for services rendered.

(3) After one or more designated agencies enter into an agreement described in Subsection (1), the Governor's Office of Economic [~~Development~~] Opportunity shall create a marketing campaign to advertise and promote the availability of state services at each selected USPS location.

Section ~~{75}~~55. Section **63H-1-801** is amended to read:

63H-1-801. Dissolution of authority -- Restrictions -- Filing copy of ordinance -- Authority records -- Dissolution expenses.

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

(2) Upon the dissolution of the authority:

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

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

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

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

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

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

Section ~~{76}~~56. Section **63H-2-204** is amended to read:

63H-2-204. Dissolution of authority.

(1) Subject to the other provisions of this section, the board may dissolve the authority:

(a) if the board determines that the authority can no longer comply with the requirements of this chapter; and

HB0348S02 compared with HB0348S01

(b) by a vote of at least five members of the board.

(2) The authority may not be dissolved if the authority has any of the following:

(a) an outstanding bonded indebtedness;

(b) an unpaid loan, indebtedness, or advance; or

(c) a legally binding contractual obligation with a person other than the state.

(3) Upon the dissolution of the authority:

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

(i) in a newspaper of general circulation in each county in which a qualifying energy delivery project is located; and

(ii) electronically, in accordance with Section 45-1-101;

(b) the authority shall deposit its records with the state auditor, to be retained for the time period determined by the state auditor; and

(c) the assets of the authority shall revert to the state.

(4) The authority shall pay the expenses of dissolution and winding up the affairs of the authority.

(5) If a dissolution under this section is part of a privatization of the authority, the dissolution is subject to Title 63E, Chapter 1, Part 4, Privatization of Independent Entities.

Section ~~{77}~~57. Section **63I-1-235** is amended to read:

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

~~[(1)]~~ Subsection 35A-1-109(4)(c), related to the Talent Ready Utah Board, is repealed January 1, 2023.]

~~[(2)]~~ (1) Subsection 35A-1-202(2)(d), related to the Child Care Advisory Committee, is repealed July 1, 2021.

~~[(3)]~~ (2) Section 35A-3-205, which creates the Child Care Advisory Committee, is repealed July 1, 2021.

~~[(4)]~~ (3) Subsection 35A-4-312(5)(p), describing information that may be disclosed to the federal Wage and Hour Division, is repealed July 1, 2022.

~~[(5)]~~ (4) Subsection 35A-4-502(5), which creates the Employment Advisory Council, is repealed July 1, 2022.

~~[(6)]~~ (5) Title 35A, Chapter 8, Part 22, Commission on Housing Affordability, is

HB0348S02 compared with HB0348S01

repealed July 1, 2023.

~~[(7)]~~ (6) Section 35A-9-501 is repealed January 1, 2023.

~~[(8)]~~ (7) Title 35A, Chapter 11, Women in the Economy Commission Act, is repealed January 1, 2025.

~~[(9)]~~ (8) Sections 35A-13-301 and 35A-13-302, which create the Governor's Committee on Employment of People with Disabilities, are repealed July 1, 2023.

~~[(10)]~~ (9) Section 35A-13-303, which creates the State Rehabilitation Advisory Council, is repealed July 1, 2024.

~~[(11)]~~ (10) Section 35A-13-404, which creates the advisory council for the Division of Services for the Blind and Visually Impaired, is repealed July 1, 2025.

~~[(12)]~~ (11) Sections 35A-13-603 and 35A-13-604, which create the Interpreter Certification Board, are repealed July 1, 2026.

Section ~~(78)~~58. Section **63I-1-263** is amended to read:

63I-1-263. Repeal dates, Titles 63A to 63N.

(1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

(a) Subsection 63A-1-201(1) is repealed;

(b) Subsection 63A-1-202(2)(c), the language "using criteria established by the board" is repealed;

(c) Section 63A-1-203 is repealed;

(d) Subsections 63A-1-204(1) and (2), the language "After consultation with the board, and" is repealed; and

(e) Subsection 63A-1-204(1)(b), the language "using the standards provided in Subsection 63A-1-203(3)(c)" is repealed.

(2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement funding, is repealed July 1, 2024.

(3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

(4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee, are repealed July 1, 2023.

(5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

HB0348S02 compared with HB0348S01

(6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

(7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.

(8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2021.

(9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed July 1, 2023.

(10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.

(11) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1, 2025.

(12) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, 2026.

(13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2025.

(14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2024.

(15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

(16) Subsection 63J-1-602.1(14), Nurse Home Visiting Restricted Account is repealed July 1, 2026.

(17) (a) Subsection 63J-1-602.1(58), relating to the Utah Statewide Radio System Restricted Account, is repealed July 1, 2022.

(b) When repealing Subsection 63J-1-602.1(58), the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(18) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

(19) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed July 1, 2022.

(20) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.

HB0348S02 compared with HB0348S01

(21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is repealed July 1, 2027.

(22) Subsection 63J-4-608(3), which creates the Federal Land Application Advisory Committee, is repealed on July 1, 2021.

(23) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2023:

(a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;

(b) Section 63M-7-305, the language that states "council" is replaced with "commission";

(c) Subsection 63M-7-305(1) is repealed and replaced with:

"(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

(d) Subsection 63M-7-305(2) is repealed and replaced with:

"(2) The commission shall:

(a) provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act; and

(b) coordinate the implementation of Section 77-18-1.1 and related provisions in Subsections 77-18-1(5)(b)(iii) and (iv)."

(24) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.

(25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July 1, 2022.

(26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

~~[(27) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed January 1, 2023.]~~

~~[(28)]~~ (27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating Council, is repealed July 1, 2024.

~~[(29)]~~ (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

~~[(30)]~~ (29) Section 63N-2-512 is repealed July 1, 2021.

~~[(31)]~~ (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed January 1, 2021.

HB0348S02 compared with HB0348S01

(b) Section 59-9-107 regarding tax credits against premium taxes is repealed for calendar years beginning on or after January 1, 2021.

(c) Notwithstanding Subsection ~~[(31)]~~ (30)(b), an entity may carry forward a tax credit in accordance with Section 59-9-107 if:

(i) the person is entitled to a tax credit under Section 59-9-107 on or before December 31, 2020; and

(ii) the qualified equity investment that is the basis of the tax credit is certified under Section 63N-2-603 on or before December 31, 2023.

~~[(32)]~~ ~~[(31)]~~ Subsections 63N-3-109(2)(c) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.]

~~[(33)]~~ ~~[(32)]~~ 31 Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2023.

~~[(34)]~~ ~~[(33)]~~ 32 Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1, 2025.

~~[(35)]~~ ~~[(34)]~~ 33 Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, ~~2023~~ 2028.

~~[(36)]~~ Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1, 2023.]

Section 59. Section 63I-2-263 is amended to read:

63I-2-263. Repeal dates, Title 63A to Title 63N.

(1) On July 1, 2020:

(a) Subsection 63A-1-203(5)(a)(i) is repealed; and

(b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after May 8, 2018," is repealed.

(2) Section 63A-3-111 is repealed June 30, 2021.

(3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2021.

(4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology Commission is repealed July 1, 2023.

(5) The following sections regarding the World War II Memorial Commission are repealed on July 1, 2022:

HB0348S02 compared with HB0348S01

- (a) Section 63G-1-801;
- (b) Section 63G-1-802;
- (c) Section 63G-1-803; and
- (d) Section 63G-1-804.
- (6) Subsections 63G-6a-802(1)(d) and 63G-6a-802(3)(b)(iii), regarding a procurement relating to a vice presidential debate, are repealed January 1, 2021.

(7) In relation to the State Fair Park Committee, on January 1, 2021:

- (a) Section 63H-6-104.5 is repealed; and
- (b) Subsections 63H-6-104(8) and (9) are repealed.
- (8) Section 63H-7a-303 is repealed July 1, 2024.
- (9) Subsection 63J-1-206(3)(c), relating to coronavirus, is repealed July 1, 2021.
- (10) In relation to the Employability to Careers Program Board, on July 1, 2022:

- (a) Subsection 63J-1-602.1(57) is repealed;
- (b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;

and

(c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

(11) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot Program Act, is repealed January 1, 2022.

(12) Sections 63M-7-213 and 63M-7-213.5 are repealed on January 1, 2023.

(13) Subsection ~~[63N-12-508(3)]~~ 63N-1b-307(3), which allows the Governor's Office of Economic Opportunity to respond to the COVID-19 pandemic by directing financial grants to institutions of higher education, is repealed December 31, 2021.

(14) Title 63N, Chapter 13, Part 3, Facilitating Public-Private Partnerships Act, is repealed January 1, 2024.

(15) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is repealed December 31, 2021.

Section ~~{79}~~60. Section **63J-1-602.1** is amended to read:

63J-1-602.1. List of nonlapsing appropriations from accounts and funds.

Appropriations made from the following accounts or funds are nonlapsing:

(1) The Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account created in Section 4-42-102.

HB0348S02 compared with HB0348S01

- (2) The Native American Repatriation Restricted Account created in Section 9-9-407.
- (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102.
- (4) The National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102.
- (5) Funds collected for directing and administering the C-PACE district created in Section 11-42a-106.
- (6) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
- (7) The "Latino Community Support Restricted Account" created in Section 13-1-16.
- (8) The Clean Air Support Restricted Account created in Section 19-1-109.
- (9) The "Support for State-Owned Shooting Ranges Restricted Account" created in Section 23-14-13.5.
- (10) Award money under the State Asset Forfeiture Grant Program, as provided under Section 24-4-117.
- (11) Funds collected from the program fund for local health department expenses incurred in responding to a local health emergency under Section 26-1-38.
- (12) The Children with Cancer Support Restricted Account created in Section 26-21a-304.
- (13) State funds for matching federal funds in the Children's Health Insurance Program as provided in Section 26-40-108.
- (14) The Children with Heart Disease Support Restricted Account created in Section 26-58-102.
- (15) The Nurse Home Visiting Restricted Account created in Section 26-63-601.
- (16) The Technology Development Restricted Account created in Section 31A-3-104.
- (17) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- (18) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.
- (19) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.

HB0348S02 compared with HB0348S01

(20) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.

(21) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.

(22) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.

(23) The School Readiness Restricted Account created in Section 35A-15-203.

(24) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202.

(25) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.

(26) The Oil and Gas Conservation Account created in Section 40-6-14.5.

(27) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor Vehicle Division.

(28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.

(29) The Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120.

(30) The State Disaster Recovery Restricted Account to the Division of Emergency Management, as provided in Section 53-2a-603.

(31) The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.

(32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

(33) The DNA Specimen Restricted Account created in Section 53-10-407.

(34) The Canine Body Armor Restricted Account created in Section 53-16-201.

(35) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

(36) The Higher Education Capital Projects Fund created in Section 53B-22-202.

(37) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

(38) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

HB0348S02 compared with HB0348S01

(39) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-3a-105.

(40) Certain fines collected by the Division of Occupational and Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.

(41) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-22-104.

(42) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-55-106.

(43) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-56-3.5.

(44) Certain fines collected by the Division of Occupational and Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.

(45) The Relative Value Study Restricted Account created in Section 59-9-105.

(46) The Cigarette Tax Restricted Account created in Section 59-14-204.

(47) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.

(48) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.

(49) Certain funds donated to the Department of Human Services, as provided in Section 62A-1-111.

(50) The National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202.

(51) Certain funds donated to the Division of Child and Family Services, as provided in Section 62A-4a-110.

(52) The Choose Life Adoption Support Restricted Account created in Section 62A-4a-608.

(53) Funds collected by the Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

HB0348S02 compared with HB0348S01

- (54) The Immigration Act Restricted Account created in Section 63G-12-103.
- (55) Money received by the military installation development authority, as provided in Section 63H-1-504.
- (56) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.
- (57) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.
- (58) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.
- (59) The Employability to Careers Program Restricted Account created in Section 63J-4-703.
- (60) The Motion Picture Incentive Account created in Section 63N-8-103.
- (61) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as provided under Section ~~{}~~63N-10-301 ~~{}~~[13-58-301](#).
- (62) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).
- (63) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.
- (64) The Transportation of Veterans to Memorials Support Restricted Account created in Section 71-14-102.
- (65) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.
- (66) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.
- (67) The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.
- (68) Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).
- (69) Fees for certificate of admission created under Section 78A-9-102.
- (70) Funds collected for adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.
- (71) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,

HB0348S02 compared with HB0348S01

Utah Indigent Defense Commission.

(72) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, Jordan River State Park, and Green River State Park, as provided under Section 79-4-403.

(73) Certain funds received by the Division of Parks and Recreation from the sale or disposal of buffalo, as provided under Section 79-4-1001.

(74) The Drinking While Pregnant Prevention Media and Education Campaign Restricted Account created in Section 32B-2-308.

Section ~~63J-4-301~~61. Section **63J-4-301** is amended to read:

63J-4-301. Duties of the executive director and office.

(1) The executive director and the office shall:

(a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary Procedures Act;

(b) under the direct supervision of the governor, assist the governor in the preparation of the governor's budget recommendations;

(c) review agency budget execution plans as specified in Section 63J-1-209;

(d) establish benchmarking practices for measuring operational costs, quality of service, and effectiveness across all state agencies and programs;

(e) assist agencies with the development of an operational plan that uses continuous improvement tools and operational metrics to increase statewide capacity and improve interagency integration;

(f) review and assess agency budget requests and expenditures using a clear set of goals and measures;

(g) develop and maintain enterprise portfolio and electronic information systems to select and oversee the execution of projects, ensure a return on investment, and trace and report performance metrics;

(h) coordinate with the executive directors of the Department of Workforce Services and the Governor's Office of Economic ~~Development~~ Opportunity to review data and metrics to be reported to the Legislature as described in Subsection 63J-4-708(2)(d); and

(i) perform other duties and responsibilities as assigned by the governor.

(2) (a) The executive director of the Governor's Office of Management and Budget or

HB0348S02 compared with HB0348S01

the executive director's designee is the Federal Assistance Management Officer.

(b) In acting as the Federal Assistance Management Officer, the executive director or designee shall:

(i) study the administration and effect of federal assistance programs in the state and advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and the Executive Appropriations Committee, of alternative recommended methods and procedures for the administration of these programs;

(ii) assist in the coordination of federal assistance programs that involve or are administered by more than one state agency; and

(iii) analyze and advise on applications for new federal assistance programs submitted to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

Section ~~{81}~~62. Section **63J-4-708** is amended to read:

63J-4-708. Reporting.

(1) On or before October 1, the board shall provide an annual written report to the Social Services Appropriations Subcommittee, the Economic Development and Workforce Services Interim Committee, and the [~~Talent Ready Utah Board created in Section 63N-12-503~~] Talent, Education, and Industry Alignment Subcommittee created in Section 63N-1b-301.

(2) The written report shall include:

(a) information regarding the fiscal intermediary, the programmatic intermediary, the eligible program provider, and the independent evaluator that have been selected;

(b) the results of the feasibility analysis conducted in accordance with Section 63J-4-706;

(c) information regarding how many eligible participants have been served by the education, employability training, and workforce placement program;

(d) data and metrics:

(i) used to measure the progress, performance, effectiveness, and scope of the Employability to Careers Program, including summary data; and

(ii) that are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement as determined by the executive directors of the office, the Department of Workforce Services, and the Governor's

HB0348S02 compared with HB0348S01

Office of Economic ~~Development~~ Opportunity;

(e) a description of program expenses, including what payments have been made to the intermediary and the cost to the state for each successful eligible participant outcome; and

(f) recommendations to the Legislature on any potential improvements to the Employability to Careers Program, including whether the program should continue to receive funding from the state.

Section ~~{82}~~63. Section **63L-2-301** is amended to read:

63L-2-301. Promoting or lobbying for a federal designation within the state.

(1) As used in this section:

(a) "Federal designation" means the designation of a:

(i) national monument;

(ii) national conservation area;

(iii) wilderness area or wilderness study area;

(iv) area of critical environmental concern;

(v) research natural area; or

(vi) national recreation area.

(b) (i) "Governmental entity" means:

(A) a state-funded institution of higher education or public education;

(B) a political subdivision of the state;

(C) an office, agency, board, bureau, committee, department, advisory board, or commission that the government funds or establishes to carry out the public's business, regardless of whether the office, agency board, bureau, committee, department, advisory board, or commission is composed entirely of public officials or employees;

(D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative undertaking as defined in Section 11-13-103;

(E) a governmental nonprofit corporation as defined in Section 11-13a-102; or

(F) an association as defined in Section 53G-7-1101.

(ii) "Governmental entity" does not mean:

(A) the School and Institutional Trust Lands Administration created in Section 53C-1-201;

(B) the School and Institutional Trust Lands Board of Trustees created in Section

HB0348S02 compared with HB0348S01

53C-1-202;

(C) the Office of the Governor;

(D) the Governor's Office of Management and Budget created in Section 63J-4-201;

(E) the Public Lands Policy Coordinating Office created in Section 63J-4-602;

(F) the Office of Energy Development created in Section 63M-4-401; or

(G) the Governor's Office of Economic [~~Development~~] Opportunity created in Section [~~63N-1-201~~] 63N-1a-301, including the [~~Office of Tourism and the Utah Office of Outdoor Recreation created in Section 63N-9-104~~] Talent, Education, and Industry Alignment Subcommittee created in Section 63N-1b-301.

(2) (a) A governmental entity, or a person a governmental entity employs and designates as a representative, may investigate the possibility of a federal designation within the state.

(b) A governmental entity that intends to advocate for a federal designation within the state shall:

(i) notify the chairs of the following committees before the introduction of federal legislation:

(A) the Natural Resources, Agriculture, and Environment Interim Committee, if constituted, and the Federalism Commission; or

(B) if the notice is given during a General Session, the House and Senate Natural Resources, Agriculture, and Environment Standing Committees; and

(ii) upon request of the chairs, meet with the relevant committee to review the proposal.

(3) This section does not apply to a political subdivision supporting a federal designation if the federal designation:

(a) applies to 5,000 acres or less; and

(b) has an economical or historical benefit to the political subdivision.

Section ~~83~~64. Section **63M-5-306** is amended to read:

63M-5-306. Financial impact statement -- Alleviation plan -- Filing required -- Contents -- Payments credited against tax -- Provisions neither exclusive nor mandatory.

(1) (a) A developer desiring to prepay ad valorem property taxes under Section 63M-5-201 shall first prepare and file with the Governor's Office of Economic [~~Development~~] Opportunity and all units of local government likely to be affected with a significant financial

HB0348S02 compared with HB0348S01

impact due to a natural resource or industrial facility a financial impact statement together with a plan for alleviating these impacts.

(b) The impact statement and the alleviation plan shall be prepared in cooperation with and after consultation with the Governor's Office of Economic [~~Development~~] Opportunity and the affected units of local government.

(c) The financial impact statement shall assess the projected financial impact on state agencies and units of local government, including the impact on transportation systems, culinary water systems, waste treatment facilities, public safety, schools, public health, housing, planning and zoning, and general government administration.

(d) The alleviation plan shall set out proposals for alleviating the impact and may include payments to local units of government or direct expenditures by the developer to alleviate the impact.

(e) The impact statement and the alleviation plan may be amended by the developer in cooperation with and after consultation with the Governor's Office of Economic [~~Development~~] Opportunity and those units of local government affected by the amendment.

(2) At least 90 days prior to commencement of construction of an industrial facility or natural resources facility by a major developer, an impact statement and alleviation plan as described in Subsection (1) shall be filed by the major developer whether or not the major developer desires to prepay ad valorem property taxes.

(3) (a) Upon the filing of the financial impact statement and alleviation plan, a developer may apply to the governing body of the affected unit of local government for authorization to prepay a portion of the anticipated ad valorem property taxes to be expended consistent with the alleviation plan.

(b) This authorization may provide that only a portion of the amounts so prepaid can be applied against the ad valorem property taxes due in any given year.

(c) In addition to payments directly to the affected unit of local government, an affected unit of local government may authorize a tax credit on anticipated ad valorem property taxes for expenditures made by the developer to other persons so long as the expenditure is consistent with the alleviation plan.

(4) (a) This chapter is designed to provide an additional mechanism for the alleviation of impacts on units of local government and is not intended to discourage the use of other

HB0348S02 compared with HB0348S01

mechanisms as may be available.

(b) Nothing in this chapter requires a developer to prepay ad valorem property taxes or to make any other expenditure not otherwise required by law.

Section ~~{84}~~65. Section **63M-6-201** is amended to read:

63M-6-201. Acquisition of easements -- Restrictions -- Resale.

(1) (a) The Governor's Office of Economic [~~Development~~] Opportunity shall acquire, by purchase or condemnation, easements for the establishment, maintenance, and operation of a restrictive use area for the operation of aircraft to and from Hill Air Force Base because:

(i) Hill Air Force Base is a military installation of vital importance to security of the United States of America and to the economic well-being of the citizens of Utah;

(ii) there are certain portions of land around the entire base that are being developed for residential and other uses that are incompatible with current and future operations of the base because of noise, health, safety, and accident reasons; and

(iii) it is the purpose of this chapter for the state to acquire those easements restricting the use of those lands and the air space above them in order to assure the continued operation of Hill Air Force Base as an active military base and to protect the health, safety, and economic well-being of the citizens of Utah.

(b) The Governor's Office of Economic [~~Development~~] Opportunity may delegate its power to purchase or condemn easements under this subsection to other state agencies if the department ensures that those agencies comply with the procedures and requirements of this chapter.

(2) (a) The Governor's Office of Economic [~~Development~~] Opportunity shall ensure that the easements restrict the land from those uses identified in the Hill Air Force Base AICUZ Land Use Compatibility Guidelines Study, as amended, dated October, 1982, as not being acceptable.

(b) The Governor's Office of Economic [~~Development~~] Opportunity may allow certain other uses not prohibited by those guidelines if those uses are consistent with the purpose of this chapter.

(c) Nothing in this chapter may be construed to authorize the Governor's Office of Economic [~~Development~~] Opportunity or any other state agency to:

(i) acquire any ownership interest in real property other than an easement restricting the

HB0348S02 compared with HB0348S01

land from future uses inconsistent with the Hill Air Force Base AICUZ Land Use Compatibility Guidelines Study, as amended, dated October 1982;

- (ii) purchase businesses; or
- (iii) require people to relocate or move from their property.

(d) To calculate the purchase price for the easements, the Governor's Office of Economic ~~[Development]~~ Opportunity shall subtract the market value of the real property and its improvements after the acquisition of the easements from the market value of the real property and its improvements before the acquisition of the easements.

(e) When the Hill Air Force Base runways have not been used for seven years to accommodate the arrival and departure of airplanes, the Governor's Office of Economic ~~[Development]~~ Opportunity shall:

(i) notify by certified mail each current owner of the property to which each easement is attached;

(ii) inform that owner that the owner may purchase the easement from the state for the same price that the state paid for it originally or for the market value of the easement at the time of the buyback, whichever is smaller; and

(iii) sell the easement to the owner of the property to which the easement is attached if the owner tenders the purchase price.

(f) In addition to purchasing the easements required by this chapter, the Governor's Office of Economic ~~[Development]~~ Opportunity may provide reasonable relocation expenses to all churches, businesses, and schools that, as of March 1, 1994, were located either within the north Hill Air Force Base accident potential zone (APZ) identified in Subsection 63M-6-202(1)(a) or within the south Hill Air Force Base accident potential zone (APZ) identified in Subsection 63M-6-202(1)(b) if those churches, businesses, and schools can reasonably demonstrate that expansion of the use would have been permitted before acquisition of the easements but is now prohibited because of the easement.

(3) (a) The Governor's Office of Economic ~~[Development]~~ Opportunity may take action to enforce the provisions of this chapter.

(b) The attorney general shall represent the Governor's Office of Economic ~~[Development]~~ Opportunity in that action.

Section ~~{85}~~66. Section **63M-6-202** is amended to read:

HB0348S02 compared with HB0348S01

63M-6-202. Location of easements.

(1) The Governor's Office of Economic [~~Development~~] Opportunity or its designees may acquire easements on the land within the following boundaries:

(a) beginning on the north Hill Air Force Base accident potential zone (APZ) at a point which is North 1,089,743.170 meters and East 459,346.946 meters based on the North zone, State of Utah, NAD 83 coordinates and runs north to North 63 degrees 10 minutes 44 seconds, East 457.109 meters, North 26 degrees 49 minutes 16 seconds, West 3,352.129 meters, South 63 degrees 10 minutes 44 seconds, West 914.217 meters, South 26 degrees 49 minutes 16 seconds, East 3,352.129 meters, North 63 degrees 10 minutes 44 seconds, East 457.109 meters back to the point of beginning; and

(b) beginning on the south Hill Air Force Base APZ which is North 1,086,065.786 meters and East 461,206.222 meters based on the North zone, State of Utah, NAD 83 coordinates and runs South 63 degrees 10 minutes 44 seconds, West 457.109 meters, South 26 degrees 49 minutes 16 seconds, East 502.179 meters, South 0 degrees 20 minutes 35 seconds, West 1,722.227 meters, South 89 degrees 39 minutes 25 seconds, East 883.743 meters, North 63 degrees 10 minutes 44 seconds, East 914.217 meters, North 26 degrees 49 minutes 16 seconds, West 2,437.912 meters, South 63 degrees 10 minutes 44 seconds, West 457.109 meters back to the point of beginning.

(2) The Governor's Office of Economic [~~Development~~] Opportunity or its designees may acquire easements on the following land that is located inside the 75 and 80 level day-night (LDN) noise contour as identified in the Hill Air Force Base AICUZ Land Use Compatibility Guidelines Study, as amended, dated October, 1982:

- (a) in the west half of Section 3, T4NR1W;
- (b) in the east half of Section 4, T4NR1W;
- (c) in the northeast quarter of Section 8, T4NR1W;
- (d) within all of Section 9, T4NR1W;
- (e) in the northwest quarter of Section 10, T4NR1W;
- (f) within the southwest quarter of Section 19, T5NR1W;
- (g) in the south half of Section 20, T5NR1W;
- (h) within the southwest quarter of Section 28, T5NR1W; and
- (i) within Section 29, T5NR1W.

HB0348S02 compared with HB0348S01

Section ~~{86}~~67. Section 63M-6-203 is amended to read:

63M-6-203. Certain improvements, alterations, and expansions prohibited.

(1) A person or entity may not begin to develop, or authorize development, on any land identified in this chapter until the Governor's Office of Economic ~~[Development]~~ Opportunity has affirmatively authorized the development of the land because the development is consistent with those uses identified in the Hill Air Force Base AICUZ Land Use Compatibility Guidelines Study, as amended, dated October 1982.

(2) Nothing in this chapter prohibits any property owner from improving, altering, or expanding any existing residential or commercial use of the property owner's property so long as the improvement, alteration, or expansion does not materially increase the human density of that present use.

Section ~~{87}~~68. Section 63M-11-201 is amended to read:

63M-11-201. Composition -- Appointments -- Terms -- Removal.

(1) The commission shall be composed of 20 voting members as follows:

- (a) the executive director of the Department of Health;
- (b) the executive director of the Department of Human Services;
- (c) the executive director of the Governor's Office of Economic ~~[Development]~~

Opportunity;

- (d) the executive director of the Department of Workforce Services; and
- (e) 16 voting members, appointed by the governor, representing each of the following:
 - (i) the Utah Association of Area Agencies on Aging;
 - (ii) higher education in Utah;
 - (iii) the business community;
 - (iv) the Utah Association of Counties;
 - (v) the Utah League of Cities and Towns;
 - (vi) charitable organizations;
 - (vii) the health care provider industry;
 - (viii) financial institutions;
 - (ix) the legal profession;
 - (x) the public safety sector;
 - (xi) public transportation;

HB0348S02 compared with HB0348S01

- (xii) ethnic minorities;
- (xiii) the industry that provides long-term care for the elderly;
- (xiv) organizations or associations that advocate for the aging population;
- (xv) the Alzheimer's Association; and
- (xvi) the general public.

(2) (a) A member appointed under Subsection (1)(e) shall serve a two-year term.

(b) Notwithstanding the term requirements of Subsection (2)(a), the governor may adjust the length of the initial commission members' terms to ensure that the terms are staggered so that approximately 1/2 of the members appointed under Subsection (1)(e) are appointed each year.

(c) When, for any reason, a vacancy occurs in a position appointed by the governor under Subsection (1)(e), the governor shall appoint a person to fill the vacancy for the unexpired term of the commission member being replaced.

(d) Members appointed under Subsection (1)(e) may be removed by the governor for cause.

(e) A member appointed under Subsection (1)(e) shall be removed from the commission and replaced by the governor if the member is absent for three consecutive meetings of the commission without being excused by the chair of the commission.

(3) In appointing the members under Subsection (1)(e), the governor shall:

- (a) take into account the geographical makeup of the commission; and
- (b) strive to appoint members who are knowledgeable or have an interest in issues relating to the aging population.

Section ~~688~~69. Section **63N-1a-101**, which is renumbered from Section 63N-1-101 is renumbered and amended to read:

TITLE 63N. ECONOMIC OPPORTUNITY ACT

CHAPTER 1a. ECONOMIC OPPORTUNITY ORGANIZATION

Part 1. General Provisions

~~[63N-1-101]~~. **63N-1a-101**. Title.

(1) This title is known as the [~~"Governor's Office of Economic Development."~~] "Economic Opportunity Act."

(2) This chapter is known as [~~"GOED General Provisions."~~] "Economic Opportunity

HB0348S02 compared with HB0348S01

Organization."

Section ~~{89}~~70. Section **63N-1a-102**, which is renumbered from Section 63N-1-102 is renumbered and amended to read:

~~[63N-1-102].~~ **63N-1a-102. Definitions.**

As used in this title:

(1) "Baseline jobs" means the number of full-time employee positions that existed within a business entity in the state before the date on which a project related to the business entity is approved by the office or by the GO Utah board.

(2) "Baseline state revenue" means the amount of state tax revenue collected from a business entity or the employees of a business entity during the year before the date on which a project related to the business entity is approved by the office or by the GO Utah board.

~~[(3) "Board" means the Board of Business and Economic Development created in Section 63N-1-401.]~~

~~[(4) "Council" means the Governor's Economic Development Coordinating Council created in Section 63N-1-501.]~~

(3) "Commission" means the Unified Economic Opportunity Commission created in Section 63N-1a-201.

(4) "Economic opportunity agency" includes:

(a) the Department of Workforce Services;

(b) the Department of Heritage and Arts;

(c) the Department of Commerce;

(d) the Department of Natural Resources;

(e) the Office of Energy Development;

(f) the State Board of Education;

(g) institutions of higher education;

(h) the Utah Multicultural Commission;

(i) the World Trade Center Utah;

(j) local government entities;

(k) associations of governments;

~~{k}~~l the Utah League of Cities and Towns;

~~{l}~~m the Utah Association of Counties;

HB0348S02 compared with HB0348S01

~~(m)n~~ the Economic Development Corporation of Utah;

~~(n)o~~ the Small Business Administration;

~~(o)p~~ chambers of commerce;

~~(p)q~~ industry associations;

~~(q)r~~ small business development centers; and

~~(r)s~~ other entities identified by the commission or the executive director.

(5) "Executive director" means the executive director of the office.

(6) "Full-time employee" means an employment position that is filled by an employee who works at least 30 hours per week and:

(a) may include an employment position filled by more than one employee, if each employee who works less than 30 hours per week is provided benefits comparable to a full-time employee; and

(b) may not include an employment position that is shifted from one jurisdiction in the state to another jurisdiction in the state.

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

~~(7)~~ (8) "High paying job" means a newly created full-time employee position where the aggregate average annual gross wage of the employment position, not including health care or other paid or unpaid benefits, is at least:

(a) at least ~~()~~ 110% of the average wage of the county in which the employment position exists~~()~~; ~~if the~~; or

(b) for an employment position ~~exists in Davis County, Salt Lake County, Utah County, or Weber County; or~~

~~(b) related to a project described in Chapter 2, Part 1, Economic Development Tax Increment Financing, and that is located within the boundary of a county of the third, fourth, fifth, or sixth class, or located within a municipality in a county of the second class and where the municipality has a population of 10,000 or less;~~

(i) at least 100% of the average wage of the county in which the employment position exists~~()~~; ~~if the employment position~~; or

(ii) an amount determined by rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if the office determines the project is in a

HB0348S02 compared with HB0348S01

county ~~other than one of the counties listed in Subsection (8)(a)~~ experiencing economic distress.

~~(8)~~ (9) (a) "Incremental job" means a full-time employment position in the state that:

~~(a)~~ (i) did not exist within a business entity in the state before the beginning of a project related to the business entity; and

~~(b)~~ (ii) is created in addition to the number of baseline jobs that existed within a business entity.

(b) "Incremental job" includes a full-time employment position where the employee is hired:

(i) directly by a business entity; or

(ii) by a professional employer organization, as defined in Section 31A-40-102, on behalf of a business entity.

~~(9)~~ (10) "New state revenue" means the state revenue collected from a business entity or a business entity's employees during a calendar year minus the baseline state revenue calculation.

~~(10)~~ (11) "Office" or [~~GOED~~] "GO Utah office" means the Governor's Office of Economic [~~Development~~] Opportunity.

~~(11)~~ (12) "State revenue" means state tax liability paid by a business entity or a business entity's employees under any combination of the following provisions:

(a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

(b) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information;

(c) Title 59, Chapter 10, Part 2, Trusts and Estates;

(d) Title 59, Chapter 10, Part 4, Withholding of Tax; and

(e) Title 59, Chapter 12, Sales and Use Tax Act.

(13) "State strategic goals" means the strategic goals listed in Section 63N-1a-103.

(14) "Statewide economic development strategy" means the economic development strategy developed by the commission in accordance with Section 63N-1a-202.

Section ~~90~~ 71. Section **63N-1a-103** is enacted to read:

63N-1a-103. Purpose.

(1) The mission of the Economic Opportunity Act and the entities established herein is

HB0348S02 compared with HB0348S01

to catalyze strategic economic opportunities for all residents of the state with a vision of creating economically thriving communities, businesses, and families throughout the state.

(2) The mission and vision are realized through targeted efforts that demonstrably improve quality of life, measured by the extent to which the efforts accomplish the following strategic goals:

(a) catalyzing targeted industry growth;

(b) supporting economically thriving communities;

(c) empowering students and workers with market-relevant skills; ~~and~~

(d) stimulating economic growth in rural and multicultural communities through household level efforts; and

(e) securing healthy and resilient ecosystems for current and future generations.

Section ~~{91}~~72. Section **63N-1a-201** is enacted to read:

Part 2. Creation of Unified Economic Opportunity Commission

63N-1a-201. Creation of commission.

(1) There is created in the office the Unified Economic Opportunity Commission, established to carry out the mission described in Section 63N-1a-103 and direct the office and other appropriate entities in fulfilling the state's strategic goals.

(2) The commission consists of:

(a) the following voting members:

(i) the governor, who shall serve as the chair of the commission;

(ii) the executive director, who shall serve as the vice chair of the commission;

(iii) the executive director of the Department of Workforce Services;

(iv) the executive director of the Department of Transportation;

(v) the executive director of the Department of Natural Resources;

(vi) the executive director of the Department of Commerce;

(vii) the commissioner of the Department of Agriculture and Food;

(~~vii~~viii) the executive director of the Governor's Office of Management and Budget;

(~~viii~~ix) the commissioner of higher education;

(~~ix~~x) the state superintendent of public instruction;

(~~x~~xi) the president of the Senate or the president's designee;

(~~xi~~xii) the speaker of the House of Representatives or the speaker's designee;

HB0348S02 compared with HB0348S01

~~(xii)~~xiii one individual who is knowledgeable about housing needs in the state, including housing density and land use, appointed by the governor;

~~(xiii)~~xiv one individual who represents the interests of urban cities, appointed by the Utah League of Cities and Towns; and

~~(xiv)~~xv one individual who represents the interests of rural counties, appointed by the Utah Association of Counties; and

(b) the following non-voting members:

(i) the chief executive officer of World Trade Center Utah;

(ii) the chief executive officer of the Economic Development Corporation of Utah; and

(iii) a senior advisor to the chair of the commission with expertise in rural affairs of the state, appointed by the chair of the commission.

(3) A majority of commission members constitutes a quorum for the purposes of conducting commission business and the action of a majority of a quorum constitutes the action of the commission.

(4) The executive director of the office, or the executive director's designee, is the executive director of the commission.

(5) The office shall provide:

(a) office space and administrative staff support for the commission; and

(b) the central leadership and coordination of the commission's efforts in the field of economic development.

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

(i) Sections 63A-3-106 and 63A-3-107; and

(ii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

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

Section ~~92~~73. Section **63N-1a-202** is enacted to read:

63N-1a-202. Commission duties.

(1) The commission shall:

HB0348S02 compared with HB0348S01

(a) develop, coordinate, and lead a comprehensive statewide economic development strategy that:

(i) unifies and coordinates economic development efforts in the state;

(ii) includes key performance indicators for long-term progress toward the state strategic goals;

(iii) establishes reporting and accountability processes for the key performance indicators; and

(iv) ensures the success of the statewide economic development strategy is shared among the urban and rural areas of the state;

(b) receive feedback, input, and reports from economic opportunity agencies regarding programs related to the statewide economic development strategy;

(c) develop the statewide economic strategy in view of the state water policy described in Section 73-1-21, including the state's commitment to appropriate conservation, efficient and optimal use of water resources, infrastructure development and improvement, optimal agricultural use, water quality, reasonable access to recreational activities, effective wastewater treatment, and protecting and restoring healthy ecosystems;

(~~f~~~~e~~~~d~~) direct and facilitate changes to or recommend elimination of economic development programs to ensure alignment with the mission and vision described in Section 63N-1a-103;

(~~f~~~~d~~~~e~~) at least once every five years, identify industry clusters on which the commission recommends the state focus recruiting and expansion efforts;

(~~f~~~~e~~~~f~~) establish strategies for the recruitment and retention of targeted industry clusters while respecting the different needs of rural and urban areas throughout the state;

(~~f~~~~f~~~~g~~) establish strategies for supporting entrepreneurship and small business development in the state;

(~~f~~~~g~~~~h~~) analyze the state's projected long-term population and economic growth and plan for the anticipated impacts of the projected growth in a manner that improves quality of life and is consistent with the statewide economic development strategy and state strategic goals;

(~~f~~~~h~~~~i~~) identify gaps and potential solutions related to improving infrastructure, especially as related to the state's projected long-term population growth;

HB0348S02 compared with HB0348S01

(~~fi~~i) support the development of a prepared workforce that can support critical industries and industry clusters identified by the commission;

(~~fk~~k) coordinate and develop strategies that assist education providers and industry to cooperate in supporting students in developing market relevant skills to meet industry needs;

(~~fl~~l) develop strategies and plans to ensure comprehensive economic development efforts are targeted to the unique needs of rural areas of the state;

(~~fm~~m) study the unique needs of multicultural communities throughout the state and develop household-level plans to ensure residents of the state can participate in economic opportunities in the state;

(~~fn~~n) ensure the commission's efforts are, to the extent practicable, data-driven and evidence-based;

(~~fo~~o) support an integrated international trade strategy for the state;

(~~fp~~p) facilitate coordination among public, private, and nonprofit economic opportunity agencies; and

(~~fq~~q) in performing the commission's duties, consider the recommendations of the subcommittees described in Chapter 1b, Commission Subcommittees.

(2) The commission shall provide a report to the office for inclusion in the office's annual written report described in Section 63N-1a-306, that includes:

(a) the statewide economic development strategy;

(b) a description of how the commission fulfilled the commission's statutory purposes and duties during the year, including any relevant findings;

(c) the key performance indicators included in the ~~commission's~~ statewide economic development strategy, including data showing the extent to which the indicators are being met;

and

(d) any legislative recommendations.

Section ~~93~~74. Section **63N-1a-301**, which is renumbered from Section 63N-1-201 is renumbered and amended to read:

Part 3. Creation of Governor's Office of Economic Opportunity

~~63N-1-201~~. **63N-1a-301. Creation of office -- Responsibilities.**

(1) There is created the Governor's Office of Economic [~~Development~~] Opportunity.

(2) The office is:

HB0348S02 compared with HB0348S01

(a) responsible for ~~[economic development and economic development planning in the state]~~ implementing the statewide economic development strategy developed by the commission; and

(b) the industrial and business promotion authority of the state.

(3) The office shall:

(a) consistent with the statewide economic development strategy, coordinate and align into a single effort the activities of the economic opportunity agencies in the field of economic development;

(b) provide support and direction to economic opportunity agencies in establishing goals, metrics, and activities that align with the statewide economic development strategy;

~~[(a)]~~ (c) administer and coordinate state and federal economic development grant programs;

~~[(b)]~~ (d) promote and encourage the economic, commercial, financial, industrial, agricultural, and civic welfare of the state;

~~[(c)]~~ (e) promote and encourage the employment of workers in the state and the purchase of goods and services produced in the state by local businesses;

~~[(d)]~~ (f) act to create, develop, attract, and retain business, industry, and commerce in the state, in accordance with the statewide economic development plan and commission directives;

~~[(e)]~~ (g) act to enhance the state's economy;

~~[(f)]~~ administer programs over which the office is given administrative supervision by the governor;

(h) act to assist strategic industries that are likely to drive future economic growth;

(i) assist communities in the state in developing economic development capacity and coordination with other communities;

(j) identify areas of education and workforce development in the state that can be improved to support economic and business development;

(k) consistent with direction from the commission, develop core strategic priorities for the office, which may include:

(i) enhancing statewide access to entrepreneurship opportunities and small business support;

HB0348S02 compared with HB0348S01

(ii) focusing industry recruitment and expansion on strategically chosen clusters of industries;

(iii) ensuring that in awarding competitive economic development incentives the office accurately measures the benefits and costs of the incentives; and

(iv) assisting communities with technical support to aid those communities in improving economic development opportunities;

~~[(g)]~~ (l) submit an annual written report as described in Section ~~[63N-1-301]~~ 63N-1a-306; and

~~[(h)]~~ (m) perform other duties as provided by the Legislature.

(4) In order to perform its duties under this title, the office may:

(a) enter into a contract or agreement with, or make a grant to, a public or private entity, including a municipality, if the contract or agreement is not in violation of state statute or other applicable law;

(b) except as provided in Subsection (4)(c), receive and expend funds from a public or private source for any lawful purpose that is in the state's best interest; and

(c) solicit and accept a contribution of money, services, or facilities from a public or private donor, but may not use the contribution for publicizing the exclusive interest of the donor.

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

(6) (a) The office shall:

(i) obtain the advice of the GO Utah board before implementing a change to a policy, priority, or objective under which the office operates[-]; and

(ii) provide periodic updates to the commission regarding the office's efforts under Subsections (3)(a) and (b).

(b) Subsection (6)(a)(i) does not apply to the routine administration by the office of money or services related to the assistance, retention, or recruitment of business, industry, or commerce in the state.

Section ~~{94}~~75. Section **63N-1a-302**, which is renumbered from Section 63N-1-202 is renumbered and amended to read:

~~[63N-1-202]~~. **63N-1a-302**. Executive director of office -- Appointment --

HB0348S02 compared with HB0348S01

Removal -- Compensation.

(1) The office shall be administered, organized, and managed by an executive director appointed by the governor, with the advice and consent of the Senate.

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

(3) The salary of the executive director shall be established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Section ~~{95}~~76. Section **63N-1a-303**, which is renumbered from Section 63N-1-203 is renumbered and amended to read:

~~[63N-1-203].~~ **63N-1a-303. Powers and duties of executive director.**

(1) Unless otherwise expressly provided by statute, the executive director may organize the office in any appropriate manner, including the appointment of deputy directors of the office.

(2) The executive director may consolidate personnel and service functions for efficiency and economy in the office.

(3) The executive director, with the approval of the governor:

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

(b) may enter into a lawful contract or agreement with another state, a chamber of commerce organization, a service club, or a private entity; and

(c) shall annually prepare and submit to the governor a budget of the office's financial requirements.

(4) With the governor's approval, if a federal program requires the expenditure of state funds as a condition for the state to participate in a fund, property, or service, the executive director may expend necessary funds from money provided by the Legislature for the use of the office.

(5) The executive director shall coordinate with the executive directors of the Department of Workforce Services and the Governor's Office of Management and Budget to review data and metrics to be reported to the Legislature as described in Subsection

~~[63N-1-301]~~ **63N-1a-306(2)(b)**.

Section ~~{96}~~77. Section **63N-1a-304**, which is renumbered from Section 63N-1-204 is renumbered and amended to read:

HB0348S02 compared with HB0348S01

~~[63N-1-204]~~. 63N-1a-304. **Executive director and the Public Service**

Commission.

(1) The executive director or the executive director's designee shall:

(a) become generally informed of significant rate cases and policy proceedings before the Public Service Commission; and

(b) monitor and study the potential economic development impact of these proceedings.

(2) In the discretion of the executive director or the executive director's designee, the office may appear in a proceeding before the Public Service Commission to testify, advise, or present argument regarding the economic development impact of a matter that is the subject of the proceeding.

Section ~~{97}~~78. Section **63N-1a-305**, which is renumbered from Section 63N-1-205 is renumbered and amended to read:

~~[63N-1-205]~~. 63N-1a-305. **Incentive review process.**

The Legislature intends that the [~~Governor's Office of Economic Development~~] office will develop an incentives review process under the direction of the speaker of the House and the president of the Senate.

Section ~~{98}~~79. Section **63N-1a-306**, which is renumbered from Section 63N-1-301 is renumbered and amended to read:

~~[63N-1-301]~~. 63N-1a-306. **Annual report -- Content -- Format**~~{-- Strategic plan}~~.

(1) The office shall prepare and submit to the governor and the Legislature, by October 1 of each year, an annual written report of the operations, activities, programs, and services of the office, including the divisions, sections, boards, commissions, councils, and committees established under this title, for the preceding fiscal year.

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

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

(b) data and metrics:

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

HB0348S02 compared with HB0348S01

(ii) that are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement as determined by the executive directors of the office, the Department of Workforce Services, and the Governor's Office of Management and Budget;

(c) budget data, including the amount and source of funding, expenses, and allocation of full-time employees for the operation, activity, program, or service;

(d) historical data from previous years for comparison with data reported under Subsections (2)(b) and (c);

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

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

(g) contact information of officials knowledgeable and responsible for each operation, activity, program, or service; and

(h) other information determined by the office that:

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

(ii) promotes accountability and transparency for each operation, activity, program, or service with the public and elected officials.

(3) The annual report shall be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature.

(4) The office shall:

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

(b) make the annual report, and previous annual reports, accessible to the public by placing a link to the reports on the office's website; and

(c) provide the data and metrics described in Subsection (2)(b) to the [~~Talent Ready Utah Board created in Section 63N-12-503~~] Talent, Education, and Industry Alignment Subcommittee created in Section 63N-1b-301.

~~[(5)(a) On or before October 1, 2019, the office shall:]~~

~~[(i) in consultation with the organizations described in Subsection (5)(c), coordinate the development of a written strategic plan that contains a coordinated economic development strategy for the state; and]~~

~~[(ii) provide the strategic plan to the president of the Senate, the speaker of the House~~

HB0348S02 compared with HB0348S01

of Representatives, and the Economic Development and Workforce Services Interim Committee.]

~~[(b) The strategic plan shall:]~~

~~[(i) establish a statewide economic development strategy that consists of a limited set of clear, concise, and defined principles and goals;]~~

~~[(ii) recommend targeted economic development policies that will further the implementation of the economic development strategy described in this section;]~~

~~[(iii) identify each of the relevant state-level economic development agencies, including the agencies described in Subsection (5)(c);]~~

~~[(iv) outline the functional role in furthering the state's economic development strategy for each relevant state-level economic development agency;]~~

~~[(v) establish specific principles and make specific recommendations to decrease competition and increase communication and cooperation among state-level economic development agencies, providers and administrators of economic development programs in the state, nonprofit entities that participate in economic development in the state, and local governments;]~~

~~[(vi) recommend a fundamental realignment of economic development programs in the state to ensure each program's purpose is congruent with the mission of the organization within which the program is located;]~~

~~[(vii) address rural economic development by:]~~

~~[(A) establishing goals and principles to ensure the state's economic development strategy works for both urban and rural areas of the state; and]~~

~~[(B) providing recommendations on how existing rural economic development programs should be restructured or realigned;]~~

~~[(viii) assess the effectiveness of the state's economic development incentives and make recommendations regarding:]~~

~~[(A) how incentive policies could be improved; and]~~

~~[(B) how incentives could be better coordinated among state-level economic development agencies and local governments;]~~

~~[(ix) make recommendations regarding how to align the state's economic development strategy and policies in order to take advantage of the strengths and address the weaknesses of~~

HB0348S02 compared with HB0348S01

~~the state's current and projected urban and rural workforce;]~~

~~[(x) make recommendations regarding how to monitor and assess whether certain economic development policies further the statewide economic development strategy described in this section, including recommendations on performance metrics to measure results; and]~~

~~[(xi) align the strategic plan with each element of the statewide economic development strategy;]~~

~~[(c) The office shall coordinate the development of the strategic plan by working in coordination with and obtaining information from other state agencies, including:]~~

~~[(i) the Department of Workforce Services;]~~

~~[(ii) the Office of Energy Development;]~~

~~[(iii) the State Board of Education; and]~~

~~[(iv) the Utah Board of Higher Education.]~~

~~[(d) If contacted by the office, other state agencies, including those described in Subsection (5)(c), shall, in accordance with state and federal law, share information and cooperate with the office in coordinating the development of the strategic plan.]~~

Section ~~{99}~~80. Section **63N-1b-101** is enacted to read:

CHAPTER 1b. COMMISSION SUBCOMMITTEES

Part 1. General Provisions

63N-1b-101. Definitions.

As used in this chapter:

(1) "Apprenticeship program" means a program that:

(a) combines paid on-the-job learning with formal classroom instruction to prepare students for careers; and ~~{ that }~~

(b) includes:

(~~{a}~~)i) structured on-the-job learning for students under the supervision of a skilled employee;

(~~{b}~~)ii) classroom instruction for students related to the on-the-job learning;

(~~{c}~~)iii) ongoing student assessments using established competency and skills standards; and

(~~{d}~~)iv) the student receiving an industry-recognized credential or degree upon completion of the program.

HB0348S02 compared with HB0348S01

(2) "Career and technical education region" means an economic service area created in Section 35A-2-101.

(3) "High quality professional learning" means the professional learning standards for teachers and principals described in Section 53G-11-303.

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

(5) "Local education agency" means a school district, a charter school, or the Utah Schools for the Deaf and the Blind.

(6) "Master plan" means the computer science education master plan described in Section 63N-1b-304.

(7) "Participating employer" means an employer that:

(a) partners with an educational institution on a curriculum for an apprenticeship program or work-based learning program; and

(b) provides an apprenticeship or work-based learning program for students.

(8) "State board" means the State Board of Education.

(9) "Talent program" means the Talent Ready Utah Program created in Section 63N-1b-302.

(10) "Talent subcommittee" means the Talent, Education, and Industry Alignment Subcommittee created in Section 63N-1b-301.

(11) "Technical college" means:

(a) a technical college described in Section 53B-2a-105;

(b) the School of Applied Technology at Salt Lake Community College established in Section 53B-16-209;

(c) Utah State University Eastern established in Section 53B-18-1201;

(d) Utah State University Blanding established in Section 53B-18-1202; or

(e) the Snow College Richfield campus established in Section 53B-16-205.

(12) (a) "Work-based learning program" means a program that combines structured and supervised learning activities with authentic work experiences and that is implemented through industry and education partnerships.

(b) "Work-based learning program" includes the following objectives:

HB0348S02 compared with HB0348S01

(i) providing students an applied workplace experience using knowledge and skills attained in a program of study that includes an internship, externship, or work experience;

(ii) providing an educational institution with objective input from a participating employer regarding the education requirements of the current workforce; and

(iii) providing funding for programs that are associated with high-wage, in-demand, or emerging occupations.

(13) "Workforce programs" means education or industry programs that facilitate training the state's workforce to meet industry demand.

Section ~~{100}~~81. Section 63N-1b-102 is enacted to read:

63N-1b-102. Subcommittees generally.

(1) Each subcommittee created under this part or by the commission in accordance with this section serves under the direction of the commission and shall assist the commission in performing the commission's duties.

(2) In addition to the subcommittees created under this part, the commission may establish one or more subcommittees to assist and advise the commission on specified topics or issues relevant to the commission's duties, including:

(a) rural economic growth;

(b) sustainable community growth;

(c) small business and entrepreneurship;

(d) multicultural economic empowerment; and

(e) international relations, trade, and immigration.

(3) When establishing a subcommittee under Subsection (2), the commission shall:

(a) appoint members to the subcommittee that represent a range of views and expertise;

and

(b) adopt subcommittee procedures and directives.

(4) (a) A member of a subcommittee may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

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

(iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Compensation and expenses of a subcommittee member who is a legislator are

HB0348S02 compared with HB0348S01

governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Section ~~{101}~~82. Section **63N-1b-201**, which is renumbered from Section 63N-1-401 is renumbered and amended to read:

Part 2. Business and Economic Development Subcommittee

~~[63N-1-401].~~ **63N-1b-201. Business and Economic Development -- Subcommittee -- Creation -- Membership -- Expenses.**

(1) (a) There is created [~~within the office the Board of Business and Economic Development~~] a subcommittee of the commission, called the Business and Economic Development Subcommittee, consisting of 15 members appointed by the [~~governor~~] chair of the commission, in consultation with the executive director, to four-year terms of office with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies[-], including:

- (i) a representative from a rural association of governments;
- (ii) a rural representative of agriculture;
- (iii) a rural representative of the travel industry;
- (iv) a representative of rural utilities; and
- (v) a representative from the oil, gas, or mineral extraction industry.

(b) Notwithstanding the requirements of Subsection (1)(a), the [~~governor~~] chair of the commission shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the [~~board~~] subcommittee is appointed every two years.

(c) The members may not serve more than two full consecutive terms except where the [~~governor~~] chair of the commission determines that an additional term is in the best interest of the state.

(2) In appointing members of the committee, the [~~governor~~] chair of the commission shall ensure that:

- (a) no more than eight members of the [~~board~~] subcommittee are from one political party; and
 - (b) members represent a variety of geographic areas and economic interests of the state.
- (3) When a vacancy occurs in the membership for any reason, the replacement shall be

HB0348S02 compared with HB0348S01

appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

(4) Eight members of the [board] subcommittee constitute a quorum for conducting board business and exercising board power.

(5) The [governor] chair of the commission shall select one [board] subcommittee member as the [board's] subcommittee's chair and one member as the subcommittee's vice chair.

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

(a) Section 63A-3-106;

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

(c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(7) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

(8) Nothing in this section prohibits an individual who, on May 4, 2021, is a member of a board within the office known as the Board of Business and Economic Development from serving as a member of the GO Utah board.

Section ~~{102}~~83. Section **63N-1b-202**, which is renumbered from Section 63N-1-402 is renumbered and amended to read:

~~[63N-1-402]~~. **63N-1b-202. Business and Economic Development**

Subcommittee duties and powers.

(1) The [board] Business and Economic Development Subcommittee shall advise and assist the [office] commission to:

(a) promote and encourage the economic, commercial, financial, industrial, agricultural, and civic welfare of the state;

(b) promote and encourage the development, attraction, expansion, and retention of businesses, industries, and commerce in the state;

(c) support the efforts of local government and regional nonprofit economic development organizations to encourage expansion or retention of businesses, industries, and commerce in the state;

(d) act to enhance the state's economy;

(e) work in conjunction with companies and individuals located or doing business in

HB0348S02 compared with HB0348S01

the state to secure favorable rates, fares, tolls, charges, and classification for transportation of persons or property by:

(i) railroad;

(ii) motor carrier; or

(iii) other common carriers;

(f) ~~[recommend]~~ develop policies, priorities, and objectives ~~[to the office]~~ regarding the assistance, retention, or recruitment of business, industries, and commerce in the state;

(g) ~~[recommend how the office should]~~ administer programs for the assistance, retention, or recruitment of businesses, industries, and commerce in the state;

(h) ~~[help]~~ ensure that ~~[economic-development]~~ economic development programs are available to all areas of the state in accordance with federal and state law; ~~[and]~~

(i) identify local, regional, and statewide rural economic development and planning priorities;

(j) understand, through study and input, issues relating to local, regional, and statewide rural economic development, including challenges, opportunities, best practices, policy, planning, and collaboration; and

~~(†)~~ (k) maintain ethical and conflict of interest standards consistent with those imposed on a public officer under Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

(2) The subcommittee shall:

(a) serve as an advisory board to the commission on rural economic development issues;

(b) prepare an annual strategic plan that:

(i) identifies rural economic development, planning, and leadership training challenges, opportunities, priorities, and objectives; and

(ii) includes a work plan for accomplishing the objectives referred to in Subsection (1)(b)(i); and

(c) oversee the Rural County Grant Program created in Section 17-54-103.

~~(2)~~ (3) The ~~[board]~~ subcommittee may:

(a) in accordance with Subsection (1)(e), appear as a party litigant on behalf of an individual or a company located or doing business in the state in a proceeding before a

HB0348S02 compared with HB0348S01

regulatory commission of the state, another state, or the federal government; and

(b) in consultation with the executive director, make, amend, or repeal rules for the conduct of its business consistent with this part and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section ~~{103}~~84. Section **63N-1b-301**, which is renumbered from Section 63N-12-503 is 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.**

~~[(1) There is created within GOED the Talent Ready Utah Board composed of the following 14 members:]~~

(1) There is created a subcommittee of the commission called the Talent, Education, and Industry Alignment Subcommittee composed of the following members:

- (a) the state superintendent of public instruction or the superintendent's designee;
- (b) the commissioner of higher education or the commissioner of higher education's designee;
- (c) the chair of the State Board of Education or the chair's designee;
- (d) the executive director of the Department of Workforce Services or the executive director of the department's designee;
- (e) the executive director of [~~GOED~~] the GO Utah office or the executive director's designee;
- (f) the director of the Division of Occupational and Professional Licensing or the director's designee;
- (g) the governor's education advisor or the advisor's designee;
- (h) one member of the Senate, appointed by the president of the Senate;
- (i) one member of the House of Representatives, appointed by the speaker of the House of Representatives;
- (j) the president of the Salt Lake Chamber or the president's designee;
- (k) three representatives of private industry chosen by the [~~talent ready board; {} and~~] commission;
- (l) a representative of the technology industry chosen by the [~~talent ready board; {}]~~

HB0348S02 compared with HB0348S01

commission:

(m) the lieutenant governor or the lieutenant governor's designee; and

(n) any additional individuals appointed by the commission who represent:

(i) one or more individual educational institutions; or

(ii) education or industry professionals.

(2) The [~~talent ready board~~] commission shall select a chair and vice chair from among the members of the talent [~~ready board~~] subcommittee.

(3) The talent [~~ready board~~] subcommittee shall meet at least quarterly.

(4) Attendance of a majority of the members of the talent [~~ready board~~] subcommittee constitutes a quorum for the transaction of official talent [~~ready board~~] subcommittee business.

(5) Formal action by the talent [~~ready board~~] subcommittee requires the majority vote of a quorum.

(6) A member of the talent [~~ready board~~] subcommittee:

(a) may not receive compensation or benefits for the member's service; and

(b) who is not a legislator may receive per diem and travel expenses in accordance

with:

(i) Section 63A-3-106;

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

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

(7) The talent [~~ready board~~] subcommittee shall:

(a) (i) review and develop metrics to measure the progress, performance, effectiveness, and scope of any state operation, activity, program, or service that primarily involves employment training or placement; and

(ii) ensure that the metrics described in Subsection (7)(a) are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement;

(b) make recommendations to the [~~center~~] commission regarding how to better align training and education in the state with industry demand;

(c) make recommendations to the [~~center~~] commission regarding how to better align technical education with current and future workforce needs; and

HB0348S02 compared with HB0348S01

(d) coordinate with the [center] commission to meet the responsibilities described in Subsection [63N-12-502(4)] ~~{63N-1b-303}~~ 63N-1b-302 ~~(3)4~~.

Section ~~{104}~~ 85. Section **63N-1b-302**, which is renumbered from Section 63N-12-502 is renumbered and amended to read:

~~[63N-12-502]~~. **63N-1b-302. Talent Ready Utah Program.**

(1) There is created within [GOED] the office the Talent Ready Utah [~~Center~~] Program.

(2) The executive director shall appoint a director of the [center] talent program.

(3) The director of the [center] talent program may appoint staff with the approval of the executive director.

(4) The [center] talent program shall coordinate with the talent [ready board] subcommittee to:

(a) further education and industry alignment in the state;

(b) coordinate the development of new education programs that align with industry demand;

(c) coordinate or partner with other state agencies to administer grant programs;

(d) promote the inclusion of industry partners in education;

(e) provide outreach and information to employers regarding workforce programs and initiatives;

(f) develop and analyze stackable credential programs;

(g) determine efficiencies among workforce providers;

(h) map available workforce programs focusing on programs that successfully create high-paying jobs; and

(i) support initiatives of the talent [~~ready~~ ~~{}~~ board] subcommittee.

Section ~~{105}~~ 86. Section **63N-1b-303**, which is renumbered from Section 63N-12-504 is renumbered and amended to read:

~~[63N-12-504]~~. **63N-1b-303. Reporting.**

The [center] talent program shall prepare an annual report describing the [center's] talent program's operations and recommendations for inclusion in [GOED's] the office's annual written report described in Section [~~63N-1-301~~] 63N-1a-306, including the results of the apprenticeship pilot program described in Section [63N-12-507] ~~{63N-1b-307}~~ 63N-1b-306.

HB0348S02 compared with HB0348S01

Section ~~{106}~~87. Section **63N-1b-304**, which is renumbered from Section 63N-12-505 is renumbered and amended to read:

~~[63N-12-505].~~ **63N-1b-304. Computer science education master plan.**

~~[On or before August 30, 2019, the talent ready board]~~ The talent subcommittee, in consultation with the state board and the ~~[center]~~ talent program, shall develop a computer science education master plan that:

- (1) includes a statement of the objectives and goals of the master plan;
- (2) describes how the talent ~~[ready board]~~ subcommittee and the state board will administer the Computer Science for Utah Grant Program created in Section ~~[63N-12-506]~~ ~~{63N-1b-106}~~ 63N-1b-305;
- (3) provides guidance for local education agencies in implementing computer science education opportunities for students in high school, middle school, and elementary school;
- (4) integrates recommendations and best practices from private and public entities that are seeking to improve and expand the opportunities for computer science education, including the Expanding Computer Education Pathways Alliance; and
- (5) makes recommendations to assist a local education agency in creating a local education agency computer science plan described in Subsection ~~[63N-12-506]~~ 63N-1b-305(7), including:
 - (a) providing recommendations regarding course offerings in computer science;
 - (b) providing recommendations regarding professional development opportunities in computer science for licensed teachers;
 - (c) providing recommendations regarding curriculum software for computer science courses;
 - (d) providing recommendations regarding assessment solutions to measure the learning outcomes of students in computer science courses; and
 - (e) providing information regarding how a local education agency can receive technical support from the talent ~~[ready board]~~ subcommittee in providing computer science education opportunities for students.

Section ~~{107}~~88. Section **63N-1b-305**, which is renumbered from Section 63N-12-506 is renumbered and amended to read:

~~[63N-12-506].~~ **63N-1b-305. Computer Science for Utah Grant Program.**

HB0348S02 compared with HB0348S01

(1) As used in this section, "grant program" means the Computer Science for Utah Grant Program created in Subsection (2).

(2) The Computer Science for Utah Grant Program is created to provide grants to eligible local education agencies for improving computer science learning outcomes and course offerings as demonstrated by:

(a) the creation and implementation of a local education agency computer science plan as described in Subsection (7); and

(b) the effective implementation of approved courses and the provision of effective training opportunities for licensed teachers.

(3) Subject to appropriations from the Legislature, and subject to the approval of the talent [~~ready board~~] subcommittee, the state board shall distribute to local education agencies money appropriated for the grant program in accordance with this section.

(4) The state board shall:

(a) solicit applications from local education agency boards to receive grant money under the grant program;

(b) make recommendations to the talent [~~ready board~~] subcommittee regarding the awarding of grant money to a local education agency board on behalf of a local education agency based on the criteria described in Subsection (6); and

(c) obtain final approval from the talent [~~ready board~~] subcommittee before awarding grant money.

(5) In administering the Computer Science for Utah Grant Program, the state board and the office, in consultation with the talent [~~ready board~~] subcommittee, may make rules, in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(a) describe the form and deadlines for a grant application by a local education agency under this section; and

(b) describe the reporting requirements required by a local education agency after receiving a grant under this section.

(6) In awarding a grant under Subsection (3), the state board shall consider the effectiveness of the local education agency in creating and implementing a local education agency computer science plan as described in Subsection (7).

(7) Each local education agency that seeks a grant as described in this section shall

HB0348S02 compared with HB0348S01

submit a written computer science plan, in a form approved by the state board and the talent ~~[ready board]~~ subcommittee, that:

- (a) covers at least four years;
 - (b) addresses the recommendations of the talent ~~[ready board's]~~ subcommittee's computer science education master plan described in Section ~~[63N-12-505]~~ 63N-1b-304;
 - (c) identifies targets for improved computer science offerings, student learning, and licensed teacher training;
 - (d) describes a computer science professional development program and other opportunities for high quality professional learning for licensed teachers or individuals training to become licensed teachers;
 - (e) provides a detailed budget, communications, and reporting structure for implementing the computer science plan;
 - (f) commits to provide one computer science course offering, approved by the talent ~~[ready board]~~ subcommittee, in every middle and high school within the local education agency;
 - (g) commits to integrate computer science education into the curriculum of each elementary school within the local education agency; and
 - (h) includes any other requirement established by the state board or the office by rule, in consultation with the talent ~~[ready board]~~ subcommittee, in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (8) Each local education agency that receives a grant as described in this section shall provide an annual written assessment to the state board and the talent ~~[ready board]~~ subcommittee for each year that the local education agency receives a grant or expends grant money that includes:
- (a) how the grant money was used;
 - (b) any improvements in the number and quality of computer science offerings provided by the local education agency and any increase in the number of licensed teachers providing computer science teaching to students;
 - (c) any difficulties encountered during implementation of the local education agency's written computer science plan and steps that will be taken to address the difficulties; and
 - (d) any other requirement established by the state board or the office by rule, in

HB0348S02 compared with HB0348S01

consultation with the talent ~~[ready board]~~ subcommittee, in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(9) (a) The state board and the talent ~~[ready board]~~ subcommittee shall review each annual written assessment described in Subsection (8).

(b) As a result of the review described in Subsection (9)(a):

(i) the state board or the talent ~~[ready board]~~ subcommittee may provide recommendations to improve the progress of the local education agency in meeting the objectives of the written computer science plan;

(ii) the state board may determine not to renew or extend a grant under this section; or

(iii) the state board or the talent ~~[ready board]~~ subcommittee may take other action to assist the local education agency.

Section ~~{108}~~ 89. Section **63N-1b-306**, which is renumbered from Section 63N-12-507 is renumbered and amended to read:

~~[63N-12-507]~~. **63N-1b-306**. **Apprenticeships and work-based learning.**

(1) The ~~[center]~~ talent program in collaboration with the talent ~~[ready board]~~ subcommittee may partner with one or more of the following to facilitate and encourage apprenticeship opportunities and work-based learning opportunities for Utah students:

(a) the state board;

(b) the Utah system of higher education; and

(c) a participating employer in the state.

(2) Subject to appropriations from the Legislature and in accordance with the proposal process and other provisions of this section, the talent ~~[ready board]~~ subcommittee, with the concurrence of the executive director, may provide funding for approved apprenticeship opportunities and work-based learning opportunities.

(3) To receive funding under this section, an entity described in Subsection (1) seeking to partner with the ~~[center]~~ talent program shall submit a proposal through the ~~[center]~~ talent program, in a form approved by the ~~[center]~~ talent program and in accordance with deadlines determined by the ~~[center]~~ talent program, that contains the following elements:

(a) the proposal shall include:

(i) a description of the proposed apprenticeship program or work-based learning program that demonstrates the program will be:

HB0348S02 compared with HB0348S01

- (A) responsive to the workforce needs of a high demand industry or occupation; and
- (B) a partnership between at least one participating employer and at least one public high school, technical college, or institution of higher education;
 - (ii) an estimate of:
 - (A) student enrollment in the program;
 - (B) what school credit, credentials, certifications, or other workforce attainments will be provided by the program; and
 - (C) job-placement rates for students who complete the program;
 - (iii) a description of any financial contributions or in-kind contributions that will be provided by each participating employer in the program;
 - (iv) if the program would require state board approval under the provisions of Section 53B-16-102, evidence that the state board has approved the program; and
 - (v) the amount of funding requested for the program, including justification for the funding; and
- (b) while not required, a preference may be given to a proposal that includes:
 - (i) a description of a stackable credentialing pathway for participating students that will be created by the program between at least two of the following:
 - (A) a public high school;
 - (B) a technical college; and
 - (C) an institution of higher education; or
 - (ii) the potential for participating students to obtain full-time employment with the participating employer upon completion of the program.
- (4) The talent [~~ready board~~] subcommittee shall review and prioritize each proposal received and determine whether the proposal should be funded, using the following criteria:
 - (a) the quality and completeness of the elements of the proposal described in Subsection (3)(a);
 - (b) the quality of the optional elements of the proposal described in Subsection (3)(b);
 - (c) to what extent the proposal would expand the capacity to meet state or regional workforce needs; and
 - (d) other relevant criteria as determined by the talent [~~ready board~~] subcommittee.
- (5) A partnership that receives funding under this section:

HB0348S02 compared with HB0348S01

(a) shall use the money to accomplish the proposed apprenticeship program or work-based learning program;

(b) may use the money to offset a participating employer's direct operational costs associated with employing students as part of an approved apprenticeship program or work-based learning program;

(c) except as provided in Subsection (5)(d), may not use the money for educational administration; and

(d) may use the money to support one full-time employee within a career and technical education region if:

(i) each participating local education agency, public high school, technical college, and institution of higher education agree on which entity will house the full-time employee;

(ii) the full-time employee spends all of the employee's time working exclusively to develop apprentice programs or work-based learning programs; and

(iii) the full-time employee is responsible for regular reporting to and receiving training from the director of the ~~[center]~~ talent program.

(6) The ~~[center]~~ talent program shall be responsible for the administration of apprenticeship programs and work-based learning programs described in this section, including:

(a) working with and providing technical assistance to the participating partners that establish apprentice programs and work-based learning programs and that receive funding under the provisions of this section;

(b) establishing reporting requirements for participating partners that establish apprentice programs and work-based learning programs and that receive funding under the provisions of this section;

(c) providing outreach and marketing to encourage more employers to participate; and

(d) annually providing information to ~~[GOED]~~ the office regarding the activities, successes, and challenges of the center related to administering apprentice programs and work-based learning programs for inclusion in ~~[GOED's]~~ the office's annual written report described in Section ~~[63N-1-301]~~ 63N-1a-306, including:

(i) specific entities that received funding under this section;

(ii) the amount of funding provided to each entity; and

HB0348S02 compared with HB0348S01

(iii) the number of participating students in each apprentice program and work-based learning program.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the provisions of this section, the ~~[center]~~ talent program may make rules regarding:

- (a) the method and deadlines for applying for funding under this section;
- (b) the distribution of funding under this section; and
- (c) the reporting requirements of each entity receiving funding under this section.

Section ~~{109}90~~. Section **63N-1b-307**, which is renumbered from Section 63N-12-508 is renumbered and amended to read:

~~[63N-12-508].~~ **63N-1b-307. Utah Works Program.**

(1) There is created ~~[within the center]~~ the Utah Works Program.

(2) The program, under the direction of ~~[the center and]~~ the talent ~~[ready board]~~ subcommittee, shall coordinate and partner with the entities described below to develop short-term pre-employment training and short-term early employment training for student and workforce participants that meet the needs of businesses that are creating jobs and economic growth in the state by:

- (a) partnering with the office, the Department of Workforce Services, and the Utah system of higher education;
- (b) partnering with businesses that have significant hiring demands for primarily newly created jobs in the state;
- (c) coordinating with the Department of Workforce Services, education agencies, and employers to create effective recruitment initiatives to attract student and workforce participants and business participants to the program;
- (d) coordinating with the Utah system of higher education to develop educational and training resources to provide student participants in the program qualifications to be hired by business participants in the program; and
- (e) coordinating with the State Board of Education and local education agencies when appropriate to develop educational and training resources to provide student participants in the program qualifications to be hired by business participants in the program.

(3) (a) Subject to appropriation, beginning on August 5, 2020, the office, in consultation with the talent ~~[ready board]~~ subcommittee, may respond to the COVID-19

HB0348S02 compared with HB0348S01

pandemic by directing financial grants to institutions of higher education described in Section 53B-2-101 to offer short-term programs to:

- (i) provide training to furloughed, laid off, dislocated, underserved, or other populations affected by COVID-19 to fill employment gaps in the state;
- (ii) provide training and education related to industry needs; and
- (iii) provide students with certificates or other recognition after completion of training.

(b) (i) As soon as is practicable but on or before July 31, 2020, the office shall report to the director of the Division of Finance about the grant program under this Subsection (3), including:

(A) the process by which the office shall determine which institutions of higher education shall receive financial grants; and

(B) the formula for awarding financial grants.

(ii) The office shall:

(A) participate in the presentation that the director of the Division of Finance provides to the president of the Senate, the speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives under Section 63A-3-111; and

(B) consider any recommendations for adjustments to the grant program from the president of the Senate, the speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives.

(c) To implement Subsection (3)(a), an institution of higher education that receives grant funds:

(i) may use grant funds for:

(A) costs associated with developing a new program; or

(B) costs associated with expanding an existing program; and

(ii) shall demonstrate industry needs and opportunities for partnership with industry.

(d) (i) The office shall award grant funds:

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

(B) if funds remain after the initial application period, on a rolling basis until the earlier of funds being exhausted or November 30, 2020.

(ii) An institution of higher education that receives grant funds shall expend the grant

HB0348S02 compared with HB0348S01

funds on or before December 1, 2020.

(e) The [center] office shall conduct outreach, including education about career guidance, training, and workforce programs, to the targeted populations.

(4) The office, in consultation with the talent [ready board] subcommittee, may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in accordance with the provisions of this section, make rules regarding the development and administration of the Utah Works Program.

(5) The [center] Utah Works Program shall report the following metrics to the office for inclusion in the office's annual report described in Section ~~[63N-1-301]~~ 63N-1a-306:

- (a) the number of participants in the program;
 - (b) how program participants learned about or were referred to the program, including the number of participants who learned about or were referred to the program by:
 - (i) the Department of Workforce Services;
 - (ii) marketing efforts of the [center] office or talent [ready board] subcommittee;
 - (iii) a school counselor; and
 - (iv) other methods;
 - (c) the number of participants who have completed training offered by the program;
- and
- (d) the number of participants who have been hired by a business participating in the program.

Section ~~{110}91~~. Section **63N-2-103** is amended to read:

63N-2-103. Definitions.

As used in this part:

- (1) "Authority" means:
 - (a) the Utah Inland Port Authority, created in Section 11-58-201; or
 - (b) the Military Installation Development Authority, created in Section 63H-1-201.
- (2) "Authority project area" means a project area of:
 - (a) the Utah Inland Port Authority, created in Section 11-58-201; or
 - (b) the Military Installation Development Authority, created in Section 63H-1-201.
- (3) "Business entity" means a person that enters into an agreement with the office to initiate a new commercial project in Utah that will qualify the person to receive a tax credit

HB0348S02 compared with HB0348S01

under Section 59-7-614.2 or 59-10-1107.

(4) "Community reinvestment agency" has the same meaning as that term is defined in Section 17C-1-102.

(5) "Development zone" means an economic development zone created under Section 63N-2-104.

~~{ (6) For purposes of this part only, "high paying job" includes a full-time employee position described in Subsection 63N-1a-102(8) hired by a professional employer organization as defined in Section 31A-40-102, on behalf of a business entity.~~

~~— (7) For purposes of this part only, "incremental job" includes a full-time employee position described in Subsection 63N-1a-102(9) hired by a professional employer organization as defined in Section 31A-40-102, on behalf of a business entity.~~

~~‡ (6)(8)~~ "Local government entity" means a county, city, town, or authority that enters into an agreement with the office to have a new commercial project that:

(a) is initiated within:

(i) the boundary of the county, city, or town; or

(ii) an authority project area; and

(b) qualifies the county, city, town, or authority to receive a tax credit under Section 59-7-614.2.

~~(7)(9)~~ (a) "New commercial project" means an economic development opportunity that:

(i) involves new or expanded industrial, manufacturing, distribution, or business services in ~~[Utah:]~~ the state; and

(ii) advances the statewide economic development strategy.

(b) "New commercial project" does not include retail business.

~~(8)(10)~~ "Significant capital investment" means an amount of at least \$10,000,000 to purchase capital or fixed assets, which may include real property, personal property, and other fixtures related to a new commercial project:

(a) that represents an expansion of existing operations in the state; or

(b) that maintains or increases the business entity's existing work force in the state.

~~(9)(11)~~ "Tax credit" means an economic development tax credit created by Section 59-7-614.2 or 59-10-1107.

HB0348S02 compared with HB0348S01

~~§§(10)-§(12)~~ "Tax credit amount" means the amount the office lists as a tax credit on a tax credit certificate for a taxable year.

~~§§(11)-§(13)~~ "Tax credit certificate" means a certificate issued by the office that:

- (a) lists the name of the business entity, local government entity, or community development and renewal agency to which the office authorizes a tax credit;
- (b) lists the business entity's, local government entity's, or community development and renewal agency's taxpayer identification number;
- (c) lists the amount of tax credit that the office authorizes the business entity, local government entity, or community development and renewal agency for the taxable year; and
- (d) may include other information as determined by the office.

Section ~~§§§~~92. Section **63N-2-104** is amended to read:

63N-2-104. Creation of economic development zones -- Tax credits -- Assignment of tax credit.

(1) The office~~[, with advice from the board,]~~ may create an economic development zone in the state if the following requirements are satisfied:

(a) the area is zoned commercial, industrial, manufacturing, business park, research park, or other appropriate business related use in a community-approved master plan that contemplates future growth;

(b) the request to create a development zone has first been approved by an appropriate local government entity; and

(c) local incentives have been or will be committed to be provided within the area in accordance with the community's approved incentive policy and application process.

(2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules establishing the requirements for a business entity or local government entity to qualify for a tax credit for a new commercial project in a development zone under this part.

(b) The office shall ensure that the requirements described in Subsection (2)(a) include the following:

- (i) the new commercial project is within the development zone;
- (ii) the new commercial project includes direct investment within the geographic boundaries of the development zone;

HB0348S02 compared with HB0348S01

(iii) the new commercial project brings new incremental jobs to Utah;

(iv) the new commercial project includes the creation of high paying jobs in the state, significant capital investment in the state, or significant purchases from vendors, contractors, or service providers in the state, or a combination of these three economic factors;

(v) the new commercial project generates new state revenues; ~~and~~

(vi) a business entity, a local government entity, or a community reinvestment agency to which a local government entity assigns a tax credit under this section meets the requirements of Section 63N-2-105[-]; and

(vii) unless otherwise advisable in light of economic circumstances, the new commercial project relates to the industry clusters identified by the commission under Section 63N-1a-202.

(3) (a) The office, after consultation with the ~~board~~ GO Utah board, may enter into a written agreement with a business entity or local government entity authorizing a tax credit to the business entity or local government entity if the business entity or local government entity meets the requirements described in this section.

(b) (i) With respect to a new commercial project, the office may authorize a tax credit to a business entity or a local government entity, but not both.

(ii) In determining whether to authorize a tax credit with respect to a new commercial project to a business entity or a local government entity, the office shall authorize the tax credit in a manner that the office determines will result in providing the most effective incentive for the new commercial project.

~~[(c)(i) Except as provided in Subsection (3)(c)(ii), the]~~

(c) The office may not authorize or commit to authorize a tax credit that exceeds:

~~[(A) (i) 50% of the new state revenues from the new commercial project in any given year; or~~

~~[(B) (ii) 30% of the new state revenues from the new commercial project over the lesser of the life of a new commercial project or 20 years.~~

~~[(ii) If the eligible business entity makes capital expenditures in the state of \$1,500,000,000 or more associated with a new commercial project, the office may:]~~

~~[(A) authorize or commit to authorize a tax credit not exceeding 60% of new state revenues over the lesser of the life of the project or 20 years, if the other requirements of this~~

HB0348S02 compared with HB0348S01

~~part are met;]~~

~~[(B) establish the year that state revenues and incremental jobs baseline data are measured for purposes of an incentive under this Subsection (3)(c)(ii); and]~~

~~[(C) offer an incentive under this Subsection (3)(c)(ii) or modify an existing incentive previously granted under Subsection (3)(c)(i) that is based on the baseline measurements described in Subsection (3)(c)(ii)(B), except that the incentive may not authorize or commit to authorize a tax credit of more than 60% of new state revenues in any one year.]~~

(d) (i) A local government entity may by resolution assign a tax credit authorized by the office to a community reinvestment agency.

(ii) The local government entity shall provide a copy of the resolution described in Subsection (3)(d)(i) to the office.

(iii) If a local government entity assigns a tax credit to a community reinvestment agency, the written agreement described in Subsection (3)(a) shall:

(A) be between the office, the local government entity, and the community reinvestment agency;

(B) establish the obligations of the local government entity and the community reinvestment agency; and

(C) establish the extent to which any of the local government entity's obligations are transferred to the community reinvestment agency.

(iv) If a local government entity assigns a tax credit to a community reinvestment agency:

(A) the community reinvestment agency shall retain records as described in Subsection (4)(d); and

(B) a tax credit certificate issued in accordance with Section 63N-2-105 shall list the community reinvestment agency as the named applicant.

(4) The office shall ensure that the written agreement described in Subsection (3):

(a) specifies the requirements that the business entity or local government entity shall meet to qualify for a tax credit under this part;

(b) specifies the maximum amount of tax credit that the business entity or local government entity may be authorized for a taxable year and over the life of the new commercial project;

HB0348S02 compared with HB0348S01

(c) establishes the length of time the business entity or local government entity may claim a tax credit;

(d) requires the business entity or local government entity to retain records supporting a claim for a tax credit for at least four years after the business entity or local government entity claims a tax credit under this part; and

(e) requires the business entity or local government entity to submit to audits for verification of the tax credit claimed.

(5) The office may attribute an incremental job or a high paying job to a new commercial project regardless of whether the job is performed in person, within the development zone or remotely from elsewhere in the state.

Section ~~{112}~~93. Section **63N-2-105** is amended to read:

63N-2-105. Qualifications for tax credit -- Procedure.

(1) The office shall certify a business entity's or local government entity's eligibility for a tax credit as provided in this part.

(2) A business entity or local government entity seeking to receive a tax credit as provided in this part shall provide the office with:

(a) an application for a tax credit certificate, including a certification, by an officer of the business entity, of any signature on the application;

(b) (i) for a business entity, documentation of the new state revenues from the business entity's new commercial project that were paid during ~~[the preceding]~~ a calendar year; or

(ii) for a local government entity, documentation of the new state revenues from the new commercial project within the area of the local government entity that were paid during ~~[the preceding]~~ a calendar year;

(c) known or expected detriments to the state or existing businesses in the state;

(d) if a local government entity seeks to assign the tax credit to a community reinvestment agency as described in Section 63N-2-104, a statement providing the name and taxpayer identification number of the community reinvestment agency to which the local government entity seeks to assign the tax credit;

~~[(e) (i) with respect to a business entity, a document that expressly directs and authorizes the State Tax Commission to disclose to the office the business entity's returns and other information that would otherwise be subject to confidentiality under Section 59-1-403 or~~

HB0348S02 compared with HB0348S01

~~Section 6103, Internal Revenue Code;~~

(e) (i) with respect to a business entity that seeks to claim a tax credit:

(A) a document that expressly directs and authorizes the State Tax Commission to disclose to the office the business entity's returns and other information that would otherwise be subject to confidentiality under Section ~~{59-9-103}~~59-1-403 or Section 6103, Internal Revenue Code; and

(B) a document that expressly directs and authorizes the Department of Workforce Services to disclose to the office the business entity's unemployment insurance contribution reports that would otherwise be subject to confidentiality under Section ~~{35A-2-312}~~35A-4-312;

(ii) with respect to a local government entity that seeks to claim the tax credit:

(A) a document that expressly directs and authorizes the State Tax Commission to disclose to the office the local government entity's returns and other information that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code; and

(B) if the new state revenues collected as a result of a new commercial project are attributable in whole or in part to a new or expanded industrial, manufacturing, distribution, or business service within a new commercial project within the area of the local government entity, a document signed by an authorized representative of the new or expanded industrial, manufacturing, distribution, or business service that:

(I) expressly directs and authorizes the State Tax Commission to disclose to the office the returns of the new or expanded industrial, manufacturing, distribution, or business service and other information that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code; and

(II) lists the taxpayer identification number of the new or expanded industrial, manufacturing, distribution, or business service; or

(iii) with respect to a local government entity that seeks to assign the tax credit to a community reinvestment agency:

(A) a document signed by the members of the governing body of the community reinvestment agency that expressly directs and authorizes the State Tax Commission to disclose to the office the returns of the community reinvestment agency and other information

HB0348S02 compared with HB0348S01

that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code; and

(B) if the new state revenues collected as a result of a new commercial project are attributable in whole or in part to a new or expanded industrial, manufacturing, distribution, or business service within a new commercial project within the community reinvestment agency, a document signed by an authorized representative of the new or expanded industrial, manufacturing, distribution, or business service that:

(I) expressly directs and authorizes the State Tax Commission to disclose to the office the returns of the new or expanded industrial, manufacturing, distribution, or business service and other information that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code; and

(II) lists the taxpayer identification number of the new or expanded industrial, manufacturing, distribution, or business service; and

(f) for a business entity only, documentation that the business entity has satisfied the performance benchmarks outlined in the written agreement described in Subsection 63N-2-104(3)(a), ~~[including]~~ and as defined by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including the creation of new:

~~[(i) the creation of new incremental jobs that are also high paying jobs;]~~

~~[(ii) significant capital investment;]~~

~~[(iii) significant purchases from Utah vendors and providers; or]~~

~~[(iv) a combination of these benchmarks:]~~

(i) incremental jobs;

(ii) high paying jobs; and

(iii) state revenue.

(3) (a) The office shall submit the documents described in Subsection (2)(e) to the State Tax Commission.

(b) Upon receipt of a document described in Subsection (2)(e), the State Tax Commission shall provide the office with the returns and other information requested by the office that the State Tax Commission is directed or authorized to provide to the office in accordance with Subsection (2)(e).

(4) If, with respect to an agreement described in Subsection 63N-2-104(3)(a) between

HB0348S02 compared with HB0348S01

the office and a business entity, the office identifies one of the following events, the office and the business entity shall amend or the office may terminate the agreement:

(a) a change in the business entity's organization resulting from a merger with or acquisition of another entity located in the state;

(b) a material increase in the business entity's retail operations that results in new state revenue not subject to the incentive; or

(c) ~~operations as defined in the agreement resulting in new state revenue within~~ an increase in the business entity's operations that:

(i) is outside the scope of the agreement or outside the boundaries of a development zone; and

(ii) results in new state revenue not subject to the incentive.

~~[(4)]~~ (5) If, after review of the returns and other information provided by the State Tax Commission, or after review of the ongoing performance of the business entity or local government entity, the office determines that the returns and other information are inadequate to provide a reasonable justification for authorizing or continuing a tax credit, the office shall:

(a) (i) deny the tax credit; or

(ii) terminate the agreement described in Subsection 63N-2-104(3)(a) for failure to meet the performance standards established in the agreement; or

(b) inform the business entity or local government entity that the returns or other information were inadequate and ask the business entity or local government entity to submit new documentation.

~~[(5)]~~ (6) If after review of the returns and other information provided by the State Tax Commission, the office determines that the returns and other information provided by the business entity or local government entity provide reasonable justification for authorizing a tax credit, the office shall, based upon the returns and other information:

(a) determine the amount of the tax credit to be granted to the business entity, local government entity, or if the local government entity assigns the tax credit as described in Section 63N-2-104, to the community reinvestment agency to which the local government entity assigns the tax credit;

(b) issue a tax credit certificate to the business entity, local government entity, or if the local government entity assigns the tax credit as described in Section 63N-2-104, to the

HB0348S02 compared with HB0348S01

community reinvestment agency to which the local government entity assigns the tax credit;
and

(c) provide a [~~duplicate copy~~] digital record of the tax credit certificate to the State Tax Commission.

(7) (a) For purposes of determining the amount of a business entity's tax credit in accordance with this section, the office may establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process by which the office closely approximates the amount of taxes the business entity paid under Title 59, Chapter 12, Sales and Use Tax Act, for a capital project.

(b) The office may apply a process described in Subsection (7)(a) to a business entity only with respect to a new agreement described in Subsection 63N-2-104(3)(a) that takes effect on or after January 1, 2022.

~~[(6)]~~ ~~(~~7~~)~~ (8) A business entity, local government entity, or community reinvestment agency may not claim a tax credit unless the business entity, local government entity, or community reinvestment agency has a tax credit certificate issued by the office.

~~[(7)]~~ ~~(~~8~~)~~ (9) (a) A business entity, local government entity, or community reinvestment agency may claim a tax credit in the amount listed on the tax credit certificate on its tax return.

(b) A business entity, local government entity, or community reinvestment agency that claims a tax credit under this section shall retain the tax credit certificate in accordance with Section 59-7-614.2 or 59-10-1107.

Section 94. Section 63N-2-106 is amended to read:

63N-2-106. Reports -- Posting monthly and annual reports -- Audit and study of tax credits.

(1) The office shall include the following information in the annual written report described in Section ~~[63N-1-301]~~ 63N-1a-306:

(a) the office's success in attracting new commercial projects to development zones under this part and the corresponding increase in new incremental jobs;

(b) how many new incremental jobs and high paying jobs are employees of a company that received tax credits under this part, including the number of employees who work for a third-party rather than directly for a company, receiving the tax credits under this part;

(c) the estimated amount of tax credit commitments made by the office and the period

HB0348S02 compared with HB0348S01

of time over which tax credits will be paid;

(d) the economic impact on the state from new state revenues and the provision of tax credits under this part;

(e) the estimated costs and economic benefits of the tax credit commitments made by the office;

(f) the actual costs and economic benefits of the tax credit commitments made by the office; and

(g) tax credit commitments made by the office, with the associated calculation.

(2) Each month, the office shall post on its website and on a state website:

(a) the new tax credit commitments made by the office during the previous month; and

(b) the estimated costs and economic benefits of those tax credit commitments.

(3) (a) On or before November 1, 2014, and every three years after November 1, 2014, the office shall:

(i) conduct an audit of the tax credits allowed under Section 63N-2-105;

(ii) study the tax credits allowed under Section 63N-2-105; and

(iii) make recommendations concerning whether the tax credits should be continued, modified, or repealed.

(b) The audit shall include an evaluation of:

(i) the cost of the tax credits;

(ii) the purposes and effectiveness of the tax credits;

(iii) the extent to which the state benefits from the tax credits; and

(iv) the state's return on investment under this part measured by new state revenues, compared with the costs of tax credits provided and GOED's expenses in administering this part.

(c) The office shall provide the results of the audit described in this Subsection (3):

(i) in the written annual report described in Subsection (1); and

(ii) as part of the reviews described in Sections 59-7-159 and 59-10-137.

Section ~~63N-2-107~~95. Section **63N-2-107** is amended to read:

63N-2-107. Reports of new state revenues, partial rebates, and tax credits.

(1) Before October 1 of each year, the office shall submit a report to the Governor's Office of Management and Budget, the Office of Legislative Fiscal Analyst, and the Division

HB0348S02 compared with HB0348S01

of Finance identifying:

(a) (i) the total estimated amount of new state revenues created from new commercial projects in development zones;

(ii) the estimated amount of new state revenues from new commercial projects in development zones that will be generated from:

(A) sales tax;

(B) income tax; and

(C) corporate franchise and income tax; and

(iii) the minimum number of new incremental jobs and high paying jobs that will be created before any tax credit is awarded; and

(b) the total estimated amount of tax credits that the office projects that business entities, local government entities, or community reinvestment agencies will qualify to claim under this part.

(2) By the first business day of each month, the office shall submit a report to the Governor's Office of Management and Budget, the Office of Legislative Fiscal Analyst, and the Division of Finance identifying:

(a) each new agreement entered into by the office since the last report;

(b) the estimated amount of new state revenues that will be generated under each agreement;

(c) the estimated maximum amount of tax credits that a business entity, local government entity, or community reinvestment agency could qualify for under each agreement; and

(d) the minimum number of new incremental jobs and high paying jobs that will be created before any tax credit is awarded.

(3) At the reasonable request of the Governor's Office of Management and Budget, the Office of Legislative Fiscal Analyst, or the Division of Finance, the office shall provide additional information about the tax credit, new incremental jobs and high paying jobs, costs, and economic benefits related to this part, if the information is part of a public record as defined in Section 63G-2-103.

(4) By June 30, the office shall submit to the Economic Development and Workforce Services Interim Committee, the Business, Economic Development, and Labor Appropriations

HB0348S02 compared with HB0348S01

Subcommittee, and the governor, a written report that provides an overview of the implementation and efficacy of the statewide economic development strategy, including an analysis of the extent to which the office's programs are aligned with the prevailing economic conditions expected in the next fiscal year.

Section 96. Section 63N-2-203 is amended to read:

63N-2-203. Powers of the office.

The office shall:

- (1) monitor the implementation and operation of this part and conduct a continuing evaluation of the progress made in the enterprise zones;
- (2) evaluate an application for designation as an enterprise zone from a county applicant or a municipal applicant and determine if the applicant qualifies for that designation;
- (3) provide technical assistance to county applicants and municipal applicants in developing applications for designation as enterprise zones;
- (4) assist county applicants and municipal applicants designated as enterprise zones in obtaining assistance from the federal government and agencies of the state;
- (5) assist a qualified business entity in obtaining the benefits of an incentive or inducement program authorized by this part; and
- (6) as part of the annual written report described in Section ~~[63N-1-301]~~ 63N-1-306, prepare an annual evaluation that provides:
 - (a) based on data from the State Tax Commission, the total amount of tax credits claimed under this part;
 - (b) the total amount awarded in tax credits for each development zone;
 - (c) the number of new full-time employee positions reported to obtain tax credits in each development zone;
 - (d) the amount of tax credits awarded for rehabilitating a building in each development zone;
 - (e) the amount of tax credits awarded for investing in a plant, equipment, or other depreciable property in each development zone; and
 - (f) recommendations regarding the effectiveness of the program and any suggestions for legislation.

Section ~~{114}~~97. Section 63N-2-213 is amended to read:

HB0348S02 compared with HB0348S01

63N-2-213. State tax credits.

(1) The office shall certify a business entity's eligibility for a tax credit described in this section.

(2) A business entity seeking to receive a tax credit as provided in this section shall provide the office with:

(a) an application for a tax credit certificate in a form approved by the office, including a certification, by an officer of the business entity, of a signature on the application; and

(b) documentation that demonstrates the business entity has met the requirements to receive the tax credit.

(3) If, after review of an application and documentation provided by a business entity as described in Subsection (2), the office determines that the application and documentation are inadequate to provide a reasonable justification for authorizing the tax credit, the office shall:

(a) deny the tax credit; or

(b) inform the business entity that the application or documentation was inadequate and ask the business entity to submit additional documentation.

(4) If, after review of an application and documentation provided by a business entity as described in Subsection (2), the office determines that the application and documentation provide reasonable justification for authorizing a tax credit, the office shall:

(a) determine the amount of the tax credit to be granted to the business entity;

(b) issue a tax credit certificate to the business entity; and

(c) provide a [~~duplicate copy~~] digital record of the tax credit certificate to the State Tax Commission.

(5) A business entity may not claim a tax credit under this section unless the business entity has a tax credit certificate issued by the office.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules describing:

(a) the form and content of an application for a tax credit under this section;

(b) the documentation requirements for a business entity to receive a tax credit certificate under this section; and

(c) administration of the program, including relevant timelines and deadlines.

(7) Subject to the limitations of Subsections (8) through (10), and if the requirements

HB0348S02 compared with HB0348S01

of this part are met, the following nonrefundable tax credits against a tax under Title 59, Chapter 7, Corporate Franchise and Income Taxes, or Title 59, Chapter 10, Individual Income Tax Act, are applicable in an enterprise zone:

(a) a tax credit of \$750 may be claimed by a business entity for each new full-time employee position created within the enterprise zone;

(b) an additional \$500 tax credit may be claimed if the new full-time employee position created within the enterprise zone pays at least 125% of:

(i) the county average monthly nonagricultural payroll wage for the respective industry as determined by the Department of Workforce Services; or

(ii) if the county average monthly nonagricultural payroll wage is not available for the respective industry, the total average monthly nonagricultural payroll wage in the respective county where the enterprise zone is located;

(c) an additional tax credit of \$750 may be claimed if the new full-time employee position created within the enterprise zone is in a business entity that adds value to agricultural commodities through manufacturing or processing;

(d) an additional tax credit of \$200 may be claimed for each new full-time employee position created within the enterprise zone that is filled by an employee who is insured under an employer-sponsored health insurance program if the employer pays at least 50% of the premium cost for the year for which the credit is claimed;

(e) a tax credit of 25% of the first \$200,000 spent on rehabilitating a building in the enterprise zone that has been vacant for two years or more, including that the building has had or contained no occupants, tenants, furniture, or personal property for two years or more, in the time period immediately before the rehabilitation; and

(f) an annual investment tax credit may be claimed in an amount equal to 5% of the first \$750,000 qualifying investment in plant, equipment, or other depreciable property.

(8) (a) Subject to the limitations of Subsection (8)(b), a business entity claiming a tax credit under Subsections (7)(a) through (d) may claim the tax credit for no more than 30 full-time employee positions in a taxable year.

(b) A business entity that received a tax credit for one or more new full-time employee positions under Subsections (7)(a) through (d) in a prior taxable year may claim a tax credit for a new full-time employee position in a subsequent taxable year under Subsections (7)(a)

HB0348S02 compared with HB0348S01

through (d) if:

(i) the business entity has created a new full-time position within the enterprise zone;

and

(ii) the total number of employee positions at the business entity at any point during the tax year for which the tax credit is being claimed is greater than the highest number of employee positions that existed at the business entity in the previous taxable year.

(c) Construction jobs are not eligible for the tax credits under Subsections (7)(a) through (d).

(9) If the amount of a tax credit under this section exceeds a business entity's tax liability under this chapter for a taxable year, the business entity may carry forward the amount of the tax credit exceeding the liability for a period that does not exceed the next three taxable years.

(10) Tax credits under Subsections (7)(a) through (f) may not be claimed by a business entity primarily engaged in retail trade, residential rental property, or by a public utilities business.

(11) A business entity that has no employees:

(a) may not claim tax credits under Subsections (7)(a) through (d); and

(b) may claim tax credits under Subsections (7)(e) through (f).

(12) (a) A business entity may not claim or carry forward a tax credit available under this part for a taxable year during which the business entity has claimed the targeted business income tax credit available under Section 63N-2-304.

(b) A business entity may not claim or carry forward a tax credit available under this section for a taxable year during which the business entity claims or carries forward a tax credit available under Section 59-7-610 or 59-10-1007.

(13) (a) On or before November 30, 2018, and every three years after 2018, the Revenue and Taxation Interim Committee shall review the tax credits provided by this section and make recommendations concerning whether the tax credits should be continued, modified, or repealed.

(b) In conducting the review required by Subsection (13)(a), the Revenue and Taxation Interim Committee shall:

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

HB0348S02 compared with HB0348S01

(ii) invite state agencies, individuals, and organizations concerned with the credits under review to provide testimony;

(iii) ensure that the recommendations described in this section include an evaluation of:

(A) the cost of the tax credits to the state;

(B) the purpose and effectiveness of the tax credits; and

(C) the extent to which the state benefits from the tax credits; and

(iv) undertake other review efforts as determined by the chairs of the Revenue and Taxation Interim Committee.

Section 98. Section 63N-2-303 is amended to read:

63N-2-303. Duties of the office.

The office shall:

(1) monitor the implementation and operation of this part and conduct a continuing evaluation of the effectiveness of the targeted business income tax credit in bringing significant new employment and significant new capital development to rural communities;

(2) determine a business entity's eligibility for a targeted business income tax credit award;

(3) ensure that tax credits are only awarded under this part to a business applicant that has satisfied performance benchmarks as determined by the office;

(4) ensure that the amount of targeted business income tax credit awarded to a business applicant through a targeted business income tax credit eligibility certificate is no more than \$100,000 for the business applicant's taxable year;

(5) ensure that the aggregate amount of targeted business income tax credits awarded to business applicants through targeted business income tax credit eligibility certificates is no more than \$300,000 for each fiscal year;

(6) as part of the annual written report described in Section ~~[63N-1-301]~~ 63N-1a-306, prepare an annual evaluation that provides:

(a) the identity of each business applicant that was provided a targeted business income tax credit eligibility certificate by the office during the year of the annual report; and

(b) the total amount awarded in targeted business income tax credit for each development zone; and

(7) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and

HB0348S02 compared with HB0348S01

in accordance with the provisions of this part, make rules regarding:

- (a) the determination of what constitutes:
 - (i) significant new employment;
 - (ii) significant new capital development; and
 - (iii) a community investment project;
- (b) the form and content of an application for a targeted business income tax credit eligibility certificate under this part;
- (c) documentation or other requirements for a business applicant to receive a targeted business income tax credit eligibility certificate under this part; and
- (d) administration of targeted business income tax credit awards and the issuing of targeted business income tax credit eligibility certificates, including relevant timelines and deadlines.

Section ~~{115}99~~. Section **63N-2-503** is amended to read:

63N-2-503. Agreement for development of new convention hotel -- Convention incentive authorized -- Agreement requirements.

- (1) The office, with the board's advice, may enter into an agreement with a qualified hotel owner or a host local government:
 - (a) for the development of a qualified hotel; and
 - (b) to authorize a convention incentive:
 - (i) to the qualified hotel owner or host local government, but not both;
 - (ii) for a period not to exceed the eligibility period;
 - (iii) in the amount of new tax revenue, subject to Subsection (2) and notwithstanding any other restriction provided by law;
 - (iv) if:
 - (A) the county in which the qualified hotel is proposed to be located has issued an endorsement letter endorsing the qualified hotel owner; and
 - (B) all applicable requirements of this part and the agreement are met; and
 - (v) that is reduced by \$1,900,000 per year during the first two years of the eligibility period, as described in Subsection (2)(c).
- (2) An agreement under Subsection (1) shall:
 - (a) specify the requirements for the qualified hotel owner or host local government to

HB0348S02 compared with HB0348S01

qualify for a convention incentive;

(b) require compliance with the terms of the endorsement letter issued by the county in which the qualified hotel is proposed to be located;

(c) require the amount of certified claims for the first two years of the eligibility period to be reduced by \$1,900,000 per year;

(d) with respect to the state portion of the convention incentive:

(i) specify the maximum dollar amount that the qualified hotel owner or host local government may receive, subject to a maximum of:

(A) for any calendar year, the amount of the state portion in that calendar year; and

(B) \$75,000,000 in the aggregate for the qualified hotel owner or host local government during an eligibility period, calculated as though the two \$1,900,000 reductions of the ~~[tax credit]~~ convention incentive amount under Subsection (1)(b)(iv) had not occurred; and

(ii) specify the maximum percentage of the state portion that may be used in calculating the portion of the convention incentive that the qualified hotel owner or host local government may receive during the eligibility period for each calendar year and in the aggregate;

(e) establish a shorter period of time than the period described in Subsection 63N-2-502(10)(a) during which the qualified hotel owner or host local government may claim the convention incentive or that the host agency may be paid incremental property tax revenue, if the office and qualified hotel owner or host local government agree to a shorter period of time;

(f) require the qualified hotel owner to retain books and records supporting a claim for the convention incentive as required by Section 59-1-1406;

(g) allow the transfer of the agreement to a third party if the third party assumes all liabilities and responsibilities in the agreement;

(h) limit the expenditure of funds received under the convention incentive as provided in Section 63N-2-512; and

(i) require the qualified hotel owner or host local government to submit to any audit and to provide any audit level ~~[attestation]~~ review or other level of review the office considers appropriate for verification of any claim.

(3) Notwithstanding any other provision of law, a county or city in which a qualified

HB0348S02 compared with HB0348S01

hotel is located may contribute property to the qualified hotel owner or host local government without consideration, to be used as provided in Subsection 63N-2-508(3)(a).

Section ~~116~~100. Section **63N-2-504** is amended to read:

63N-2-504. Independent review committee.

(1) In accordance with rules adopted by the office under Section 63N-2-509, the [~~board~~] GO Utah board shall establish a separate, independent review committee to provide recommendations to the office regarding the terms and conditions of an agreement and to consult with the office as provided in this part or in rule.

(2) The review committee shall consist of:

(a) one member appointed by the executive director to represent the office;

(b) two members appointed by the mayor or chief executive of the county in which the qualified hotel is located or proposed to be located;

(c) two members appointed by:

(i) the mayor of the municipality in which the qualified hotel is located or proposed to be located, if the qualified hotel is located or proposed to be located within the boundary of a municipality; or

(ii) the mayor or chief executive of the county in which the qualified hotel is located or proposed to be located, in addition to the two members appointed under Subsection (2)(b), if the qualified hotel is located or proposed to be located outside the boundary of a municipality;

(d) an individual representing the hotel industry, appointed by the Utah Hotel and Lodging Association;

(e) an individual representing the commercial development and construction industry, appointed by the president or chief executive officer of the local chamber of commerce;

(f) an individual representing the convention and meeting planners industry, appointed by the president or chief executive officer of the local convention and visitors bureau; and

(g) one member appointed by the [~~board~~] GO Utah board.

(3) (a) A member serves an indeterminate term and may be removed from the review committee by the appointing authority at any time.

(b) A vacancy may be filled in the same manner as an appointment under Subsection (2).

(4) A member of the review committee may not be paid for serving on the review

HB0348S02 compared with HB0348S01

committee and may not receive per diem or expense reimbursement.

(5) The office shall provide any necessary staff support to the review committee.

Section 101. Section 63N-2-510 is amended to read:

63N-2-510. Report by office -- Posting of report.

(1) The office shall include the following information in the office's annual written report described in Section ~~[63N-1-301]~~ 63N-1a-306:

(a) the state's success in attracting new conventions and corresponding new state revenue;

(b) the estimated amount of convention incentive commitments and the associated calculation made by the office and the period of time over which convention incentives are expected to be paid;

(c) the economic impact on the state related to generating new state revenue and providing convention incentives; and

(d) the estimated and actual costs and economic benefits of the convention incentive commitments that the office made.

(2) Upon the commencement of the construction of a qualified hotel, the office shall send a written notice to the Division of Finance:

(a) referring to the two annual deposits required under Subsection 59-12-103(11); and

(b) notifying the Division of Finance that construction on the qualified hotel has begun.

~~Section 117~~ 102. Section 63N-2-512 is amended to read:

63N-2-512. Hotel Impact Mitigation Fund.

(1) As used in this section:

(a) "Affected hotel" means a hotel built in the state before July 1, 2014.

(b) "Direct losses" means affected hotels' losses of hotel guest business attributable to the qualified hotel room supply being added to the market in the state.

(c) "Mitigation fund" means the Hotel Impact Mitigation Fund, created in Subsection (2).

(2) There is created an expendable special revenue fund known as the Hotel Impact Mitigation Fund.

(3) The mitigation fund shall:

(a) be administered by the ~~[board]~~ GO Utah board;

HB0348S02 compared with HB0348S01

(b) earn interest; and

(c) be funded by:

(i) payments required to be deposited into the mitigation fund by the Division of Finance under Subsection 59-12-103(11);

(ii) money required to be deposited into the mitigation fund under Subsection 17-31-9(2) by the county in which a qualified hotel is located; and

(iii) any money deposited into the mitigation fund under Subsection (6).

(4) Interest earned by the mitigation fund shall be deposited into the mitigation fund.

(5) (a) In accordance with office rules, the [board] GO Utah board shall annually pay up to \$2,100,000 of money in the mitigation fund:

(i) to affected hotels;

(ii) for four consecutive years, beginning 12 months after the date of initial occupancy of the qualified hotel occurs; and

(iii) to mitigate direct losses.

(b) (i) If the amount the [board] GO Utah board pays under Subsection (5)(a) in any year is less than \$2,100,000, the [board] GO Utah board shall pay to the Stay Another Day and Bounce Back Fund, created in Section 63N-2-511, the difference between \$2,100,000 and the amount paid under Subsection (5)(a).

(ii) The [board] GO Utah board shall make any required payment under Subsection (5)(b)(i) within 90 days after the end of the year for which a determination is made of how much the [board] GO Utah board is required to pay to affected hotels under Subsection (5)(a).

(6) A host local government or qualified hotel owner may make payments to the Division of Finance for deposit into the mitigation fund.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall, in consultation with the Utah Hotel and Lodging Association and the county in which the qualified hotel is located, make rules establishing procedures and criteria governing payments under Subsection (5)(a) to affected hotels.

Section ~~{118}~~103. Section **63N-2-808** is amended to read:

63N-2-808. Agreements between office and tax credit applicant and life science establishment -- Tax credit certificate.

(1) (a) The office, with advice from the [board] GO Utah board, may enter into an

HB0348S02 compared with HB0348S01

agreement to grant a tax credit certificate to a tax credit applicant selected in accordance with this part, if the tax credit applicant meets the conditions established in the agreement and under this part.

(b) The agreement described in Subsection (1)(a) shall:

(i) detail the requirements that the tax credit applicant shall meet prior to receiving a tax credit certificate;

(ii) require the tax credit certificate recipient to retain records supporting a claim for a tax credit for at least four years after the tax credit certificate recipient claims a tax credit under this part; and

(iii) require the tax credit certificate recipient to submit to audits for verification of the tax credit claimed, including audits by the office and by the State Tax Commission.

(2) (a) The office, with advice from the [board] GO Utah board, shall enter into an agreement with the life science establishment in which the tax credit applicant invested for purposes of claiming a tax credit.

(b) The agreement described in Subsection (2)(a):

(i) shall provide the office with a document that expressly and directly authorizes the State Tax Commission to disclose to the office the life science establishment's tax returns and other information that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code;

(ii) shall authorize the Department of Workforce Services to disclose to the office the employment data that the life science establishment submits to the Department of Workforce Services;

(iii) shall require the life science establishment to provide the office with the life science establishment's current capitalization tables; and

(iv) may require the life science establishment to provide the office with other data that:

(A) ensure compliance with the requirements of this chapter; and

(B) demonstrate the economic impact of the tax credit applicant's investment in the life science establishment.

Section 104. Section 63N-2-810 is amended to read:

63N-2-810. Reports on tax credit certificates.

HB0348S02 compared with HB0348S01

The office shall include the following information in the annual written report described in Section ~~[63N-1-301]~~ 63N-4-106:

- (1) the total amount listed on tax credit certificates the office issues under this part;
- (2) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax credit applicants under this part; and
- (3) the economic impact on the state related to providing tax credits under this part.

Section ~~{119}~~ 105. Section **63N-3-102** is amended to read:

63N-3-102. Definitions.

As used in this part:

- (1) "Administrator" means the executive director or the executive director's designee.
- ~~[(2) "Best available control technology" means a pollution control method that is approved by the United States Environmental Protection Agency or the Department of Environmental Quality to control a certain pollutant type to a specified degree.]~~
- ~~[(3) "Company creating an economic impediment" means a company that discourages economic development within a reasonable radius of its location because of:]~~
 - ~~[(a) odors;]~~
 - ~~[(b) noise;]~~
 - ~~[(c) pollution;]~~
 - ~~[(d) health hazards; or]~~
 - ~~[(e) other activities similar to those described in Subsections (3)(a) through (d).]~~
- ~~[(4)]~~ (2) "Economic opportunities" means unique business situations or community circumstances, including the development of recreation infrastructure and the promotion of the high tech sector in the state, which lend themselves to the furtherance of the economic interests of the state by providing a catalyst or stimulus to the growth or retention, or both, of commerce and industry in the state, including retention of companies whose relocation outside the state would have a significant detrimental economic impact on the state as a whole, regions of the state, or specific components of the state as determined by the ~~[board]~~ GO Utah board.
- ~~[(5) "Economically disadvantaged rural area" means a geographic area designated by the board under Section 63N-3-111.]~~
- ~~[(6) "Nonattainment area" means a part of the state where air quality is determined to exceed the National Ambient Air Quality Standards, as defined in the Clean Air Act~~

HB0348S02 compared with HB0348S01

~~Amendments of 1970, Pub. L. No. 91-604, Sec. 109, for fine particulate matter (PM 2.5):]~~

~~[(7) "Replacement company" means a company locating its business or part of its business in a location vacated by a company creating an economic impediment.]~~

~~[(8) (3) "Restricted Account" means the restricted account known as the Industrial Assistance Account created in Section 63N-3-103.~~

~~[(9) (4) "Targeted industry" means an industry or group of industries targeted by the [board] GO Utah board under Section 63N-3-111, for economic development in the state.~~

~~(5) "Talent development grant" means a grant awarded under Section 63N-3-112.~~

Section ~~{120}~~106. Section **63N-3-103** is amended to read:

63N-3-103. Industrial Assistance Account created -- Uses -- Administrator duties -- Costs.

(1) There is created a restricted account within the General Fund known as the "Industrial Assistance Account" ~~[of which annually:]~~.

~~[(a) up to 50% of the unencumbered money in the account may be used in economically disadvantaged rural areas; and]~~

~~[(b) up to the greater of \$250,000 or 25% of the unencumbered money in the account may be used to take timely advantage of economic opportunities as they arise.]~~

(2) The administrator shall administer the restricted account ~~[created under Subsection (1) under the policy direction of the board]~~.

(3) The administrator may hire appropriate support staff to perform the duties required under this section.

(4) The cost of administering the restricted account shall be paid from money in the restricted account.

(5) Interest accrued from investment of money in the restricted account shall remain in the restricted account.

(6) The office shall review the activities and progress of grant recipients under this chapter on a regular basis and, as part of the office's annual written report described in Section ~~[63N-1-301]~~ 63N-1a-306, report on the economic impact of activities funded by ~~[the grants]~~ each grant.

Section ~~{121}~~107. Section **63N-3-105** is amended to read:

63N-3-105. Qualification for assistance.

HB0348S02 compared with HB0348S01

(1) (a) Except as provided in [~~Section~~ ~~(~~ ~~Sections~~ ~~)~~ 63N-3-108 ~~(~~ ~~)~~, ~~(~~ ~~)~~ ~~and~~ ~~(~~ ~~)~~ 63N-3-109, ~~(~~ ~~)~~ ~~or~~ ~~(~~ ~~)~~ 63N-3-109.5, Section 63N-3-109, the administrator shall determine which industries, companies, and individuals qualify to receive money from the Industrial Assistance Account.

(b) Except as provided by Subsection (2), to qualify for financial assistance from the restricted account, an applicant shall:

~~(a)~~ (i) demonstrate to the satisfaction of the administrator that the applicant will expend funds in [~~Utah~~] the state with employees, vendors, subcontractors, or other businesses in an amount proportional with money provided from the restricted account at a minimum ratio of [~~2 to 1~~] one to one per year or other more stringent requirements as established [~~from time to time by the board for a minimum period of five years beginning with the date the loan or grant was approved~~] on a per project basis by the administrator;

~~(b)~~ (ii) demonstrate to the satisfaction of the administrator the applicant's ability to sustain economic activity in the state sufficient to repay, by means of cash or appropriate credits, the loan provided by the restricted account; and

~~(c)~~ (iii) satisfy other criteria the administrator considers appropriate.

(2) (a) The administrator may exempt an applicant from the requirements of Subsection (1)(a) or (b) if:

~~(i) the financial assistance is provided to an applicant for the purpose of locating all or any portion of its operations to an economically disadvantaged rural area;~~

~~(ii)~~ (i) the applicant is part of a targeted industry;

~~(iii)~~ (ii) the applicant is a quasi-public corporation organized under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent Corporations Act, and its operations, as demonstrated to the satisfaction of the administrator, will provide significant economic stimulus to the growth of commerce and industry in the state; or

~~(iv)~~ (iii) the applicant is an entity offering an economic opportunity under Section 63N-3-109.

(b) The administrator may not exempt the applicant from the requirement under Subsection 63N-3-106(2)(b) that the loan be structured so that the repayment or return to the state equals at least the amount of the assistance together with an annual interest charge.

(3) The administrator shall:

HB0348S02 compared with HB0348S01

(a) for applicants not described in Subsection (2)(a):

(i) make findings as to whether or not each applicant has satisfied each of the conditions set forth in Subsection (1); and

(ii) monitor the continued compliance by each applicant with each of the conditions set forth in Subsection (1) for five years;

~~[(b) for applicants described in Subsection (2)(a), make findings as to whether the economic activities of each applicant has resulted in the creation of new jobs on a per capita basis in the economically disadvantaged rural area or targeted industry in which the applicant is located;]~~

~~[(c)] (b)~~ monitor the compliance by each applicant with the provisions of any contract or agreement entered into between the applicant and the state as provided in Section 63N-3-107; and

~~[(d)] (c)~~ make funding decisions based upon appropriate findings and compliance.

Section ~~{122}~~ 108. Section **63N-3-106** is amended to read:

63N-3-106. Loans, grants, and assistance -- Repayment -- Earned credits.

(1) (a) A company that qualifies under Section 63N-3-105 may receive loans, grants, or other financial assistance from the Industrial Assistance Account for expenses related to establishment, relocation, or development of industry in Utah.

~~[(b) A company creating an economic impediment that qualifies under Section 63N-3-108 may in accordance with this part receive loans, grants, or other financial assistance from the restricted account for the expenses of the company creating an economic impediment related to:]~~

~~[(i) relocation to a rural area in Utah of the company creating an economic impediment; and]~~

~~[(ii) the siting of a replacement company:]~~

~~[(c)] (b)~~ An entity offering an economic opportunity that qualifies under Section 63N-3-109 may:

(i) receive loans, grants, or other financial assistance from the restricted account for expenses related to the establishment, relocation, retention, or development of industry in the state; and

(ii) include infrastructure or other economic development precursor activities that act

HB0348S02 compared with HB0348S01

as a catalyst and stimulus for economic activity likely to lead to the maintenance or enlargement of the state's tax base.

~~[(d) An entity located in a nonattainment area that qualifies for assistance under Section 63N-3-109.5 may receive loans, grants, or other financial assistance from the restricted account for expenses related to the purchase and installation of best available control technology for air quality, including related financing and interest costs at the discretion of the administrator.]~~

(2) (a) Subject to Subsection (2)(b), the administrator has authority to determine the structure, amount, and nature of any loan, grant, or other financial assistance from the restricted account.

(b) Loans made under Subsection (2)(a) shall be structured so the intended repayment or return to the state, including cash or credit, equals at least the amount of the assistance together with an annual interest charge as negotiated by the administrator.

(c) Payments resulting from grants awarded from the restricted account shall be made only after the administrator has determined that the company has satisfied the conditions upon which the payment or earned credit was based.

(3) (a) (i) Except as provided in Subsection (3)(b), the administrator may provide for a system of earned credits that may be used to support grant payments or in lieu of cash repayment of a restricted account loan obligation.

(ii) The value of the credits described in Subsection (3)(a)(i) shall be based on factors determined by the administrator, including:

- (A) the number of Utah jobs created;
- (B) the increased economic activity in Utah; or
- (C) other events and activities that occur as a result of the restricted account assistance.

(b) (i) The administrator shall provide for a system of credits to be used to support grant payments or in lieu of cash repayment of a restricted account loan when loans are made to a company creating an economic impediment.

(ii) The value of the credits described in Subsection (3)(b)(i) shall be based on factors determined by the administrator, including:

- (A) the number of Utah jobs created;
- (B) the increased economic activity in Utah; or

HB0348S02 compared with HB0348S01

(C) other events and activities that occur as a result of the restricted account assistance.

(4) (a) A cash loan repayment or other cash recovery from a company receiving assistance under this section, including interest, shall be deposited into the restricted account.

(b) The administrator and the Division of Finance shall determine the manner of recognizing and accounting for the earned credits used in lieu of loan repayments or to support grant payments as provided in Subsection (3).

(5) (a) (i) At the end of each fiscal year, the Division of Finance shall set aside the balance of the General Fund revenue surplus as defined in Section 63J-1-312 after the transfers of General Fund revenue surplus described in Subsection (5)(b) to the Industrial Assistance Account in an amount equal to any credit that has accrued under this part.

(ii) The set aside under Subsection (5)(a)(i) shall be capped at \$50,000,000, at which time no subsequent contributions may be made and any interest accrued above the \$50,000,000 cap shall be deposited into the General Fund.

(b) The set aside required by Subsection (5)(a) shall be made after the transfer of surplus General Fund revenue surplus is made:

(i) to the Medicaid Growth Reduction and Budget Stabilization Restricted Account, as provided in Section 63J-1-315;

(ii) to the General Fund Budget Reserve Account, as provided in Section 63J-1-312; and

(iii) to the Wildland Fire Suppression Fund or State Disaster Recovery Restricted Account, as provided in Section 63J-1-314.

(c) These credit amounts may not be used for purposes of the restricted account as provided in this part until appropriated by the Legislature.

Section ~~{123}~~109. Section **63N-3-109** is amended to read:

63N-3-109. Financial assistance to entities offering economic opportunities.

(1) Subject to the duties and powers of the [~~board under Section 63N-1-402~~] GO Utah board under Section ~~{63N-1b-402}~~63N-1b-202, the administrator may provide money from the Industrial Assistance Account to an entity offering an economic opportunity if that entity:

(a) applies to the administrator in a form approved by the administrator; and

(b) meets the qualifications of Subsection (2).

(2) As part of an application for receiving money under this section, an applicant shall:

HB0348S02 compared with HB0348S01

(a) demonstrate to the satisfaction of the administrator the nature of the economic opportunity and the related benefit to the economic well-being of the state by providing evidence documenting the logical and compelling linkage, either direct or indirect, between the expenditure of money necessitated by the economic opportunity and the likelihood that the state's tax base, regions of the state's tax base, or specific components of the state's tax base will not be reduced but will be maintained or enlarged;

(b) demonstrate how the funding request will act in concert with other state, federal, or local agencies to achieve the economic benefit;

(c) demonstrate how the funding request will act in concert with free market principles; and

(d) satisfy other criteria the administrator considers appropriate[;].

~~[(e) if the applicant meets the requirements of Subsection (2)(f)(i):]~~

~~[(i) demonstrate that the funding request will be used primarily to reimburse an applicant for expenses related to a program of marketing and branding for an annual conference or festival with at least 10,000 attendees that is held on or after January 1, 2019; and]~~

~~[(ii) demonstrate that an annual conference or festival described in Subsection (2)(f)(i) has met post-performance requirements designated by the administrator, in coordination with the organizer of an annual conference or festival, which shall include metrics and reporting requirements related to:]~~

~~[(A) attendance;]~~

~~[(B) revenue;]~~

~~[(C) expenses;]~~

~~[(D) economic impact to the state;]~~

~~[(E) sponsorships; and]~~

~~[(F) conference or festival objectives; and]~~

~~[(f) be either:]~~

~~[(i) an entity whose purpose is to exclusively or substantially promote, develop, or maintain the economic welfare and prosperity of the state as a whole, regions of the state, or specific components of the state, including an entity that hosts an annual conference or festival with at least 10,000 attendees; or]~~

~~[(ii) a company or individual that meets the requirements of Subsections (2)(a) through~~

HB0348S02 compared with HB0348S01

~~(d) but does not otherwise qualify under Section 63N-3-105.]~~

(3) ~~[Subject to the duties and powers of the board under Section 63N-1-402] Before awarding any money under this section,~~ the administrator shall:

(a) make findings as to whether an applicant has satisfied ~~[each of the conditions described in]~~ the requirements of Subsection (2);

(b) establish benchmarks and timeframes in which progress toward the completion of the agreed upon activity is to occur;

(c) monitor compliance by an applicant with any contract or agreement entered into by the applicant and the state as provided by Section 63N-3-107; and

(d) make funding decisions based upon appropriate findings and compliance~~[-and]~~.

~~[(e) in cooperation with each entity that has received money from the Industrial Assistance Account in accordance with Subsection (2)(e), provide a written report on or before October 1 of each year describing the total amount of money provided by the state for each annual conference or festival during the year and the total cost from all sources of holding each annual conference or festival during the year to the:]~~

~~[(i) office for inclusion in the office's annual report described in Section 63N-1-301; and]~~

~~[(ii) Economic Development and Workforce Services Interim Committee:]~~

Section ~~{124}~~110. Section **63N-3-111** is amended to read:

63N-3-111. Annual policy considerations.

(1) (a) The ~~[board]~~ GO Utah board shall determine annually which industries or groups of industries shall be targeted industries as defined in Section 63N-3-102.

(b) The office shall make recommendations to state and federal agencies, local governments, the governor, and the Legislature regarding policies and initiatives that promote the economic development of targeted industries.

(c) The office may create one or more voluntary advisory committees that may include public and private stakeholders to solicit input on policy guidance and best practices in encouraging the economic development of targeted industries.

~~[(2) In designating an economically disadvantaged rural area, the board shall consider the average agricultural and nonagricultural wage, personal income, unemployment, and employment in the area:]~~

HB0348S02 compared with HB0348S01

~~[(3)] (2)~~ In evaluating the economic impact of applications for assistance, the ~~[board]~~ GO Utah board shall use an econometric cost-benefit model ~~[or models adopted by the Governor's Office of Management and Budget]~~.

~~[(4)] (3)~~ The ~~[board]~~ GO Utah board may establish:

(a) minimum interest rates to be applied to loans granted that reflect a fair social rate of return to the state comparable to prevailing market-based rates such as the prime rate, U.S. Government T-bill rate, or bond coupon rate as paid by the state, adjusted by social indicators such as the rate of unemployment; and

(b) minimum applicant expense ratios, as long as they are at least equal to those required under Subsection 63N-3-105(1)~~[(a)](b)~~ [or 63N-3-108(1)(b)(i)(A)].

Section ~~{125}~~ 111. Section **63N-3-112** is enacted to read:

63N-3-112. Talent development grants.

(1) A for-profit business that is creating new incremental high paying jobs in the state, may apply to receive a talent development grant from the restricted account.

(2) In accordance with the provisions of this section and in consultation with the board, the administrator may award up to \$10,000 per new job created.

(3) The administrator shall designate an application process for a business to apply for the grant.

(4) A business may apply to receive a grant only after each employee has been employed at qualifying wage levels for at least 12 consecutive months;

(5) Money granted for a talent development grant under this section shall be deducted from any other money or incentive awarded by the office to the business.

(6) Grants awarded under this section are only to reimburse a business for the costs incurred to recruit, hire, train, and otherwise employ an employee in a newly created job.

(7) A business shall submit a hiring and training plan detailing what the grant money will be used for as part of the application process.

(8) The administrator may only grant an award up to an amount that is no more than 25% of the estimated costs to be incurred by the business for the costs in the hiring and training plan.

Section ~~{126}~~ 112. Section **63N-3-204** is amended to read:

63N-3-204. Administration -- Grants and loans.

HB0348S02 compared with HB0348S01

(1) The office shall administer this part.

(2) (a) (i) The office may award Technology Commercialization and Innovation

Program grants or issue loans under this part to an applicant that is:

(A) an institution of higher education;

(B) a licensee; or

(C) a small business.

(ii) If loans are issued under Subsection (2)(a)(i), the Division of Finance may set up a fund or account as necessary for the proper accounting of the loans.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules for a process to determine whether an institution of higher education that receives a grant under this part must return the grant proceeds or a portion of the grant proceeds if the technology that is developed with the grant proceeds is licensed to a licensee that:

(i) does not maintain a manufacturing or service location in the state from which the licensee or a sublicensee exploits the technology; or

(ii) initially maintains a manufacturing or service location in the state from which the licensee or a sublicensee exploits the technology, but within five years after issuance of the license the licensee or sublicensee transfers the manufacturing or service location for the technology to a location out of the state.

(c) A repayment by an institution of higher education of grant proceeds or a portion of the grant proceeds may only come from the proceeds of the license established between the licensee and the institution of higher education.

(d) (i) An applicant that is a licensee or small business that receives a grant under this part shall return the grant proceeds or a portion of the grant proceeds to the office if the applicant:

(A) does not maintain a manufacturing or service location in the state from which the applicant exploits the technology; or

(B) initially maintains a manufacturing or service location in the state from which the applicant exploits the technology, but within five years after issuance of the grant, the applicant transfers the manufacturing or service location for the technology to an out-of-state location.

(ii) A repayment by an applicant shall be prorated based on the number of full years the

HB0348S02 compared with HB0348S01

applicant operated in the state from the date of the awarded grant.

(iii) A repayment by a licensee that receives a grant may only come from the proceeds of the license to that licensee.

(3) (a) Funding allocations shall be made by the office with the advice of the ~~[board]~~
GO Utah board.

(b) Each proposal shall receive the best available outside review.

(4) (a) In considering each proposal, the office shall weigh technical merit, the level of matching funds from private and federal sources, and the potential for job creation and economic development.

(b) Proposals or consortia that combine and coordinate related research at two or more institutions of higher education shall be encouraged.

(5) The office shall review the activities and progress of grant recipients on a regular basis and, as part of the office's annual written report described in Section ~~[63N-1-301]~~
63N-1a-306, report on the accomplishments and direction of the Technology Commercialization and Innovation Program.

(6) (a) On or before August 1, 2018, the office shall provide a written analysis and recommendations concerning the usefulness of the Technology Commercialization and Innovation Program described in this part, including whether:

(i) the program is beneficial to the state and should continue; and

(ii) other office programs or programs in other agencies could provide similar benefits to the state more effectively or at a lower cost.

(b) The written analysis and recommendations described in this Subsection (6) shall be provided to:

(i) the Business, Economic Development, and Labor Appropriations Subcommittee;

(ii) the Economic Development and Workforce Services Interim Committee;

(iii) the Business and Labor Interim Committee; and

(iv) the governor.

Section ~~{127}~~113. Section **63N-4-101** is amended to read:

Part 1. Center for Rural Development

63N-4-101. Title -- Definitions.

(1) This chapter is known as the "Rural Development Act."

HB0348S02 compared with HB0348S01

~~[(2) This part is known as the "Office of Rural Development."]~~

~~[(3) As used in this part:]~~

~~[(a) "Office" or "GOED" means the Governor's Office of Economic Development.]~~

~~[(b) "Program" means the Rural Development Program.]~~

(2) As used in this part, "program" means the Rural Development Program created in Section 63N-4-102.

Section ~~{128}~~114. Section **63N-4-102** is amended to read:

63N-4-102. Rural Development Program -- Supervision by office.

(1) There is created within the ~~[Governor's Office of Economic Development]~~ office the ~~[Office of]~~ Center for Rural Development.

(2) The ~~[Office of]~~ Center for Rural Development is under the administration and general supervision of the ~~[Governor's Office of Economic Development]~~ office.

Section ~~{129}~~115. Section **63N-4-103** is amended to read:

63N-4-103. Purpose of the ~~{Office of}~~Center for Rural Development.

The ~~[Office of]~~ Center for Rural Development is established to:

(1) foster and support economic development programs and activities for the benefit of rural counties and communities;

(2) foster and support community, county, and resource management planning programs and activities for the benefit of rural counties and communities;

(3) foster and support leadership training programs and activities for the benefit of:

(a) rural leaders in both the public and private sectors;

(b) economic development and planning personnel; and

(c) rural government officials;

(4) foster and support efforts to coordinate and focus the technical and other resources of appropriate institutions of higher education, local governments, private sector interests, associations, nonprofit organizations, federal agencies, and others, in ways that address the economic development, planning, and leadership challenges ~~[and priorities of rural Utah as identified in the strategic plan required under Subsection 63C-10-103(1)(b)]~~;

(5) work to enhance the capacity of GOED to address rural economic development, planning, and leadership training challenges and opportunities by establishing partnerships and positive working relationships with appropriate public and private sector entities, individuals,

HB0348S02 compared with HB0348S01

and institutions; and

(6) foster government-to-government collaboration and good working relations between state and rural government regarding economic development and planning issues.

Section ~~{130}~~116. Section **63N-4-104** is amended to read:

63N-4-104. Duties.

(1) The ~~[Office of]~~ Center for Rural Development shall:

~~[(a) provide staff support to the Governor's Rural Partnership Board in accordance with Subsection 63C-10-102(6);]~~

~~[(b) facilitate within GOED the implementation of the strategic plan prepared under Subsection 63C-10-103(1)(b);]~~

~~[(c)]~~ (a) work to enhance the capacity of ~~[GOED]~~ the office to address rural economic development, planning, and leadership training challenges and opportunities by establishing partnerships and positive working relationships with appropriate public and private sector entities, individuals, and institutions;

~~[(d)]~~ (b) work with the ~~[Governor's Rural Partnership Board]~~ GO Utah board to coordinate and focus available resources in ways that address the economic development, planning, and leadership training challenges and priorities in rural Utah;

~~[(e)]~~ (c) assist ~~[the Governor's Rural Partnership Board]~~ in administering the Rural County Grant Program created in Section 17-54-103, including, as described in Subsection 17-54-103(10), compiling reported information regarding the program for inclusion in ~~[GOED's]~~ the office's annual written report described in Section ~~[63N-1-301]~~ 63N-1a-306; and

~~[(f)]~~ (d) in accordance with economic development and planning policies set by state government, coordinate relations between:

(i) the state;

(ii) rural governments;

(iii) other public and private groups engaged in rural economic planning and development; and

(iv) federal agencies.

(2) (a) The ~~[Office of]~~ Center for Rural Development may:

(i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules necessary to carry out its duties;

HB0348S02 compared with HB0348S01

(ii) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of rural Utah citizens; and

(iii) use those gifts, grants, devises, and property received under Subsection (2)(a)(ii) for the use and benefit of rural citizens within the state.

(b) All resources received under Subsection (2)(a)(ii) shall be deposited in the General Fund as dedicated credits to be used as directed in Subsection (2)(a)(iii).

Section ~~{131}~~117. Section **63N-4-105** is amended to read:

63N-4-105. Program manager.

(1) The executive director [~~of GOED~~] shall appoint a director for the ~~[Office of]~~ Center for Rural Development with the approval of the governor.

(2) The director of the ~~[Office of]~~ Center for Rural Development shall be a person knowledgeable in the field of rural economic development and planning and experienced in administration.

(3) Upon change of the executive director [~~of GOED~~], the director of the ~~[Office of]~~ Center for Rural Development may not be dismissed without cause for at least 180 days.

~~[(4) The director of the Office of Rural Development shall serve as staff to the Governor's Rural Partnership Board and to the executive committee of the Governor's Rural Partnership Board in accordance with Subsection 63C-10-102(6).]~~

Section 118. Section 63N-4-106 is amended to read:

63N-4-106. Annual report.

~~[GOED]~~ The office shall include in the annual written report described in Section ~~[63N-1-301]~~ 63N-1a-306, a report of the program's operations and recommendations.

Section 119. Section 63N-4-205 is amended to read:

63N-4-205. Report on amount of grants and loans, projects, and outstanding debt.

The board shall annually provide the following information to the office for inclusion in the office's annual written report described in Section ~~[63N-1-301]~~ 63N-1a-306:

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

(2) a description of the projects with respect to which the board awarded a grant or loan

HB0348S02 compared with HB0348S01

under this part;

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

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

(5) whether the board recommends:

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

(b) any modifications to this part.

Section 120. Section 63N-4-403 is amended to read:

63N-4-403. Duties of the office.

(1) The office shall:

(a) review a business entity's application for a rural employment expansion grant under this part in the order in which the application is received by the office;

(b) ensure that a rural employment expansion grant is only awarded to a business entity that meets the requirements of this part; and

(c) as part of the annual written report described in Section ~~[63N-1-301]~~ 63N-1a-306, prepare an annual evaluation that provides:

(i) the identity of each business entity that was provided a rural employment expansion grant by the office during the year of the annual report;

(ii) the total amount awarded in rural employment expansion grants for each county; and

(iii) an evaluation of the effectiveness of the rural employment expansion grant in bringing significant new employment to rural communities.

(2) The office may:

(a) authorize a rural employment expansion grant for a business entity under this part;

(b) audit a business entity to ensure:

(i) eligibility for a rural employment expansion grant; and

(ii) compliance with this part; and

(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in accordance with the provisions of this part, make rules regarding the:

(i) form and content of an application for a rural employment expansion grant;

HB0348S02 compared with HB0348S01

(ii) documentation or other requirements for a business entity to receive a rural employment expansion grant; and

(iii) administration of rural employment expansion grants, including an appeal process and relevant timelines and deadlines.

Section ~~{132}~~121. Section **63N-4-704** is amended to read:

63N-4-704. Requirements for entering into a lease.

(1) In accordance with the provisions of this part and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules establishing the eligibility and reporting criteria for an applicant to participate in the program as a lessor of a rural speculative industrial building, including:

(a) the form and process of submitting an application to the office;

(b) the eligibility requirements of an applicant;

(c) the method and formula for determining lease terms between the office and a lessor of a rural speculative industrial building; and

(d) the reporting requirements of participants in the program.

(2) In determining whether to approve an application for participation in the program, the office may prioritize a project:

(a) that will serve underprivileged or underserved communities, including communities with high unemployment or low median incomes;

(b) where an applicant demonstrates comprehensive planning of the project, including a business case;

(c) where the applicant, as determined by the office, is likely to have success in attracting a tenant to assume the office's lease of a rural speculative industrial building in a short amount of time; and

(d) that maximizes economic development opportunities in accordance with the economic development needs or plans of a county or a municipality.

(3) Subject to legislative appropriation, a lease may only be entered into by the office if:

(a) the executive director, after consultation with the [~~board~~] GO Utah board, approves entering into the lease;

(b) the local municipal entity supports the program through the provision of local

HB0348S02 compared with HB0348S01

incentives, reduced impact fees, or other monetary support for the rural speculative industrial building; and

(c) the lease terms are not more than \$100,000 per year with a maximum five-year lease term.

(4) The office shall include in the annual written report described in Section

~~63N-1-301~~ 63N-1a-306:

(a) an overview of each lease entered into under this program; and

(b) the success of this program in attracting new or expanding businesses into rural areas.

Section 122. Section 63N-7-201 is amended to read:

**63N-7-201. Powers and duties of office related to tourism development plan --
Annual report and survey.**

(1) The office shall:

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

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

(c) receive approval from the Board of Tourism Development under Subsection 63N-7-103(1)(a) before implementing the out-of-state advertising, marketing, and branding campaign;

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

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

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

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

(3) The office shall:

(a) conduct a regular and ongoing research program to identify statewide economic trends and conditions in the tourism sector of the economy; and

HB0348S02 compared with HB0348S01

(b) include in the annual written report described in Section ~~[63N-1-301]~~ 63N-1-306, a report on the economic efficiency of the advertising and branding campaigns conducted under this part.

Section ~~{133}~~ 123. Section **63N-8-102** is amended to read:

63N-8-102. Definitions.

As used in this chapter:

(1) "Digital media company" means a company engaged in the production of a digital media project.

(2) "Digital media project" means all or part of a production of interactive entertainment or animated production that is produced for distribution in commercial or educational markets, which shall include projects intended for Internet or wireless distribution.

(3) "Dollars left in the state" means expenditures made in the state for a state-approved production, including:

(a) an expenditure that is subject to:

(i) a corporate franchise or income tax under Title 59, Chapter 7, Corporate Franchise and Income Taxes;

(ii) an individual income tax under Title 59, Chapter 10, Individual Income Tax Act; and

(iii) a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act, notwithstanding any sales and use tax exemption allowed by law; or

(iv) a combination of Subsections (3)(a)(i), (ii), and (iii);

(b) payments made to a nonresident only to the extent of the income tax paid to the state on the payments, the amount of per diems paid in the state, and other direct reimbursements transacted in the state; and

(c) payments made to a payroll company or loan-out corporation that is registered to do business in the state, only to the extent of the amount of withholding under Section 59-10-402.

(4) "Loan-out corporation" means a corporation owned by one or more artists that provides services of the artists to a third party production company.

(5) "Motion picture company" means a company engaged in the production of:

(a) motion pictures;

(b) television series; or

HB0348S02 compared with HB0348S01

(c) made-for-television movies.

(6) "Motion picture incentive" means either a cash rebate from the Motion Picture Incentive Account or a refundable tax credit under Section 59-7-614.5 or 59-10-1108.

(7) "New state revenues" means:

(a) incremental new state sales and use tax revenues generated as a result of a digital media project that a digital media company pays under Title 59, Chapter 12, Sales and Use Tax Act;

(b) incremental new state tax revenues that a digital media company pays as a result of a digital media project under:

(i) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

(ii) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information;

(iii) Title 59, Chapter 10, Part 2, Trusts and Estates;

(iv) Title 59, Chapter 10, Part 4, Withholding of Tax; or

(v) a combination of Subsections (7)(b)(i), (ii), (iii), and (iv);

(c) incremental new state revenues generated as individual income taxes under Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information, paid by employees of the new digital media project as evidenced by payroll records from the digital media company; or

(d) a combination of Subsections (7)(a), (b), and (c).

(8) "Payroll company" means a business entity that handles the payroll and becomes the employer of record for the staff, cast, and crew of a motion picture production.

(9) "Refundable tax credit" means a refundable motion picture tax credit authorized under Section 63N-8-103 and claimed under Section 59-7-614.5 or 59-10-1108.

(10) "Restricted account" means the Motion Picture Incentive Account created in Section 63N-8-103.

(11) "State-approved production" means a production under Subsections (2) and (5) that is:

(a) approved by the office and ratified by the ~~[board]~~ GO Utah board; and

(b) produced in the state by a motion picture company.

(12) "Tax credit amount" means the amount the office lists as a tax credit on a tax

HB0348S02 compared with HB0348S01

credit certificate for a taxable year.

(13) "Tax credit certificate" means a certificate issued by the office that:

(a) lists the name of the applicant;

(b) lists the applicant's taxpayer identification number;

(c) lists the amount of tax credit that the office awards the applicant for the taxable year; and

(d) may include other information as determined by the office.

Section ~~{134}~~124. Section **63N-8-103** is amended to read:

63N-8-103. Motion Picture Incentive Account created -- Cash rebate incentives -- Refundable tax credit incentives.

(1) (a) There is created within the General Fund a restricted account known as the Motion Picture Incentive Account, which the office shall use to provide cash rebate incentives for state-approved productions by a motion picture company.

(b) All interest generated from investment of money in the restricted account shall be deposited in the restricted account.

(c) The restricted account shall consist of an annual appropriation by the Legislature.

(d) The office shall:

(i) with the advice of the [~~board~~] GO Utah board, administer the restricted account; and

(ii) make payments from the restricted account as required under this section.

(e) The cost of administering the restricted account shall be paid from money in the restricted account.

(2) (a) A motion picture company or digital media company seeking disbursement of an incentive allowed under an agreement with the office shall follow the procedures and requirements of this Subsection (2).

(b) The motion picture company or digital media company shall provide the office with an incentive request form, provided by the office, identifying and documenting the dollars left in the state and new state revenues generated by the motion picture company or digital media company for state-approved production, including any related tax returns by the motion picture company, payroll company, digital media company, or loan-out corporation under Subsection (2)(d).

(c) For a motion picture company, an independent certified public accountant shall:

HB0348S02 compared with HB0348S01

(i) review the incentive request form submitted by the motion picture company; and
(ii) provide a report on the accuracy and validity of the incentive request form, including the amount of dollars left in the state, in accordance with the agreed upon procedures established by the office by rule.

(d) The motion picture company, digital media company, payroll company, or loan-out corporation shall provide the office with a document that expressly directs and authorizes the State Tax Commission to disclose the entity's tax returns and other information concerning the entity that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code, to the office.

(e) The office shall submit the document described in Subsection (2)(d) to the State Tax Commission.

(f) Upon receipt of the document described in Subsection (2)(d), the State Tax Commission shall provide the office with the information requested by the office that the motion picture company, digital media company, payroll company, or loan-out corporation directed or authorized the State Tax Commission to provide to the office in the document described in Subsection (2)(d).

(g) Subject to Subsection (3), for a motion picture company the office shall:

(i) review the incentive request form from the motion picture company described in Subsection (2)(b) and verify that the incentive request form was reviewed by an independent certified public accountant as described in Subsection (2)(c); and

(ii) based upon the independent certified public accountant's report under Subsection (2)(c), determine the amount of the incentive that the motion picture company is entitled to under the motion picture company's agreement with the office.

(h) Subject to Subsection (3), for a digital media company, the office shall:

(i) ensure the digital media project results in new state revenues; and

(ii) based upon review of new state revenues, determine the amount of the incentive that a digital media company is entitled to under the digital media company's agreement with the office.

(i) Subject to Subsection (3), if the incentive is in the form of a cash rebate, the office shall pay the incentive from the restricted account to the motion picture company, notwithstanding Subsections 51-5-3(23)(b) and 63J-1-105(6).

HB0348S02 compared with HB0348S01

(j) If the incentive is in the form of a refundable tax credit under Section 59-7-614.5 or 59-10-1108, the office shall:

(i) issue a tax credit certificate to the motion picture company or digital media company; and

(ii) provide a [~~duplicate copy~~] digital record of the tax credit certificate to the State Tax Commission.

(k) A motion picture company or digital media company may not claim a motion picture tax credit under Section 59-7-614.5 or 59-10-1108 unless the motion picture company or digital media company has received a tax credit certificate for the claim issued by the office under Subsection (2)(j)(i).

(l) A motion picture company or digital media company may claim a motion picture tax credit on the motion picture company's or the digital media company's tax return for the amount listed on the tax credit certificate issued by the office.

(m) A motion picture company or digital media company that claims a tax credit under Subsection (2)(l) shall retain the tax credit certificate and all supporting documentation in accordance with Subsection 63N-8-104(6).

(3) (a) Subject to Subsection (3)(b), the office may issue \$6,793,700 in tax credit certificates under this part in a fiscal year.

(b) If the office does not issue tax credit certificates in a fiscal year totaling the amount authorized under Subsection (3)(a), the office may carry over that amount for issuance in subsequent fiscal years.

Section ~~{135}~~125. Section **63N-8-104** is amended to read:

63N-8-104. Motion picture incentives -- Standards to qualify for an incentive -- Limitations -- Content of agreement between office and motion picture company or digital media company.

(1) In addition to the requirements for receiving a motion picture incentive as set forth in this part, the office, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall make rules establishing:

(a) the standards that a motion picture company or digital media company must meet to qualify for the motion picture incentive; and

(b) criteria for determining the amount of the incentive.

HB0348S02 compared with HB0348S01

(2) The office shall ensure that those standards include the following:

(a) an incentive may only be issued for a state-approved production by a motion picture company or digital media company;

(b) financing has been obtained and is in place for the production; and

(c) the economic impact of the production on the state represents new incremental economic activity in the state as opposed to existing economic activity.

(3) With respect to a digital media project, the office shall consider economic modeling, including the costs and benefits of the digital media project to state and local governments in determining the motion picture incentive amount.

(4) The office may also consider giving preference to a production that stimulates economic activity in rural areas of the state or that has Utah content, such as recognizing that the production was made in the state or uses Utah as Utah in the production.

(5) (a) The office, with advice from the [board] GO Utah board, may enter into an agreement with a motion picture company or digital media company that meets the standards established under this section and satisfies the other qualification requirements under this part.

(b) Subject to Subsection 63N-8-103(3), the office may commit or authorize a motion picture incentive:

(i) to a motion picture company of up to 20% of the dollars left in the state by the motion picture company, and a motion picture company can receive an additional 5%, not to exceed 25% of the dollars left in the state by the motion picture company if the company fulfills certain requirements determined by the office including:

(A) employing a significant percentage of cast and crew from Utah;

(B) highlighting the state of Utah and the Utah Film Commission in the motion picture credits; or

(C) other promotion opportunities as agreed upon by the office and the motion picture company; and

(ii) to a digital media company, if the incentive does not exceed 100% of the new state revenue less the considerations under Subsection (3), but not to exceed 20% of the dollars left in the state by the digital media company.

(c) The office may not give a cash rebate incentive from the Motion Picture Incentive Restricted Account for a digital media project.

HB0348S02 compared with HB0348S01

(6) The office shall ensure that the agreement entered into with a motion picture company or digital media company under Subsection (5)(a):

(a) details the requirements that the motion picture company or digital media company must meet to qualify for an incentive under this part;

(b) specifies:

(i) the nature of the incentive; and

(ii) the maximum amount of the motion picture incentive that the motion picture company or digital media company may earn for a taxable year and over the life of the production;

(c) establishes the length of time over which the motion picture company or digital media company may claim the motion picture incentive;

(d) requires the motion picture company or digital media company to retain records supporting its claim for a motion picture incentive for at least four years after the motion picture company or digital media company claims the incentive under this part; and

(e) requires the motion picture company or digital media company to submit to audits for verification of the claimed motion picture incentive.

Section 126. Section 63N-8-105 is amended to read:

63N-8-105. Annual report.

The office shall include the following information in the annual written report described in Section ~~[63N-1-301]~~ 63N-1a-306:

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

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

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

(a) dollars left in the state; and

(b) providing motion picture incentives under this part.

Section ~~136~~ 127. Section 63N-9-104 is amended to read:

63N-9-104. Creation of outdoor recreation office and appointment of director -- Responsibilities of outdoor recreation office.

HB0348S02 compared with HB0348S01

(1) There is created within the [~~Governor's Office of Economic Development~~] office the Utah Office of Outdoor Recreation.

(2) (a) The executive director shall appoint a director of the outdoor recreation office.

(b) The director [~~shall report to the executive director and~~] may appoint staff.

(3) The outdoor recreation office shall:

(a) coordinate outdoor recreation policy, management, and promotion:

(i) among state and federal agencies and local government entities in the state; [~~and~~]

(ii) with the Public Lands Policy Coordinating Office created in Section 63J-4-602, if public land is involved; and

(iii) on a quarterly basis, with the executive director and the executive director of the Department of Natural Resources;

(b) promote economic development in the state by:

(i) coordinating with outdoor recreation stakeholders;

(ii) improving recreational opportunities; and

(iii) recruiting outdoor recreation business;

(c) promote all forms of outdoor recreation, including vehicular and non-vehicular outdoor recreation;

~~(d)~~ (d) recommend to the governor and Legislature policies and initiatives to enhance recreational amenities and experiences in the state and help implement those policies and initiatives;

(e) in performing the outdoor recreation office's duties, seek to ensure safe and adequate access to outdoor recreation for all user groups and for all forms of recreation;

~~(f)~~ (f) develop data regarding the impacts of outdoor recreation in the state; and

~~(g)~~ (g) promote the health and social benefits of outdoor recreation, especially to young people.

(4) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, the outdoor recreation office may:

(a) seek federal grants or loans;

(b) seek to participate in federal programs; and

(c) in accordance with applicable federal program guidelines, administer federally funded outdoor recreation programs.

HB0348S02 compared with HB0348S01

(5) For purposes of administering this part, the outdoor recreation office may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 128. Section 63N-9-106 is amended to read:

63N-9-106. Annual report.

The executive director shall include in the annual written report described in Section ~~63N-1-301~~ 63N-1a-306 a report from the director on the activities of the outdoor recreation office, including a description and the amount of any awarded infrastructure grants and any awarded UCORE grants.

Section ~~137~~ 129. Section 63N-9-203 is amended to read:

63N-9-203. Rulemaking and requirements for awarding an infrastructure grant.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the outdoor recreation office shall make rules establishing the eligibility and reporting criteria for an entity to receive an infrastructure grant, including:

- (a) the form and process of submitting an application to the outdoor recreation office for an infrastructure grant;
- (b) which entities are eligible to apply for an infrastructure grant;
- (c) specific categories of recreational infrastructure projects that are eligible for an infrastructure grant;
- (d) the method and formula for determining grant amounts; and
- (e) the reporting requirements of grant recipients.

(2) In determining the award of an infrastructure grant, the outdoor recreation office may prioritize a recreational infrastructure project that will serve an underprivileged or underserved community.

(3) An infrastructure grant may only be awarded by the executive director after consultation with the director and the ~~[board]~~ GO Utah board.

(4) The following entities may not receive an infrastructure grant under this part:

- (a) a federal government entity;
- (b) a state agency; and
- (c) a for-profit entity.

(5) An infrastructure grant may only be awarded under this part:

- (a) for a recreational infrastructure project that is accessible to the general public; and

HB0348S02 compared with HB0348S01

(b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching funds having a value equal to or greater than the amount of the infrastructure grant.

(6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be provided through an in-kind contribution by the grant recipient, if:

(a) approved by the executive director after consultation with the director and the [board] GO Utah board; and

(b) the in-kind donation does not include real property.

(7) An infrastructure grant may not be awarded under this part if the grant, or the grant recipient match described in Subsection (5)(b), will be used for the purchase of real property or for the purchase or transfer of a conservation easement.

Section ~~{138}~~130. Section **63N-9-403** is amended to read:

63N-9-403. Rulemaking and requirements for awarding a UCORE grant.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the outdoor recreation office shall make rules establishing the eligibility and reporting criteria for an entity to receive a UCORE grant, including:

(a) the form and process of submitting an application to the outdoor recreation office for a UCORE grant;

(b) which entities are eligible to apply for a UCORE grant;

(c) specific categories of children's programs that are eligible for a UCORE grant;

(d) the method and formula for determining grant amounts; and

(e) the reporting requirements of grant recipients.

(2) In determining the award of a UCORE grant, the outdoor recreation office may prioritize a children's program that will serve an underprivileged or underserved community in the state.

(3) A UCORE grant may only be awarded by the executive director after consultation with the director and the [board] GO Utah board.

(4) The following entities may not receive a UCORE grant under this part:

(a) a federal government entity;

(b) a state agency, except for public schools and institutions of higher education; and

(c) a for-profit entity.

(5) In awarding UCORE grants, consideration shall be given to entities that implement

HB0348S02 compared with HB0348S01

programs that:

- (a) contribute to healthy and active lifestyles through outdoor recreation; and
- (b) include one or more of the following attributes in their programs or initiatives:
 - (i) serve children with the greatest needs in rural, suburban, and urban areas of the

state;

- (ii) provide students with opportunities to directly experience nature;
 - (iii) maximize the number of children who can participate;
 - (iv) commit matching and in-kind resources;
 - (v) create partnerships with public and private entities;
 - (vi) include ongoing program evaluation and assessment;
 - (vii) utilize veterans in program implementation;
 - (viii) include outdoor or nature-based programming that incorporates concept learning

in science, technology, engineering, or math; or

- (ix) utilize educated volunteers in program implementation.

Section ~~{139}~~131. Section **63N-13-101** is amended to read:

63N-13-101. Title -- Projects to assist companies to secure new business with federal, state, and local governments.

- (1) This chapter is known as "Procurement Programs."

- (2) The Legislature recognizes that:

- (a) many Utah companies provide products and services which are routinely procured by a myriad of governmental entities at all levels of government, but that attempting to understand and comply with the numerous certification, registration, proposal, and contract requirements associated with government procurement often raises significant barriers for those companies with no government contracting experience;

- (b) the costs associated with obtaining a government contract for products or services often prevent most small businesses from working in the governmental procurement market;

- (c) currently a majority of federal procurement opportunities are contracted to businesses located outside of the state;

- (d) the [~~Governor's Office of Economic Development~~] office currently administers programs and initiatives that help create and grow companies in Utah and recruit companies to Utah through the use of state employees, public-private partnerships, and contractual services;

HB0348S02 compared with HB0348S01

and

(e) there exists a significant opportunity for Utah companies to secure new business with federal, state, and local governments.

(3) The office, through its executive director:

(a) shall manage and direct the administration of state and federal programs and initiatives whose purpose is to procure federal, state, and local governmental contracts;

(b) may require program accountability measures; and

(c) may receive and distribute legislative appropriations and public and private grants for projects and programs that:

(i) are focused on growing Utah companies and positively impacting statewide revenues by helping these companies secure new business with federal, state, and local governments;

(ii) provide guidance to Utah companies interested in obtaining new business with federal, state, and local governmental entities;

(iii) would facilitate marketing, business development, and expansion opportunities for Utah companies in cooperation with the [~~Governor's Office of Economic Development's~~ office's Procurement Technical Assistance Center Program and with public, nonprofit, or private sector partners such as local chambers of commerce, trade associations, or private contractors as determined by the office's director to successfully match Utah businesses with government procurement opportunities; and

(iv) may include the following components:

(A) recruitment, individualized consultation, and an introduction to government contracting;

(B) specialized contractor training for companies located in Utah;

(C) a Utah contractor matching program for government requirements;

(D) experienced proposal and bid support; and

(E) specialized support services.

(4) (a) The office, through its executive director, shall make any distribution referred to in Subsection (3) on a semiannual basis.

(b) A recipient of money distributed under this section shall provide the office with a set of standard monthly reports, the content of which shall be determined by the office to

HB0348S02 compared with HB0348S01

include at least the following information:

- (i) consultive meetings with Utah companies;
- (ii) seminars or training meetings held;
- (iii) government contracts awarded to Utah companies;
- (iv) increased revenues generated by Utah companies from new government contracts;
- (v) jobs created;
- (vi) salary ranges of new jobs; and
- (vii) the value of contracts generated.

Section 132. Section 63N-16-101 is enacted to read:

CHAPTER 16. UTAH BROADBAND CENTER AND ACCESS ACT

Part 1. General Provisions

63N-16-101. Title.

This chapter is known as the "Utah Broadband Center and Access Act."

Section 133. Section 63N-16-102 is enacted to read:

63N-16-102. Definitions.

As used in this chapter:

- (1) "Broadband center" means the Utah Broadband Center created in Section 63N-16-201.
- (2) "Eligible applicant" means:
 - (a) a telecommunications provider or an Internet service provider;
 - (b) a local government entity and one or more private entities, collectively, who are parties to a public-private partnership established for the purpose of expanding affordable broadband access in the state; or
 - (c) a tribal government.
- (3) "Public-private partnership" means an arrangement or agreement between a government entity and one or more private persons to fund and provide for a public need through the development or operation of a public project in which the private person or persons share with the government entity the responsibility or risk of developing, owning, maintaining, financing, or operating the project.
- (4) "Underserved area" means an area of the state that is underserved in terms of the area's access to broadband service, as further defined by rule made by the broadband center.

HB0348S02 compared with HB0348S01

(5) "Unserved area" means an area of the state that is rural and unserved in terms of the area's access to broadband service, as further defined by rule made by the broadband center.

Section 134. Section 63N-16-201 is enacted to read:

Part 2. Utah Broadband Center

63N-16-201. Utah Broadband Center -- Creation -- Director -- Duties.

(1) There is created within the office the Utah Broadband Center.

(2) The executive director shall appoint a director of the broadband center to oversee the operations of the broadband center.

(3) The broadband center shall:

(a) ensure that publicly funded broadband projects continue to be publicly accessible and provide a public benefit;

(b) develop a statewide digital connectivity plan;

(c) carry out the duties described in Section 63N-16-202; and

(d) administer the broadband access grant program in accordance with Part 3,

Broadband Access Grant Program.

Section 135. Section 63N-16-202, which is renumbered from Section 63N-3-501 is renumbered and amended to read:

~~[63N-3-501].~~ 63N-16-202. Infrastructure and broadband coordination.

(1) The [office] broadband center shall partner with the Automated Geographic Reference Center created in Section 63F-1-506 to collect and maintain a database and interactive map that displays economic development data statewide, including:

(a) voluntarily submitted broadband availability, speeds, and other broadband data;

(b) voluntarily submitted public utility data;

(c) workforce data, including information regarding:

(i) enterprise zones designated under Section 63N-2-206;

~~[(ii) business resource centers;]~~

~~[(iii)]~~ (ii) public institutions of higher education; and

~~[(iv)]~~ (iii) procurement technical assistance centers;

(d) transportation data, which may include information regarding railway routes, commuter rail routes, airport locations, and major highways;

(e) lifestyle data, which may include information regarding state parks, national parks

HB0348S02 compared with HB0348S01

and monuments, United States Forest Service boundaries, ski areas, golf courses, and hospitals;
and

(f) other relevant economic development data as determined by the office, including data provided by partner organizations.

(2) The [office] broadband center may:

(a) make recommendations to state and federal agencies, local governments, the governor, and the Legislature regarding policies and initiatives that promote the development of broadband-related infrastructure in the state and help implement those policies and initiatives;

(b) facilitate coordination between broadband providers and public and private entities;

(c) collect and analyze data on broadband availability and usage in the state, including Internet speed, capacity, the number of unique visitors, and the availability of broadband infrastructure throughout the state;

(d) create a voluntary broadband advisory committee, which shall include broadband providers and other public and private stakeholders, to solicit input on broadband-related policy guidance, best practices, and adoption strategies;

(e) work with broadband providers, state and local governments, and other public and private stakeholders to facilitate and encourage the expansion and maintenance of broadband infrastructure throughout the state; and

(f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, and in accordance with federal requirements:

(i) apply for federal grants;

(ii) participate in federal programs; and

(iii) administer federally funded broadband-related programs.

Section 136. Section 63N-15-103 is amended to read:

63N-15-103. Reporting and use of appropriations.

(1) The office shall include in the office's 2020 and 2021 annual reports to the governor and the Legislature under Section ~~[63N-1-304]~~ 63N-1a-306 the following information about each of the grant programs established under this chapter:

(a) the number of applications submitted under the grant program;

(b) the number of grants awarded under the grant program;

HB0348S02 compared with HB0348S01

(c) the aggregate amount of grant funds awarded under the grant program; and
(d) any other information the office considers relevant to evaluating the success of the grant program.

(2) After providing notice to members of the legislative committee, the executive director, in cooperation with the director of the Division of Finance, may move funds among the following programs to make efficient and full use of CARES Act funding:

(a) the COVID-19 Commercial Rental and Mortgage Assistance Program described in Chapter 14, COVID-19 Commercial Rental and Mortgage Assistance Program;

(b) any of the programs described in this chapter;

(c) after consultation with the commissioner of the Department of Agriculture and Food, the COVID-19 Agricultural Operations Grant Program described in Section 4-18-106.1;

(d) after consultation with the executive director of the Department of Heritage and Arts, the COVID-19 Cultural Assistance Grant Program described in Title 9, Chapter 6, Part 9, COVID-19 Cultural Assistance Grant Program; and

(e) after consultation with the executive director of the Department of Workforce Services, COVID-19 Residential Housing Assistance described in Title 35A, Chapter 8, Part 23, COVID-19 Residential Housing Assistance.

Section ~~{140}~~137. Section ~~{63N-16-101}~~63N-16-301 is enacted to read:

~~{CHAPTER 16. UTAH BROADBAND CENTER AND ACCESS ACT~~

~~Part 1. General Provisions~~

~~63N-16-101. Title:~~

~~This chapter is known as the "Utah Broadband Center and Access Act."~~

~~Section 141. Section 63N-16-102 is enacted to read:~~

~~63N-16-102. Definitions:~~

~~As used in this chapter:~~

~~(1) "Broadband center" means the Utah Broadband Center created in Section 63N-16-201.~~

~~(2) "Eligible applicant" means:~~

~~(a) a local government entity and one or more private entities, collectively, who are parties to a public-private partnership established for the purpose of expanding affordable broadband access in rural or underserved areas of the state; or~~

~~(b) a tribal government.~~

HB0348S02 compared with HB0348S01

~~(3) "Public-private partnership" means an arrangement or agreement between a government entity and one or more private persons to fund and provide for a public need through the development or operation of a public project in which the private person or persons share with the government entity the responsibility or risk of developing, owning, maintaining, financing, or operating the project.~~

~~(4) "Underserved area" means the same as that term is defined by the Federal Communications Commission.~~

~~(5) "Unserved area" means the same as that term is defined by the Federal Communications Commission.~~

~~Section 142. Section 63N-16-201 is enacted to read:~~

~~Part 2. Utah Broadband Center~~

~~63N-16-201. Utah Broadband Center -- Creation -- Director -- Duties.~~

~~(1) There is created within the office the Utah Broadband Center.~~

~~(2) The executive director shall appoint a director of the broadband center to oversee the operations of the broadband center.~~

~~(3) The broadband center shall:~~

~~(a) ensure that publically funded broadband projects continue to be publicly accessible and provide a public benefit;~~

~~(b) develop a statewide digital connectivity plan;~~

~~(c) carry out the duties described in Section 63N-16-202; and~~

~~(d) administer the broadband access grant program in accordance with Part 3, Broadband Access Grant Program.~~

~~Section 143. Section 63N-16-202, which is renumbered from Section 63N-3-501 is renumbered and amended to read:~~

~~{63N-3-501}. 63N-16-202. Infrastructure and broadband coordination.~~

~~(1) The [office] broadband center shall partner with the Automated Geographic Reference Center created in Section 63F-1-506 to collect and maintain a database and interactive map that displays economic development data statewide, including:~~

~~(a) voluntarily submitted broadband availability, speeds, and other broadband data;~~

~~(b) voluntarily submitted public utility data;~~

~~(c) workforce data, including information regarding:~~

HB0348S02 compared with HB0348S01

- ~~(i) enterprise zones designated under Section 63N-2-206;~~
 - ~~[(ii) business resource centers;]~~
 - ~~[(iii)] [(ii)] public institutions of higher education; and~~
 - ~~[(iv)] [(iii)] procurement technical assistance centers;~~
- ~~(d) transportation data, which may include information regarding railway routes, commuter rail routes, airport locations, and major highways;~~
- ~~(e) lifestyle data, which may include information regarding state parks, national parks and monuments, United States Forest Service boundaries, ski areas, golf courses, and hospitals; and~~
- ~~(f) other relevant economic development data as determined by the office, including data provided by partner organizations:~~

~~(2) The [office] broadband center may:~~

- ~~(a) make recommendations to state and federal agencies, local governments, the governor, and the Legislature regarding policies and initiatives that promote the development of broadband-related infrastructure in the state and help implement those policies and initiatives;~~
- ~~(b) facilitate coordination between broadband providers and public and private entities;~~
- ~~(c) collect and analyze data on broadband availability and usage in the state, including Internet speed, capacity, the number of unique visitors, and the availability of broadband infrastructure throughout the state;~~
- ~~(d) create a voluntary broadband advisory committee, which shall include broadband providers and other public and private stakeholders, to solicit input on broadband-related policy guidance, best practices, and adoption strategies;~~
- ~~(e) work with broadband providers, state and local governments, and other public and private stakeholders to facilitate and encourage the expansion and maintenance of broadband infrastructure throughout the state; and~~
- ~~(f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, and in accordance with federal requirements:
 - ~~(i) apply for federal grants;~~
 - ~~(ii) participate in federal programs; and~~
 - ~~(iii) administer federally funded broadband-related programs.~~~~

~~Section 144. Section 63N-16-301 is enacted to read:~~

~~Part 3. Broadband Access Grant Program~~

HB0348S02 compared with HB0348S01

63N-16-301. Creation of Broadband Access Grant Program.

(1) There is established a grant program known as the Broadband Access Grant Program that is administered by the broadband center in accordance with this part.

(2) (a) The broadband center may award a grant under this part to an eligible applicant who submits to the broadband center an application that includes a proposed project

~~— (i) —~~ to extend broadband ~~access~~ service to individuals and businesses in an unserved area ~~of the state~~ or an underserved area ~~of the state; and~~

~~— (ii) that provides~~ by providing last-mile connections to end users.

(b) Subsection (2)(a) ~~(ii)~~ does not prohibit the broadband center from awarding a grant for a proposed project that also includes ~~mid-mile~~ middle-mile elements that are necessary for the last-mile connections.

(3) In awarding grants under this part, the broadband center shall:

(a) ~~give priority to~~ based on the following criteria and in the order provided, prioritize proposed projects:

(i) located in unserved areas ~~of the state, followed by proposed projects~~;

(ii) located in underserved areas ~~located in rural areas of the state, as determined by the broadband center by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~;

~~(iii) (A) for which~~ that the eligible applicant ~~provides at least 25% of the money needed for the project, with higher priority to projects for which~~ developed after meaningful engagement with the impacted community to identify the community's needs and innovative means of providing a public benefit that addresses the community's needs; and

(B) that include, as a component of the proposed project, a long-term public benefit to the impacted community developed in response to the eligible ~~applicant provides a greater percentage of~~ applicant's engagement with the ~~money needed for the project~~ community;

~~(iii) (iv)~~ iv located in an economically distressed area of the state, as measured by indices of unemployment, poverty, or population loss; ~~and~~

~~(iv) that include scalable wireline installation;~~ v that make the greatest investment in last-mile connections;

(vi) that provide higher speed broadband access to end users; and

(vii) for which the eligible applicant provides at least 25% of the money needed for the

HB0348S02 compared with HB0348S01

proposed project, with higher priority to proposed projects for which the eligible applicant provides a greater percentage of the money needed for the proposed project; and

(b) consider the impact of available funding for the proposed project from other sources, including money from matching federal grant programs~~}; and~~

~~— (c) consider the anticipated internet speed the proposed project will provide end users.~~
~~};~~

(4) The broadband center may not award a grant under this part that exceeds \$7,500,000.

(5) For a project that the eligible applicant cannot complete in a single fiscal year, the broadband center may distribute grant proceeds for the project over the course of the project's construction.

(6) In awarding grants under this part, the broadband center shall ensure that grant funds are not used in a manner that causes competition among projects that are substantially supported by state funds, as determined in accordance with rule made by the broadband center.

(7) As provided in and subject to the requirements of Title 63G, Chapter 2, Government Records Access and Management Act, a record submitted to the broadband center that contains a trade secret or confidential commercial information described in Subsection 63G-2-305(2) is a protected record.

Section ~~{145}~~138. Section **63N-16-302** is enacted to read:

63N-16-302. Duties of the broadband center.

(1) The broadband center shall:

(a) establish an application process by which an eligible applicant may apply for a grant under this part, which application shall include:

(i) a declaration, signed under penalty of perjury, that the application is complete, true, and correct; and

(ii) an acknowledgment that the eligible applicant is subject to audit;

(b) establish a method for the broadband center to determine which eligible applicants qualify to receive a grant;

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

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

HB0348S02 compared with HB0348S01

(2) Subject to appropriation, the broadband center shall:

(a) collect applications for grant funds from eligible applicants;

(b) determine which applicants qualify for receiving a grant; and

(c) award the grant funds in accordance with the process established under Subsection

(1) and in accordance with Section ~~{63N-3-602}~~63N-16-301.

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

Section ~~{146}~~139. Section 72-1-209 is amended to read:

72-1-209. Department to cooperate in programs relating to scenic centers.

The department shall cooperate in planning and promoting road-building programs into the scenic centers of the state and in providing camping grounds and facilities in scenic centers for tourists with:

- (1) the Governor's Office of Economic [~~Development~~] Opportunity;
- (2) other states;
- (3) all national, state, and local planning and zoning agencies and boards;
- (4) municipal and county officials; and
- (5) other agencies.

Section ~~{147}~~140. Section 72-4-302 is amended to read:

72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership -- Meetings -- Expenses.

- (1) There is created the Utah State Scenic Byway Committee.
- (2) (a) The committee shall consist of the following 13 members:
 - (i) a representative from each of the following entities appointed by the governor:
 - (A) the Governor's Office of Economic [~~Development~~] Opportunity;
 - (B) the Utah Department of Transportation;
 - (C) the Department of Heritage and Arts;
 - (D) the Division of Parks and Recreation;
 - (E) the Federal Highway Administration;
 - (F) the National Park Service;
 - (G) the National Forest Service; and
 - (H) the Bureau of Land Management;

HB0348S02 compared with HB0348S01

(ii) one local government tourism representative appointed by the governor;
(iii) a representative from the private business sector appointed by the governor; and
(iv) three local elected officials from a county, city, or town within the state appointed by the governor.

(b) Except as provided in Subsection (2)(c), the members appointed in this Subsection (2) shall be appointed for a four-year term of office.

(c) The governor shall, at the time of appointment or reappointment for appointments made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(3) (a) The representative from the Governor's Office of Economic ~~Development~~ Opportunity shall chair the committee.

(b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as nonvoting, ex officio members of the committee.

(4) The Governor's Office of Economic ~~Development~~ Opportunity and the department shall provide staff support to the committee.

(5) (a) The chair may call a meeting of the committee only with the concurrence of the department.

(b) A majority of the voting members of the committee constitute a quorum.

(c) Action by a majority vote of a quorum of the committee constitutes action by the committee.

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

(a) Section 63A-3-106;

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

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

Section ~~{148}~~ 141. Section **72-7-504** is amended to read:

72-7-504. Advertising prohibited near interstate or primary system -- Exceptions -- Logo advertising -- Department rules.

(1) As used in this section, "specific service trailblazer sign" means a guide sign that

HB0348S02 compared with HB0348S01

provides users with business identification or directional information for services and eligible activities that are advertised on a logo advertising sign authorized under Subsection (3)(a)(i).

(2) Outdoor advertising that is capable of being read or comprehended from any place on the main-traveled way of an interstate or primary system may not be erected or maintained, except:

(a) directional and other official signs and notices authorized or required by law, including signs and notices pertaining to natural wonders and scenic and historic attractions, informational or directional signs regarding utility service, emergency telephone signs, buried or underground utility markers, and above ground utility closure signs;

(b) on-premise signs advertising the sale or lease of property upon which the on-premise signs are located;

(c) on-premise signs advertising major activities conducted on the property where the on-premise signs are located;

(d) public assembly facility signs;

(e) unified commercial development signs that have received a waiver as described in Section 72-7-504.6;

(f) signs located in a commercial or industrial zone;

(g) signs located in unzoned industrial or commercial areas as determined from actual land uses; and

(h) logo advertising under Subsection (3).

(3) (a) The department may itself or by contract erect, administer, and maintain informational signs:

(i) on the main-traveled way of an interstate or primary system, as it existed on June 1, 1991, specific service signs for the display of logo advertising and information of interest, excluding specific service trailblazer signs as defined in rules adopted in accordance with Section 41-6a-301, to the traveling public if:

(A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in the lease or other contract agreement with a private party for the sign or sign space; and

(B) the private party for the lease of the sign or sign space pays an amount set by the department to be paid to the department or the party under contract with the department under this Subsection (3); and

HB0348S02 compared with HB0348S01

(ii) only on rural conventional roads as defined in rules adopted in accordance with Section 41-6a-301 in a county of the fourth, fifth, or sixth class for tourist-oriented directional signs that display logo advertising and information of interest to the traveling public if:

(A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in the lease or other contract agreement with a private party for the tourist-oriented directional sign or sign space; and

(B) the private party for the lease of the sign or sign space pays an amount set by the department to be paid to the department or the party under contract with the department under this Subsection (3).

(b) The amount shall be sufficient to cover the costs of erecting, administering, and maintaining the signs or sign spaces.

(c) (i) Any sign erected pursuant to this Subsection (3) which was existing as of March 1, 2015, shall be permitted as if it were in compliance with this Subsection (3).

(ii) A noncompliant sign shall only be permitted for the contract period of the advertising contract.

(iii) A new advertising contract may not be issued for a noncompliant sign.

(d) The department may consult the Governor's Office of Economic ~~[Development]~~ Opportunity in carrying out this Subsection (3).

(4) (a) Revenue generated under Subsection (3) shall be:

(i) applied first to cover department costs under Subsection (3); and

(ii) deposited ~~[in]~~ into the Transportation Fund.

(b) Revenue in excess of costs under Subsection (3)(a) shall be deposited ~~[in]~~ into the General Fund as a dedicated credit for use by the Governor's Office of Economic ~~[Development]~~ Opportunity no later than the following fiscal year.

(5) Outdoor advertising under Subsections (2)(a), (f), (g), and (h) shall conform to the rules made by the department under Sections 72-7-506 and 72-7-507.

Section ~~{149}~~ 142. Section 79-4-1103 is amended to read:

79-4-1103. Governor's duties -- Priority of federal property.

(1) During a fiscal emergency, the governor shall:

(a) if financially practicable, work with the federal government to open and maintain the operation of one or more national parks, national monuments, national forests, and national

HB0348S02 compared with HB0348S01

recreation areas in the state, in the order established under this section; and

(b) report to the speaker of the House and the president of the Senate on the need, if any, for additional appropriations to assist the division in opening and operating one or more national parks, national monuments, national forests, and national recreation areas in the state.

(2) The director of the Outdoor Recreation Office, created in Section 63N-9-104, in consultation with the executive director of the Governor's Office of Economic ~~Development~~ Opportunity, shall determine, by rule, the priority of national parks, national monuments, national forests, and national recreation areas in the state.

(3) In determining the priority described in Subsection (2), the director of the Outdoor Recreation Office shall consider the:

(a) economic impact of the national park, national monument, national forest, or national recreation area in the state; and

(b) recreational value offered by the national park, national monument, national forest, or national recreation area.

(4) The director of the Outdoor Recreation Office shall:

(a) report the priority determined under Subsection (2) to the Natural Resources, Agriculture, and Environment Interim Committee by November 30, 2014; and

(b) annually review the priority set under Subsection (2) to determine whether the priority list should be amended.

Section ~~{150}~~143. **Repealer.**

This bill repeals:

Section **63C-10-101, Title.**

Section **63C-10-102, Governor's Rural Partnership Board -- Creation -- Membership -- Vacancies -- Chairs -- Expenses.**

Section **63C-10-103, Duties.**

Section **63N-1-501, Governor's Economic Development Coordinating Council -- Membership -- Expenses.**

Section **63N-1-502, Council powers and duties.**

Section **63N-3-108, Financial assistance to companies that create economic impediments.**

Section **63N-3-109.5, Financial assistance to entities offering economic**

HB0348S02 compared with HB0348S01

opportunities in the nonattainment area.

Section 63N-3-201, Title.

Section 63N-3-202, Purpose.

Section 63N-3-203, Definitions.

Section 63N-3-205, Business team consultants.

Section 63N-3-301, Title.

Section 63N-3-302, Purpose.

Section 63N-3-303, Definitions.

Section 63N-3-304, Establishment and administration of business resource centers

-- Components.

Section 63N-3-305, Duties and responsibilities of a business resource center.

Section 63N-3-306, Advisory group.

Section 63N-3-307, Office duties.

Section 63N-12-501, Definitions.

Section 144. Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Economic Development - Business Development

From General Fund \$842,100

Schedule of Programs:

Corporate Recruitment and Business Services \$767,100

Outreach and International Trade \$75,000

ITEM 2

To Economic Development - Administration

From General Fund, One-time \$75,000

Schedule of Programs:

Administration \$75,000

HB0348S02 compared with HB0348S01

ITEM 3

To Legislature - Senate

From General Fund \$3,200

Schedule of Programs:

Administration \$3,200

ITEM 4

To Legislature - House of Representatives

From General Fund \$3,200

Schedule of Programs:

Administration \$3,200

Section 145. Effective date.

This bill takes effect July 1, 2021.

Section 146. Revisor instructions.

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, make the following changes in any new language added to the Utah Code by legislation passed during the 2021 General Session:

(1) replace "Governor's Office of Economic Development" with "Governor's Office of Economic Opportunity"; and

(2) replace "GOED" with "the GO Utah office".

Section 147. Coordinating H.B. 348 with H.B. 356 -- Superseding technical and substantive amendments.

If this H.B. 348 and H.B. 356, Rural Economic Development Tax Increment Financing, both pass and become law, it is the intent of the Legislature that the amendments to Subsection 63N-2-104(3)(c) in H.B. 356 supersede the amendments to Subsection 63N-2-104(3)(c) in this bill when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.