

Representative Mike Schultz proposes the following substitute bill:

COVID-19 GRANT PROGRAM AMENDMENTS

2021 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Schultz

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill addresses grant programs responding to COVID-19.

Highlighted Provisions:

This bill:

▶ amends the grant program that allows the Governor's Office of Economic Development to respond to the COVID-19 pandemic by directing financial grants to institutions of higher education by:

- modifying certain reporting and expenditure requirements; and
- repealing the sunset date;

▶ creates a grant program within the Governor's Office of Management and Budget for local governments to receive grants for certain purposes related to COVID-19 recovery if the local government provides matching funds;

▶ requires the Governor's Office of Management and Budget to report information about the grant program to the Executive Appropriations Committee on an annual basis;

▶ establishes a review committee to make recommendations to the Governor's Office of Management and Budget regarding the allocation of grant funds and certain procedures, criteria, and requirements for the grant program; and



26 ▶ provides for the appointment of review committee members.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **63I-2-263 (Effective 07/01/21)**, as last amended by Laws of Utah 2021, Chapters 64,
34 84, 205, 280, 282, 330, 382, and 401

35 **63N-1b-307 (Effective 07/01/21)**, as renumbered and amended by Laws of Utah 2021,
36 Chapter 282

37 **63N-12-508 (Superseded 07/01/21)**, as last amended by Laws of Utah 2020, Sixth
38 Special Session, Chapter 19

39 ENACTS:

40 **63J-4-801**, Utah Code Annotated 1953

41 **63J-4-802**, Utah Code Annotated 1953

42 **63J-4-803**, Utah Code Annotated 1953



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

45 Section 1. Section **63I-2-263 (Effective 07/01/21)** is amended to read:

46 **63I-2-263 (Effective 07/01/21). Repeal dates, Title 63A to Title 63N.**

47 (1) Section **63A-3-111** is repealed June 30, 2021.

48 (2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
49 repealed July 1, 2021.

50 (3) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology
51 Commission is repealed July 1, 2023.

52 (4) Section **63G-1-502** is repealed July 1, 2022.

53 (5) The following sections regarding the World War II Memorial Commission are
54 repealed on July 1, 2022:

55 (a) Section **63G-1-801**;

56 (b) Section **63G-1-802**;

- 57 (c) Section [63G-1-803](#); and
- 58 (d) Section [63G-1-804](#).
- 59 (6) Section [63H-7a-303](#) is repealed July 1, 2024.
- 60 (7) Subsection [63J-1-206\(3\)\(c\)](#), relating to coronavirus, is repealed July 1, 2021.
- 61 (8) Sections [63M-7-213](#) and [63M-7-213.5](#) are repealed on January 1, 2023.
- 62 (9) Section [63M-7-217](#) is repealed on July 1, 2022.

63 [~~(10)~~ Subsection [63N-1b-307\(3\)](#), which allows the Governor's Office of Economic
 64 Opportunity to respond to the COVID-19 pandemic by directing financial grants to institutions
 65 of higher education, is repealed December 31, 2021.]

66 [(H)] (10) Title 63N, Chapter 13, Part 3, Facilitating Public-private Partnerships Act,
 67 is repealed January 1, 2024.

68 [(H2)] (11) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is
 69 repealed December 31, 2021.

70 Section 2. Section **63J-4-801** is enacted to read:

71 **Part 8. COVID-19 Local Assistance Matching Grant Program**

72 **63J-4-801. Definitions.**

73 As used in this part:

74 (1) "American Rescue Plan Act" means the American Rescue Plan Act, Pub. L. 117-2.

75 (2) "COVID-19" means:

76 (a) severe acute respiratory syndrome coronavirus 2; or

77 (b) the disease caused by severe acute respiratory syndrome coronavirus 2.

78 (3) "COVID-19 emergency" means the spread of COVID-19 that the World Health
 79 Organization declared a pandemic on March 11, 2020.

80 (4) "Grant program" means the COVID-19 Local Assistance Matching Grant Program
 81 established in Section [63J-4-802](#).

82 (5) "Local government" means a county, city, town, or metro township.

83 (6) "Review committee" means the COVID-19 Local Assistance Matching Grant
 84 Program Review Committee established in Section [63J-4-803](#).

85 Section 3. Section **63J-4-802** is enacted to read:

86 **63J-4-802. Creation of COVID-19 Local Assistance Matching Grant Program --**
 87 **Eligibility -- Duties of the office.**

88 (1) There is established a grant program known as COVID-19 Local Assistance
89 Matching Grant Program that is administered by the office.

90 (2) The office shall award financial grants to local governments that meet the
91 qualifications described in Subsection (3) to provide support for:

92 (a) projects or services that address the economic impacts of the COVID-19 emergency
93 on housing insecurity, lack of affordable housing, or homelessness;

94 (b) costs incurred in addressing public health challenges resulting from the COVID-19
95 emergency;

96 (c) necessary investments in water and sewer infrastructure; or

97 (d) any other purpose authorized under the American Rescue Plan Act.

98 (3) To be eligible for a grant under this part, a local government shall:

99 (a) provide matching funds in an amount determined by the office; and

100 (b) certify that the local government will spend grant funds:

101 (i) on a purpose described in Subsection (2);

102 (ii) within the time period determined by the office; and

103 (iii) in accordance with the American Rescue Plan Act.

104 (4) As soon as is practicable, but on or before September 15, 2021, the office shall,
105 with recommendations from the review committee, establish:

106 (a) procedures for applying for and awarding grants under this part, using an online
107 grants management system that:

108 (i) manages each grant throughout the duration of the grant;

109 (ii) allows for:

110 (A) online submission of grant applications; and

111 (B) auditing and reporting for a local government that receives grant funds; and

112 (iii) generates reports containing information about each grant;

113 (b) criteria for awarding grants; and

114 (c) reporting requirements for grant recipients.

115 (5) Subject to appropriation, the office shall award grant funds on a competitive basis
116 until December 31, 2024.

117 (6) Before November 30 of each year, ending November 30, 2025, the office shall
118 submit a report to the Executive Appropriations Committee that includes:

- 119 (a) a summary of the procedures, criteria, and requirements established under
- 120 Subsection (4);
- 121 (b) a summary of the recommendations of the review committee under Section
- 122 63J-4-803;
- 123 (c) the number of applications submitted under the grant program during the previous
- 124 year;
- 125 (d) the number of grants awarded under the grant program during the previous year;
- 126 (e) the aggregate amount of grant funds awarded under the grant program during the
- 127 previous year; and
- 128 (f) any other information the office considers relevant to evaluating the success of the
- 129 grant program.
- 130 (7) The office may use funds appropriated by the Legislature for the grant program to
- 131 pay for administrative costs.

132 Section 4. Section **63J-4-803** is enacted to read:

133 **63J-4-803. COVID-19 Local Assistance Matching Grant Program Review**
134 **Committee.**

- 135 (1) There is created the COVID-19 Local Assistance Matching Grant Program Review
- 136 Committee composed of the following five members:
- 137 (a) one member of the Senate, appointed by the president of the Senate;
- 138 (b) one member of the House of Representatives, appointed by the speaker of the
- 139 House of Representatives;
- 140 (c) one individual representing the office, appointed by the executive director;
- 141 (d) one individual representing the Utah Association of Counties, appointed by the
- 142 Utah Association of Counties; and
- 143 (e) one individual representing the Utah League of Cities and Towns, appointed by the
- 144 Utah League of Cities and Towns.
- 145 (2) The review committee shall make recommendations to the office for:
- 146 (a) the allocation of grant funds under this part; and
- 147 (b) the procedures, criteria, and requirements established under Subsection
- 148 63J-4-802(4).
- 149 (3) (a) A member serves an indeterminate term and may be removed from the review

150 committee by the appointing authority at any time.

151 (b) A vacancy may be filled in the same manner as an appointment under Subsection
152 (1).

153 (4) (a) The salary and expenses of review committee members who are legislators shall
154 be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative
155 Compensation and Expenses.

156 (b) A review committee member who is not a legislator may not receive compensation
157 or benefits for the member's service on the review committee, but may receive per diem and
158 reimbursement for travel expenses incurred as a review committee member at the rates
159 established by the Division of Finance under:

160 (i) Sections [63A-3-106](#) and [63A-3-107](#); and

161 (ii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
162 [63A-3-107](#).

163 (5) The office shall provide any necessary staff support to the review committee.

164 Section 5. Section **63N-1b-307 (Effective 07/01/21)** is amended to read:

165 **63N-1b-307 (Effective 07/01/21). Utah Works Program.**

166 (1) There is created the Utah Works Program.

167 (2) The program, under the direction of the talent subcommittee, shall coordinate and
168 partner with the entities described below to develop short-term pre-employment training and
169 short-term early employment training for student and workforce participants that meet the
170 needs of businesses that are creating jobs and economic growth in the state by:

171 (a) partnering with the office, the Department of Workforce Services, and the Utah
172 system of higher education;

173 (b) partnering with businesses that have significant hiring demands for primarily newly
174 created jobs in the state;

175 (c) coordinating with the Department of Workforce Services, education agencies, and
176 employers to create effective recruitment initiatives to attract student and workforce
177 participants and business participants to the program;

178 (d) coordinating with the Utah system of higher education to develop educational and
179 training resources to provide student participants in the program qualifications to be hired by
180 business participants in the program; and

181 (e) coordinating with the State Board of Education and local education agencies when
 182 appropriate to develop educational and training resources to provide student participants in the
 183 program qualifications to be hired by business participants in the program.

184 (3) (a) Subject to appropriation, [~~beginning on August 5, 2020,~~] the office, in
 185 consultation with the talent subcommittee, may respond to the COVID-19 pandemic by
 186 directing financial grants to institutions of higher education described in Section [53B-2-101](#) to
 187 offer short-term programs to:

- 188 (i) provide training to furloughed, laid off, dislocated, underserved, or other
- 189 populations affected by COVID-19 to fill employment gaps in the state;
- 190 (ii) provide training and education related to industry needs; and
- 191 (iii) provide students with certificates or other recognition after completion of training.

192 [~~(b) (i) As soon as is practicable but on or before July 31, 2020, the office shall report~~
 193 ~~to the director of the Division of Finance about the grant program under this Subsection (3),~~
 194 ~~including:~~]

195 [~~(A) the process by which the office shall determine which institutions of higher~~
 196 ~~education shall receive financial grants; and]~~

197 [~~(B) the formula for awarding financial grants.]~~

198 [~~(ii) The office shall:]~~

199 [~~(A) participate in the presentation that the director of the Division of Finance provides~~
 200 ~~to the president of the Senate, the speaker of the House of Representatives, the minority leader~~
 201 ~~of the Senate, and the minority leader of the House of Representatives under Section~~
 202 ~~[63A-3-111](#); and]~~

203 [~~(B) consider any recommendations for adjustments to the grant program from the~~
 204 ~~president of the Senate, the speaker of the House of Representatives, the minority leader of the~~
 205 ~~Senate, and the minority leader of the House of Representatives.]~~

206 (b) The office shall include the following information in the annual written report
 207 described in Section [63N-1-301](#):

- 208 (i) the process by which the office determines which institutions of higher education
- 209 shall receive financial grants; and
- 210 (ii) the formula for awarding financial grants.

211 (c) [~~To implement Subsection (3)(a), an~~] An institution of higher education that

212 receives grant funds under this Subsection (3):

213 (i) may use grant funds for:

214 (A) costs associated with developing a new program; or

215 (B) costs associated with expanding an existing program; and

216 (ii) shall demonstrate industry needs and opportunities for partnership with industry.

217 ~~[(d)(i) The office shall award grant funds:]~~

218 ~~[(A) after an initial application period that ends on or before August 31, 2020; and]~~

219 ~~[(B) if funds remain after the initial application period, on a rolling basis until the~~

220 ~~earlier of funds being exhausted or November 30, 2020.]~~

221 ~~[(ii) An institution of higher education that receives grant funds shall expend the grant~~

222 ~~funds on or before December 1, 2020.]~~

223 (d) The office shall award grant funds on a rolling basis, until the earlier of funds being

224 exhausted or June 30, 2022.

225 (e) The office shall conduct outreach, including education about career guidance,

226 training, and workforce programs, to the targeted populations.

227 (4) The office, in consultation with the talent subcommittee, may, in accordance with

228 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in accordance with the

229 provisions of this section, make rules regarding the development and administration of the

230 Utah Works Program.

231 (5) The Utah Works Program shall report the following metrics to the office for

232 inclusion in the office's annual report described in Section [63N-1a-306](#):

233 (a) the number of participants in the program;

234 (b) how program participants learned about or were referred to the program, including

235 the number of participants who learned about or were referred to the program by:

236 (i) the Department of Workforce Services;

237 (ii) marketing efforts of the office or talent subcommittee;

238 (iii) a school counselor; and

239 (iv) other methods;

240 (c) the number of participants who have completed training offered by the program;

241 and

242 (d) the number of participants who have been hired by a business participating in the

243 program.

244 Section 6. Section **63N-12-508 (Superseded 07/01/21)** is amended to read:

245 **63N-12-508 (Superseded 07/01/21). Utah Works Program.**

246 (1) There is created within the center the Utah Works Program.

247 (2) The program, under the direction of the center and the talent ready board, shall
248 coordinate and partner with the entities described below to develop short-term pre-employment
249 training and short-term early employment training for student and workforce participants that
250 meet the needs of businesses that are creating jobs and economic growth in the state by:

251 (a) partnering with the office, the Department of Workforce Services, and the Utah
252 system of higher education;

253 (b) partnering with businesses that have significant hiring demands for primarily newly
254 created jobs in the state;

255 (c) coordinating with the Department of Workforce Services, education agencies, and
256 employers to create effective recruitment initiatives to attract student and workforce
257 participants and business participants to the program;

258 (d) coordinating with the Utah system of higher education to develop educational and
259 training resources to provide student participants in the program qualifications to be hired by
260 business participants in the program; and

261 (e) coordinating with the State Board of Education and local education agencies when
262 appropriate to develop educational and training resources to provide student participants in the
263 program qualifications to be hired by business participants in the program.

264 (3) (a) Subject to appropriation, [~~beginning on August 5, 2020,~~] the office, in
265 consultation with the talent ready board, may respond to the COVID-19 pandemic by directing
266 financial grants to institutions of higher education described in Section **53B-2-101** to offer
267 short-term programs to:

268 (i) provide training to furloughed, laid off, dislocated, underserved, or other
269 populations affected by COVID-19 to fill employment gaps in the state;

270 (ii) provide training and education related to industry needs; and

271 (iii) provide students with certificates or other recognition after completion of training.

272 [~~(b) (i) As soon as is practicable but on or before July 31, 2020, the office shall report~~
273 ~~to the director of the Division of Finance about the grant program under this Subsection (3);~~

274 including:]

275 ~~[(A) the process by which the office shall determine which institutions of higher~~
276 ~~education shall receive financial grants; and]~~

277 ~~[(B) the formula for awarding financial grants.]~~

278 ~~[(ii) The office shall:]~~

279 ~~[(A) participate in the presentation that the director of the Division of Finance provides~~
280 ~~to the president of the Senate, the speaker of the House of Representatives, the minority leader~~
281 ~~of the Senate, and the minority leader of the House of Representatives under Section~~
282 ~~63A-3-111; and]~~

283 ~~[(B) consider any recommendations for adjustments to the grant program from the~~
284 ~~president of the Senate, the speaker of the House of Representatives, the minority leader of the~~
285 ~~Senate, and the minority leader of the House of Representatives.]~~

286 (b) The office shall include the following information in the annual written report
287 described in Section 63N-1a-306:

288 (i) the process by which the office determines which institutions of higher education
289 shall receive financial grants; and

290 (ii) the formula for awarding financial grants.

291 ~~(c) [To implement Subsection (3)(a), an]~~ An institution of higher education that
292 receives grant funds under this Subsection (3):

293 (i) may use grant funds for:

294 (A) costs associated with developing a new program; or

295 (B) costs associated with expanding an existing program; and

296 (ii) shall demonstrate industry needs and opportunities for partnership with industry.

297 ~~[(d) (i) The office shall award grant funds:]~~

298 ~~[(A) after an initial application period that ends on or before August 31, 2020; and]~~

299 ~~[(B) if funds remain after the initial application period, on a rolling basis until the~~
300 ~~earlier of funds being exhausted or November 30, 2020.]~~

301 ~~[(ii) An institution of higher education that receives grant funds shall expend the grant~~
302 ~~funds on or before December 1, 2020.]~~

303 (d) The office shall award grant funds on a rolling basis, until the earlier of funds being
304 exhausted or June 30, 2022.

305 (e) The center shall conduct outreach, including education about career guidance,
306 training, and workforce programs, to the targeted populations.

307 (4) The office, in consultation with the talent ready board, may, in accordance with
308 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in accordance with the
309 provisions of this section, make rules regarding the development and administration of the
310 Utah Works Program.

311 (5) The center shall report the following metrics to the office for inclusion in the
312 office's annual report described in Section [63N-1-301](#):

313 (a) the number of participants in the program;

314 (b) how program participants learned about or were referred to the program, including
315 the number of participants who learned about or were referred to the program by:

316 (i) the Department of Workforce Services;

317 (ii) marketing efforts of the center or talent ready board;

318 (iii) a school counselor; and

319 (iv) other methods;

320 (c) the number of participants who have completed training offered by the program;

321 and

322 (d) the number of participants who have been hired by a business participating in the
323 program.

324 Section 7. **Effective date.**

325 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
326 elected to each house, this bill takes effect upon approval by the governor, or the day following
327 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
328 signature, or in the case of a veto, the date of veto override.

329 (2) (a) Section [63I-2-263](#) (Effective 07/01/21) takes effect on July 1, 2021.

330 (b) Section [63N-1b-307](#) (Effective 07/01/21) takes effect on July 1, 2021.