

**ECONOMIC AND WORKFORCE DEVELOPMENT AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Timothy D. Hawkes**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to economic and workforce development.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ transfers the Pete Suazo Utah Athletic Commission and the Utah Main Street Program from the Governor's Office of Economic Opportunity (GO Utah office) to the Department of Cultural and Community Engagement;
- ▶ modifies the membership of the Main Street Program Advisory Committee;
- ▶ transfers the Talent, Education, and Industry Alignment Board (talent board), formerly the Talent, Education, and Industry Alignment Subcommittee, the Talent Ready Utah Program (talent program), the Utah Works Program, and certain workforce development and education programs from the GO Utah office to the Utah System of Higher Education;
- ▶ modifies the membership and duties of the talent board;
- ▶ requires the talent program to report annually on the talent program's operations to the Utah Board of Higher Education;
- ▶ allows the talent program to award grants to business entities offering employee return to work programs;
- ▶ allows the GO Utah office's Unified Economic Opportunity Commission to



- 28 establish working groups to assist and advise the commission;
- 29       ▶ allows the executive director of the GO Utah office to make rules to administer
- 30 certain programs established in law;
- 31       ▶ prohibits the GO Utah office from distributing pass through funding unless the item
- 32 of appropriation describes the intended recipient;
- 33       ▶ requires pass through funding appropriated to the GO Utah office to lapse at the end
- 34 of the fiscal year if the item of appropriation fails to describe the intended recipient;
- 35       ▶ modifies the duties of the GO Utah office's Board of Economic Opportunity,
- 36 formerly the Business and Economic Development Subcommittee;
- 37       ▶ modifies requirements for the GO Utah office to award grants and loans under the
- 38 Utah Technology Innovation Funding Program, formerly the Technology
- 39 Commercialization and Innovation Program;
- 40       ▶ establishes the Economic Assistance Grant Program within the GO Utah office, for
- 41 awarding grants to business entities implementing projects that promote economic
- 42 opportunities in the state or provide certain services in the state;
- 43       ▶ expands the GO Utah office's Rural Opportunity Program, formerly the Rural
- 44 County Grant Program, by allowing the office to award grants and loans to rural
- 45 counties, rural municipalities, and business entities;
- 46       ▶ requires the GO Utah office to report annually on the Rural Opportunity Program;
- 47       ▶ creates the Rural Opportunity Advisory Committee within the GO Utah office, for
- 48 advising and making recommendations to the GO Utah office on grant and loan
- 49 awards under the Rural Opportunity Program;
- 50       ▶ creates the Rural Opportunity Fund, to be used by the GO Utah office for awarding
- 51 grants and loans under rural programs;
- 52       ▶ creates the Utah Office of Tourism within the GO Utah office and describes the
- 53 duties of the office;
- 54       ▶ modifies the membership and duties of the GO Utah office's Board of Tourism
- 55 Development;
- 56       ▶ creates the Center for International Business and Diplomacy within the GO Utah
- 57 office and describes the duties of the center;
- 58       ▶ transfers the Utah Broadband Center from the GO Utah office to the Department of

59 Transportation;

60 ▶ repeals certain education coordinating groups within the Utah System of Higher

61 Education;

62 ▶ repeals the Utah Board of Higher Education's industry advisory council;

63 ▶ repeals the GO Utah office's business development grant program for disadvantaged  
64 rural communities;

65 ▶ repeals the GO Utah office's Rural Rapid Manufacturing Grant Program;

66 ▶ repeals the GO Utah office's Rural Speculative Industrial Building Program; and

67 ▶ makes technical and conforming changes.

68 **Money Appropriated in this Bill:**

69 This bill appropriates in fiscal year 2023:

70 ▶ to Governor's Office of Economic Opportunity - Rural Coworking and Innovation  
71 Center Grant Program, as an ongoing appropriation:

72 • from the General Fund, (\$750,000);

73 ▶ to Governor's Office of Economic Opportunity - Rural Employment Expansion  
74 Program, as an ongoing appropriation:

75 • from the General Fund, (\$1,500,000); and

76 ▶ to GFR - Rural Opportunity Fund, as an ongoing appropriation:

77 • from the General Fund, \$2,250,000.

78 **Other Special Clauses:**

79 This bill provides a special effective date.

80 **Utah Code Sections Affected:**

81 AMENDS:

82 **35A-1-109**, as last amended by Laws of Utah 2021, Chapters 282 and 382

83 **53B-1-404**, as last amended by Laws of Utah 2020, Chapters 352, 373 and renumbered  
84 and amended by Laws of Utah 2020, Chapter 365 and last amended by

85 Coordination Clause, Laws of Utah 2020, Chapters 352, and 373

86 **63B-1b-202**, as last amended by Laws of Utah 2017, Chapter 345

87 **63I-1-263**, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196,

88 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws

89 of Utah 2021, Chapter 382

- 90           **63L-2-301**, as last amended by Laws of Utah 2021, Chapters 280, 282, and 382
- 91           **63N-1a-102**, as last amended by Laws of Utah 2021, Chapter 381 and renumbered and
- 92 amended by Laws of Utah 2021, Chapter 282
- 93           **63N-1a-201**, as enacted by Laws of Utah 2021, Chapter 282
- 94           **63N-1a-202**, as enacted by Laws of Utah 2021, Chapter 282
- 95           **63N-1a-303**, as last amended by Laws of Utah 2021, Chapter 382 and renumbered and
- 96 amended by Laws of Utah 2021, Chapter 282
- 97           **63N-1a-306**, as last amended by Laws of Utah 2021, Chapter 382 and renumbered and
- 98 amended by Laws of Utah 2021, Chapter 282
- 99           **63N-2-511**, as last amended by Laws of Utah 2015, Chapter 417 and renumbered and
- 100 amended by Laws of Utah 2015, Chapter 283
- 101           **63N-2-810**, as last amended by Laws of Utah 2021, Chapter 282
- 102           **63N-3-105**, as last amended by Laws of Utah 2021, Chapter 282
- 103           **63N-3-109**, as last amended by Laws of Utah 2021, Chapter 282
- 104           **63N-3-112**, as enacted by Laws of Utah 2021, Chapter 282
- 105           **63N-3-204**, as last amended by Laws of Utah 2021, Chapter 282
- 106           **63N-4-104**, as last amended by Laws of Utah 2021, Chapter 282
- 107           **63N-4-402**, as last amended by Laws of Utah 2019, Chapters 45 and 465
- 108           **63N-4-403**, as last amended by Laws of Utah 2021, Chapter 282
- 109           **63N-4-404**, as last amended by Laws of Utah 2020, Chapter 369
- 110           **63N-6-301**, as last amended by Laws of Utah 2021, Chapter 438
- 111           **63N-7-301**, as last amended by Laws of Utah 2020, Chapter 154

112 ENACTS:

- 113           **53B-33-109**, Utah Code Annotated 1953
- 114           **63N-1a-307**, Utah Code Annotated 1953
- 115           **63N-3-801**, Utah Code Annotated 1953
- 116           **63N-3-802**, Utah Code Annotated 1953
- 117           **63N-4-801**, Utah Code Annotated 1953
- 118           **63N-4-802**, Utah Code Annotated 1953
- 119           **63N-4-804**, Utah Code Annotated 1953
- 120           **63N-4-805**, Utah Code Annotated 1953

- 121 [63N-7-104](#), Utah Code Annotated 1953
- 122 [63N-19-101](#), Utah Code Annotated 1953
- 123 [63N-19-102](#), Utah Code Annotated 1953
- 124 [63N-19-103](#), Utah Code Annotated 1953
- 125 [63N-19-104](#), Utah Code Annotated 1953

126 REPEALS AND REENACTS:

- 127 [63N-7-101](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 128 [63N-7-102](#), as last amended by Laws of Utah 2020, Chapter 352
- 129 [63N-7-103](#), as last amended by Laws of Utah 2020, Chapter 154
- 130 [63N-7-201](#), as last amended by Laws of Utah 2021, Chapter 282
- 131 [63N-7-202](#), as renumbered and amended by Laws of Utah 2015, Chapter 283

132 RENUMBERS AND AMENDS:

- 133 [9-23-101](#), (Renumbered from 63N-10-102, as last amended by Laws of Utah 2019,  
134 Chapter 349)
- 135 [9-23-201](#), (Renumbered from 63N-10-201, as last amended by Laws of Utah 2018,  
136 Chapter 466)
- 137 [9-23-202](#), (Renumbered from 63N-10-203, as renumbered and amended by Laws of  
138 Utah 2015, Chapter 283)
- 139 [9-23-204](#), (Renumbered from 63N-10-204, as renumbered and amended by Laws of  
140 Utah 2015, Chapter 283)
- 141 [9-23-205](#), (Renumbered from 63N-10-205, as renumbered and amended by Laws of  
142 Utah 2015, Chapter 283)
- 143 [9-23-301](#), (Renumbered from 63N-10-301, as last amended by Laws of Utah 2019,  
144 Chapter 349)
- 145 [9-23-302](#), (Renumbered from 63N-10-302, as renumbered and amended by Laws of  
146 Utah 2015, Chapter 283)
- 147 [9-23-303](#), (Renumbered from 63N-10-303, as renumbered and amended by Laws of  
148 Utah 2015, Chapter 283)
- 149 [9-23-304](#), (Renumbered from 63N-10-304, as renumbered and amended by Laws of  
150 Utah 2015, Chapter 283)
- 151 [9-23-305](#), (Renumbered from 63N-10-305, as renumbered and amended by Laws of

152 Utah 2015, Chapter 283)  
153 **9-23-306**, (Renumbered from 63N-10-306, as renumbered and amended by Laws of  
154 Utah 2015, Chapter 283)  
155 **9-23-307**, (Renumbered from 63N-10-307, as renumbered and amended by Laws of  
156 Utah 2015, Chapter 283)  
157 **9-23-308**, (Renumbered from 63N-10-308, as renumbered and amended by Laws of  
158 Utah 2015, Chapter 283)  
159 **9-23-309**, (Renumbered from 63N-10-309, as renumbered and amended by Laws of  
160 Utah 2015, Chapter 283)  
161 **9-23-310**, (Renumbered from 63N-10-310, as renumbered and amended by Laws of  
162 Utah 2015, Chapter 283)  
163 **9-23-311**, (Renumbered from 63N-10-311, as renumbered and amended by Laws of  
164 Utah 2015, Chapter 283)  
165 **9-23-312**, (Renumbered from 63N-10-312, as renumbered and amended by Laws of  
166 Utah 2015, Chapter 283)  
167 **9-23-313**, (Renumbered from 63N-10-313, as renumbered and amended by Laws of  
168 Utah 2015, Chapter 283)  
169 **9-23-314**, (Renumbered from 63N-10-314, as renumbered and amended by Laws of  
170 Utah 2015, Chapter 283)  
171 **9-23-315**, (Renumbered from 63N-10-315, as renumbered and amended by Laws of  
172 Utah 2015, Chapter 283)  
173 **9-23-316**, (Renumbered from 63N-10-316, as renumbered and amended by Laws of  
174 Utah 2015, Chapter 283)  
175 **9-23-317**, (Renumbered from 63N-10-317, as renumbered and amended by Laws of  
176 Utah 2015, Chapter 283)  
177 **9-23-318**, (Renumbered from 63N-10-318, as renumbered and amended by Laws of  
178 Utah 2015, Chapter 283)  
179 **9-24-101**, (Renumbered from 63N-3-701, as enacted by Laws of Utah 2021, Chapter  
180 407)  
181 **9-24-102**, (Renumbered from 63N-3-702, as enacted by Laws of Utah 2021, Chapter  
182 407)

183           **9-24-103**, (Renumbered from 63N-3-703, as enacted by Laws of Utah 2021, Chapter  
184 407)  
185           **53B-33-101 (Effective 07/01/22)**, (Renumbered from 63N-1b-101 (Effective 07/01/22),  
186 as last amended by Laws of Utah 2021, Second Special Session, Chapter 1)  
187           **53B-33-102**, (Renumbered from 63N-1b-301, as renumbered and amended by Laws of  
188 Utah 2021, Chapter 282)  
189           **53B-33-103**, (Renumbered from 63N-1b-302, as renumbered and amended by Laws of  
190 Utah 2021, Chapter 282)  
191           **53B-33-104**, (Renumbered from 63N-1b-303, as renumbered and amended by Laws of  
192 Utah 2021, Chapter 282)  
193           **53B-33-105**, (Renumbered from 63N-1b-304, as renumbered and amended by Laws of  
194 Utah 2021, Chapter 282)  
195           **53B-33-106**, (Renumbered from 63N-1b-305, as renumbered and amended by Laws of  
196 Utah 2021, Chapter 282)  
197           **53B-33-107**, (Renumbered from 63N-1b-306, as renumbered and amended by Laws of  
198 Utah 2021, Chapter 282)  
199           **53B-33-108**, (Renumbered from 63N-1b-307, as last amended by Laws of Utah 2021,  
200 First Special Session, Chapter 4)  
201           **63N-1a-401**, (Renumbered from 63N-1b-201, as renumbered and amended by Laws of  
202 Utah 2021, Chapter 282)  
203           **63N-1a-402**, (Renumbered from 63N-1b-202, as renumbered and amended by Laws of  
204 Utah 2021, Chapter 282)  
205           **63N-4-803**, (Renumbered from 17-54-104, as enacted by Laws of Utah 2020, Chapter  
206 360)  
207           **72-17-101**, (Renumbered from 63N-17-102, as enacted by Laws of Utah 2021, Chapter  
208 282)  
209           **72-17-201**, (Renumbered from 63N-17-201, as enacted by Laws of Utah 2021, Chapter  
210 282)  
211           **72-17-202**, (Renumbered from 63N-17-202, as last amended by Laws of Utah 2021,  
212 Chapters 162, 345 and renumbered and amended by Laws of Utah 2021, Chapter  
213 282)

214 72-17-301, (Renumbered from 63N-17-301, as enacted by Laws of Utah 2021, Chapter  
215 282)

216 72-17-302, (Renumbered from 63N-17-302, as enacted by Laws of Utah 2021, Chapter  
217 282)

218 REPEALS:

219 17-54-101, as enacted by Laws of Utah 2020, Chapter 360

220 17-54-102, as last amended by Laws of Utah 2021, Chapter 282

221 17-54-103, as last amended by Laws of Utah 2021, Chapter 282

222 53B-1-114, as last amended by Laws of Utah 2021, Chapters 187 and 282

223 53B-1-407, as enacted by Laws of Utah 2020, Chapter 365

224 63N-4-201, as renumbered and amended by Laws of Utah 2015, Chapter 283

225 63N-4-202, as renumbered and amended by Laws of Utah 2015, Chapter 283

226 63N-4-203, as renumbered and amended by Laws of Utah 2015, Chapter 283

227 63N-4-204, as renumbered and amended by Laws of Utah 2015, Chapter 283

228 63N-4-205, as last amended by Laws of Utah 2021, Chapter 282

229 63N-4-601, as enacted by Laws of Utah 2019, Chapter 503

230 63N-4-602, as enacted by Laws of Utah 2019, Chapter 503

231 63N-4-603, as enacted by Laws of Utah 2019, Chapter 503

232 63N-4-604, as enacted by Laws of Utah 2019, Chapter 503

233 63N-4-701, as enacted by Laws of Utah 2020, Chapter 360

234 63N-4-702, as enacted by Laws of Utah 2020, Chapter 360

235 63N-4-703, as enacted by Laws of Utah 2020, Chapter 360

236 63N-4-704, as last amended by Laws of Utah 2021, Chapter 282

237 63N-10-101, as renumbered and amended by Laws of Utah 2015, Chapter 283

238 63N-17-101, as enacted by Laws of Utah 2021, Chapter 282

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

241 Section 1. Section 9-23-101, which is renumbered from Section 63N-10-102 is  
242 renumbered and amended to read:

**CHAPTER 23. PETE SUAZO UTAH ATHLETIC COMMISSION ACT**

**Part 1. General Provisions**

244



245 ~~[63N-10-102]~~. 9-23-101. Definitions.

246 As used in this chapter:

247 (1) "Bodily injury" has the same meaning as defined in Section [76-1-601](#).

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

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

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

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

255 (iii) a correct HIV negative test regarding each contestant has not been provided to the  
256 commission;

257 (iv) the contest is not conducted in accordance with commission rules; or

258 (v) the contestants are not matched by the weight standards established in accordance  
259 with Section ~~[63N-10-316]~~ [9-23-31](#).

260 (b) "Club fighting" does not include sparring if:

261 (i) it is conducted for training purposes;

262 (ii) no tickets are sold to spectators;

263 (iii) no concessions are available for spectators;

264 (iv) protective clothing, including protective headgear, a mouthguard, and a protective  
265 cup, is worn; and

266 (v) for boxing, 16 ounce boxing gloves are worn.

267 (4) "Commission" means the Pete Suazo Utah Athletic Commission created by this  
268 chapter.

269 (5) "Contest" means a live match, performance, or exhibition involving two or more  
270 persons engaged in unarmed combat.

271 (6) "Contestant" means an individual who participates in a contest.

272 (7) "Designated commission member" means a member of the commission designated  
273 to:

274 (a) attend and supervise a particular contest; and

275 (b) act on the behalf of the commission at a contest venue.

- 276 (8) "Director" means the director appointed by the commission.
- 277 (9) "Elimination unarmed combat contest" means a contest where:
  - 278 (a) a number of contestants participate in a tournament;
  - 279 (b) the duration is not more than 48 hours; and
  - 280 (c) the loser of each contest is eliminated from further competition.
- 281 (10) "Exhibition" means an engagement in which the participants show or display their
- 282 skills without necessarily striving to win.
- 283 (11) "Judge" means an individual qualified by training or experience to:
  - 284 (a) rate the performance of contestants;
  - 285 (b) score a contest; and
  - 286 (c) determine with other judges whether there is a winner of the contest or whether the
  - 287 contestants performed equally, resulting in a draw.
- 288 (12) "Licensee" means an individual licensed by the commission to act as a:
  - 289 (a) contestant;
  - 290 (b) judge;
  - 291 (c) manager;
  - 292 (d) promoter;
  - 293 (e) referee;
  - 294 (f) second; or
  - 295 (g) other official established by the commission by rule.
- 296 (13) "Manager" means an individual who represents a contestant for the purpose of:
  - 297 (a) obtaining a contest for a contestant;
  - 298 (b) negotiating terms and conditions of the contract under which the contestant will
  - 299 engage in a contest; or
  - 300 (c) arranging for a second for the contestant at a contest.
- 301 (14) "Promoter" means a person who engages in producing or staging contests and
- 302 promotions.
- 303 (15) "Promotion" means a single contest or a combination of contests that:
  - 304 (a) occur during the same time and at the same location; and
  - 305 (b) is produced or staged by a promoter.
- 306 (16) "Purse" means any money, prize, remuneration, or any other valuable

307 consideration a contestant receives or may receive for participation in a contest.

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

310 (a) enforcing the rules relating to the contest;

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

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

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

316 (19) "Second" means an individual who attends a contestant at the site of the contest  
317 before, during, and after the contest in accordance with contest rules.

318 (20) "Serious bodily injury" has the same meaning as defined in Section [76-1-601](#).

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

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

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

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

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

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

332 (e) contest rules prohibit contestants from:

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

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

338 (iii) biting; or  
339 (iv) direct, intentional, and forceful strikes to the eyes, groin area, Adam's apple area of  
340 the neck, and the rear area of the head and neck.

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

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

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

347 (25) "Unprofessional conduct" means:

348 (a) entering into a contract for a contest in bad faith;

349 (b) participating in any sham or fake contest;

350 (c) participating in a contest pursuant to a collusive understanding or agreement in  
351 which the contestant competes in or terminates the contest in a manner that is not based upon  
352 honest competition or the honest exhibition of the skill of the contestant;

353 (d) engaging in an act or conduct that is detrimental to a contest, including any foul or  
354 unsportsmanlike conduct in connection with a contest;

355 (e) failing to comply with any limitation, restriction, or condition placed on a license;

356 (f) striking of a downed opponent by a contestant while the contestant remains on the  
357 contestant's feet, unless the designated commission member or director has exempted the  
358 contest and each contestant from the prohibition on striking a downed opponent before the start  
359 of the contest;

360 (g) after entering the ring or contest area, penetrating an area within four feet of an  
361 opponent by a contestant, manager, or second before the commencement of the contest; or

362 (h) as further defined by rules made by the commission under Title 63G, Chapter 3,  
363 Utah Administrative Rulemaking Act.

364 (26) "White-collar contest" means a contest conducted at a training facility where no  
365 alcohol is served in which:

366 (a) for boxing:

367 (i) neither contestant is or has been a licensed contestant in any state or an amateur  
368 registered with USA Boxing, Inc.;

- 369 (ii) no cash prize, or other prize valued at greater than \$35, is awarded;
- 370 (iii) protective clothing, including protective headgear, a mouthguard, a protective cup,  
371 and for a female contestant a chestguard, is worn;
- 372 (iv) 16 ounce boxing gloves are worn;
- 373 (v) the contest is no longer than three rounds of no longer than three minutes each;
- 374 (vi) no winner or loser is declared or recorded; and
- 375 (vii) the contestants do not compete in a cage; and
- 376 (b) for ultimate fighting:
- 377 (i) neither contestant is or has been a licensed contestant in any state or an amateur  
378 registered with USA Boxing, Inc.;
- 379 (ii) no cash prize, or other prize valued at greater than \$35, is awarded;
- 380 (iii) protective clothing, including a protective mouthguard and a protective cup, is  
381 worn;
- 382 (iv) downward elbow strikes are not allowed;
- 383 (v) a contestant is not allowed to stand and strike a downed opponent;
- 384 (vi) a closed-hand blow to the head is not allowed while either contestant is on the  
385 ground;
- 386 (vii) the contest is no longer than three rounds of no longer than three minutes each;  
387 and
- 388 (viii) no winner or loser is declared or recorded.

389 Section 2. Section **9-23-201**, which is renumbered from Section 63N-10-201 is  
390 renumbered and amended to read:

391 **Part 2. Pete Suazo Utah Athletic Commission**

392 ~~[63N-10-201]~~. **9-23-201. Commission -- Creation -- Appointments -- Terms**  
393 **-- Expenses -- Quorum.**

- 394 (1) There is created within the ~~[office]~~ department the Pete Suazo Utah Athletic  
395 Commission consisting of five members.
- 396 (2) (a) The governor shall appoint three commission members.
- 397 (b) The president of the Senate and the speaker of the House of Representatives shall  
398 each appoint one commission member.
- 399 (c) The commission members may not be licensees under this chapter.

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

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

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

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

410 (i) the governor, for a commission member appointed by the governor;

411 (ii) the president of the Senate, for a commission member appointed by the president of  
412 the Senate; or

413 (iii) the speaker of the House of Representatives, for a commission member appointed  
414 by the speaker of the House of Representatives.

415 (4) (a) A majority of the commission members constitutes a quorum.

416 (b) A majority of a quorum is sufficient authority for the commission to act.

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

419 (a) Section [63A-3-106](#);

420 (b) Section [63A-3-107](#); and

421 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

422 (6) The commission shall annually designate one of its members to serve as chair for a  
423 one-year period.

424 Section 3. Section **9-23-202**, which is renumbered from Section 63N-10-203 is  
425 renumbered and amended to read:

426 ~~[63N-10-203]~~. **9-23-202. Commission director.**

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

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

430 Section 4. Section **9-23-204**, which is renumbered from Section 63N-10-204 is

431 renumbered and amended to read:

432 ~~[63N-10-204].~~ 9-23-204. **Inspectors.**

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

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

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

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

440 Section 5. Section **9-23-205**, which is renumbered from Section 63N-10-205 is  
441 renumbered and amended to read:

442 ~~[63N-10-205].~~ 9-23-205. **Affiliation with other commissions.**

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

445 Section 6. Section **9-23-301**, which is renumbered from Section 63N-10-301 is  
446 renumbered and amended to read:

447 **Part 3. Licensing**

448 ~~[63N-10-301].~~ 9-23-301. **Licensing.**

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

450 (a) a promoter;

451 (b) a manager;

452 (c) a contestant;

453 (d) a second;

454 (e) a referee;

455 (f) a judge; or

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

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

459 (a) promoter;

460 (b) manager;

461 (c) contestant;

- 462 (d) second;
- 463 (e) referee;
- 464 (f) judge; or
- 465 (g) another official who meets the requirements established by rule under Subsection
- 466 (1)(g).

467 (3) All money collected under this section and Sections [~~63N-10-304, 63N-10-307,~~  
468 ~~63N-10-310, and 63N-10-313~~] 9-23-304, 9-23-307, 9-23-310, and 9-23-313 shall be retained  
469 as dedicated credits to pay for commission expenses.

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

- 471 (a) submit an application in a form prescribed by the commission;
- 472 (b) pay the fee determined by the commission under Section 63J-1-504;
- 473 (c) provide to the commission evidence of financial responsibility, which shall include  
474 financial statements and other information that the commission may reasonably require to  
475 determine that the applicant or licensee is able to competently perform as and meet the  
476 obligations of a promoter in this state;

477 (d) make assurances that the applicant:

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

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

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

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

488 (f) if requested by the commission or the director, meet with the commission or the  
489 director to examine the applicant's qualifications for licensure.

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

491 (a) be not less than 18 years of age at the time the application is submitted to the  
492 commission;



- 493 (b) submit an application in a form prescribed by the commission;
- 494 (c) pay the fee established by the commission under Section 63J-1-504;
- 495 (d) provide a certificate of physical examination, dated not more than 60 days prior to
- 496 the date of application for licensure, in a form provided by the commission, completed by a
- 497 licensed physician and surgeon or physician assistant certifying that the applicant is free from
- 498 any physical or mental condition that indicates the applicant should not engage in activity as a
- 499 contestant;
- 500 (e) make assurances that the applicant:
  - 501 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
  - 502 respect to a contest in which the applicant will participate;
  - 503 (ii) has not been found in a criminal or civil proceeding to have engaged in or
  - 504 attempted to have engaged in any fraud or misrepresentation in connection with a contest or
  - 505 any other sporting event; and
  - 506 (iii) has not been found in a criminal or civil proceeding to have violated or attempted
  - 507 to violate any law with respect to contests in any jurisdiction or any law, rule, or order relating
  - 508 to the regulation of contests in this state or any other jurisdiction;
- 509 (f) acknowledge in writing to the commission receipt, understanding, and intent to
- 510 comply with this chapter and the rules made under this chapter; and
- 511 (g) if requested by the commission or the director, meet with the commission or the
- 512 director to examine the applicant's qualifications for licensure.
- 513 (6) Each applicant for licensure as a manager or second shall:
  - 514 (a) submit an application in a form prescribed by the commission;
  - 515 (b) pay a fee determined by the commission under Section 63J-1-504;
  - 516 (c) make assurances that the applicant:
    - 517 (i) is not engaging in illegal gambling with respect to sporting events or gambling with
    - 518 respect to a contest in which the applicant is participating;
    - 519 (ii) has not been found in a criminal or civil proceeding to have engaged in or
    - 520 attempted to have engaged in any fraud or misrepresentation in connection with a contest or
    - 521 any other sporting event; and
    - 522 (iii) has not been found in a criminal or civil proceeding to have violated or attempted
    - 523 to violate any law with respect to a contest in any jurisdiction or any law, rule, or order relating

524 to the regulation of contests in this state or any other jurisdiction;

525 (d) acknowledge in writing to the commission receipt, understanding, and intent to  
526 comply with this chapter and the rules made under this chapter; and

527 (e) if requested by the commission or director, meet with the commission or the  
528 director to examine the applicant's qualifications for licensure.

529 (7) Each applicant for licensure as a referee or judge shall:

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

531 (b) pay a fee determined by the commission under Section [63J-1-504](#);

532 (c) make assurances that the applicant:

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

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

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

541 (d) acknowledge in writing to the commission receipt, understanding, and intent to  
542 comply with this chapter and the rules made under this chapter;

543 (e) provide evidence satisfactory to the commission that the applicant is qualified by  
544 training and experience to competently act as a referee or judge in a contest; and

545 (f) if requested by the commission or the director, meet with the commission or the  
546 director to examine the applicant's qualifications for licensure.

547 (8) The commission may make rules concerning the requirements for a license under  
548 this chapter, that deny a license to an applicant for the violation of a crime that, in the  
549 commission's determination, would have a material affect on the integrity of a contest held  
550 under this chapter.

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

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

555 Section 7. Section **9-23-302**, which is renumbered from Section 63N-10-302 is  
556 renumbered and amended to read:

557 ~~[63N-10-302]~~. **9-23-302. Term of license -- Expiration -- Renewal.**

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

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

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

564 Section 8. Section **9-23-303**, which is renumbered from Section 63N-10-303 is  
565 renumbered and amended to read:

566 ~~[63N-10-303]~~. **9-23-303. Grounds for denial of license -- Disciplinary**  
567 **proceedings -- Reinstatement.**

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

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

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

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

578 (c) the applicant or licensee is unable to practice the occupation or profession with  
579 reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics,  
580 chemicals, or any other type of material, or as a result of any other mental or physical  
581 condition, when the licensee's condition demonstrates a threat or potential threat to the public  
582 health, safety, or welfare, as determined by a ringside physician or the commission.

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

586 license suspension, revocation, or restriction.

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

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

589 (b) to any person who otherwise violates this chapter or any rules adopted under this

590 chapter.

591 (5) (a) The commission may impose an administrative fine for acts of unprofessional or

592 unlawful conduct under this chapter.

593 (b) An administrative fine under this Subsection (5) may not exceed \$2,500 for each

594 separate act of unprofessional or unlawful conduct.

595 (c) The commission shall comply with Title 63G, Chapter 4, Administrative

596 Procedures Act, in any action to impose an administrative fine under this chapter.

597 (d) The imposition of a fine under this Subsection (5) does not affect any other action

598 the commission or department may take concerning a license issued under this chapter.

599 (6) (a) The commission may not take disciplinary action against any person for

600 unlawful or unprofessional conduct under this chapter, unless the commission initiates an

601 adjudicative proceeding regarding the conduct within four years after the conduct is reported to

602 the commission, except under Subsection (6)(b).

603 (b) The commission may not take disciplinary action against any person for unlawful

604 or unprofessional conduct more than 10 years after the occurrence of the conduct, unless the

605 proceeding is in response to a civil or criminal judgment or settlement and the proceeding is

606 initiated within one year following the judgment or settlement.

607 (7) (a) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, the

608 following may immediately suspend the license of a licensee at such time and for such period

609 that the following believes is necessary to protect the health, safety, and welfare of the licensee,

610 another licensee, or the public:

611 (i) the commission;

612 (ii) a designated commission member; or

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

614 (b) The commission shall establish by rule appropriate procedures to invoke the

615 suspension and to provide a suspended licensee a right to a hearing before the commission with

616 respect to the suspension within a reasonable time after the suspension.

617 Section 9. Section **9-23-304**, which is renumbered from Section 63N-10-304 is  
618 renumbered and amended to read:

619 ~~[63N-10-304]~~. **9-23-304. Additional fees for license of promoter --**  
620 **Dedicated credits -- Promotion of contests -- Annual exemption of showcase event.**

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

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

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

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

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

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

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

638 (i) attraction of the optimum number of spectators;

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

640 (iii) ticket pricing;

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

642 (v) rankings and quality of the contestants; and

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

644 Section 10. Section **9-23-305**, which is renumbered from Section 63N-10-305 is  
645 renumbered and amended to read:

646 ~~[63N-10-305]~~. **9-23-305. Jurisdiction of commission.**

647 (1) (a) The commission has the sole authority concerning direction, management,

648 control, and jurisdiction over all contests or exhibitions of unarmed combat to be conducted,  
649 held, or given within this state.

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

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

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

- 657 (i) the designated commission member;
- 658 (ii) other commission members in attendance;
- 659 (iii) the director;
- 660 (iv) commission employees;
- 661 (v) officials;
- 662 (vi) licensees participating or assisting in the contest; and
- 663 (vii) others granted credentials by the commission.

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

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

- 669 (a) the designated commission member;
- 670 (b) other commission members in attendance;
- 671 (c) the director;
- 672 (d) commission employees;
- 673 (e) officials;
- 674 (f) licensees participating or assisting in the contest; and
- 675 (g) others granted credentials by the commission.

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

678 (6) (a) The designated commission member may direct the removal from the contest

679 venue and premises, of any individual whose actions:

680 (i) are disruptive to the safe conduct of the contest; or  
 681 (ii) pose a danger to the safety and welfare of the licensees, the commission, or the  
 682 public, as determined by the designated commission member.

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

685 Section 11. Section **9-23-306**, which is renumbered from Section 63N-10-306 is  
 686 renumbered and amended to read:

687 ~~[63N-10-306]~~. **9-23-306. Club fighting prohibited.**

688 (1) Club fighting is prohibited.

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

691 (a) guilty of a class A misdemeanor as provided in Section [76-9-705](#); and

692 (b) subject to license revocation under this chapter.

693 Section 12. Section **9-23-307**, which is renumbered from Section 63N-10-307 is  
 694 renumbered and amended to read:

695 ~~[63N-10-307]~~. **9-23-307. Approval to hold contest or promotion -- Bond**  
 696 **required.**

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

699 (2) The application shall be accompanied by a contest fee determined by the  
 700 commission under Section [63J-1-505](#).

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

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

705 (i) the promoter of the contest or promotion is properly licensed;

706 (ii) a bond meeting the requirements of Subsection (6) has been posted by the promoter  
 707 of the contest or promotion; and

708 (iii) the contest or promotion will be held in accordance with this chapter and rules  
 709 made under this chapter.

710 (4) (a) Final approval to hold a contest or promotion may not be granted unless the  
711 commission receives, not less than seven days before the day of the contest with 10 or more  
712 rounds:

713 (i) proof of a negative HIV test performed not more than 180 days before the day of the  
714 contest for each contestant;

715 (ii) a copy of each contestant's federal identification card;

716 (iii) a copy of a signed contract between each contestant and the promoter for the  
717 contest;

718 (iv) a statement specifying the maximum number of rounds of the contest;

719 (v) a statement specifying the site, date, and time of weigh-in; and

720 (vi) the name of the physician selected from among a list of registered and  
721 commission-approved ringside physicians who shall act as ringside physician for the contest.

722 (b) Notwithstanding Subsection (4)(a), the commission may approve a contest or  
723 promotion if the requirements under Subsection (4)(a) are not met because of unforeseen  
724 circumstances beyond the promoter's control.

725 (5) Final approval for a contest under 10 rounds in duration may be granted as  
726 determined by the commission after receiving the materials identified in Subsection (4) at a  
727 time determined by the commission.

728 (6) An applicant shall post a surety bond or cashier's check with the commission in the  
729 greater of \$10,000 or the amount of the purse, providing for forfeiture and disbursement of the  
730 proceeds if the applicant fails to comply with:

731 (a) the requirements of this chapter; or

732 (b) rules made under this chapter relating to the promotion or conduct of the contest or  
733 promotion.

734 Section 13. Section **9-23-308**, which is renumbered from Section 63N-10-308 is  
735 renumbered and amended to read:

736 ~~[63N-10-308]~~. **9-23-308. Rules for the conduct of contests.**

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

739 (2) The rules shall include:

740 (a) authority for:



- 741 (i) stopping contests; and
- 742 (ii) impounding purses with respect to contests when there is a question with respect to  
743 the contest, contestants, or any other licensee associated with the contest; and
- 744 (b) reasonable and necessary provisions to ensure that all obligations of a promoter  
745 with respect to any promotion or contest are paid in accordance with agreements made by the  
746 promoter.
- 747 (3) (a) The commission may, in its discretion, exempt a contest and each contestant  
748 from the definition of unprofessional conduct found in Subsection [~~63N-10-102(25)(f)~~]  
749 9-23-101(25)(f) after:
- 750 (i) a promoter requests the exemption; and
- 751 (ii) the commission considers relevant factors, including:
- 752 (A) the experience of the contestants;
- 753 (B) the win and loss records of each contestant;
- 754 (C) each contestant's level of training; and
- 755 (D) any other evidence relevant to the contestants' professionalism and the ability to  
756 safely conduct the contest.
- 757 (b) The commission's hearing of a request for an exemption under this Subsection (3)  
758 is an informal adjudicative proceeding under Section 63G-4-202.
- 759 (c) The commission's decision to grant or deny a request for an exemption under this  
760 Subsection (3) is not subject to agency review under Section 63G-4-301.
- 761 Section 14. Section **9-23-309**, which is renumbered from Section 63N-10-309 is  
762 renumbered and amended to read:
- 763 ~~[63N-10-309]~~. **9-23-309. Medical examinations and drug tests.**
- 764 (1) The commission shall adopt rules in accordance with Title 63G, Chapter 3, Utah  
765 Administrative Rulemaking Act, for medical examinations and drug testing of contestants,  
766 including provisions under which contestants shall:
- 767 (a) produce evidence based upon competent laboratory examination that they are HIV  
768 negative as a condition of participating as a contestant in any contest;
- 769 (b) be subject to random drug testing before or after participation in a contest, and  
770 sanctions, including barring participation in a contest or withholding a percentage of any purse,  
771 that shall be placed against a contestant testing positive for alcohol or any other drug that in the

772 opinion of the commission is inconsistent with the safe and competent participation of that  
773 contestant in a contest;

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

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

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

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

784 Section 15. Section **9-23-310**, which is renumbered from Section 63N-10-310 is  
785 renumbered and amended to read:

786 ~~[63N-10-310]~~. **9-23-310. Contests.**

787 (1) Except as provided in Section [~~63N-10-317~~] [9-23-317](#), a licensee may not  
788 participate in an unarmed combat contest within a predetermined time after another unarmed  
789 combat contest, as prescribed in rules made by the commission.

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

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

796 Section 16. Section **9-23-311**, which is renumbered from Section 63N-10-311 is  
797 renumbered and amended to read:

798 ~~[63N-10-311]~~. **9-23-311. Ringside physician.**

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

802 (2) (a) The commission shall appoint a registered ringside physician to perform the

803 duties of a ringside physician at each contest held under this chapter.

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

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

807 (a) submit an application for registration;

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

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

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

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

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

815 Section 17. Section **9-23-312**, which is renumbered from Section 63N-10-312 is  
816 renumbered and amended to read:

817 ~~**[63N-10-312].**~~ **9-23-312. Contracts.**

818 (1) Before a contest is held, a copy of the signed contract or agreement between the  
819 promoter of the contest and each contestant shall be filed with the commission.

820 (2) Approval of the contract's terms and conditions shall be obtained from the  
821 commission as a condition precedent to the contest.

822 Section 18. Section **9-23-313**, which is renumbered from Section 63N-10-313 is  
823 renumbered and amended to read:

824 ~~**[63N-10-313].**~~ **9-23-313. Withholding of purse.**

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

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

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

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

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

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

842 Section 19. Section **9-23-314**, which is renumbered from Section 63N-10-314 is  
843 renumbered and amended to read:

844 ~~[63N-10-314]~~. **9-23-314. Penalty for unlawful conduct.**

845 A person who engages in any act of unlawful conduct, as defined in Section  
846 ~~[63N-10-102]~~ **9-23-101**, is guilty of a class A misdemeanor.

847 Section 20. Section **9-23-315**, which is renumbered from Section 63N-10-315 is  
848 renumbered and amended to read:

849 ~~[63N-10-315]~~. **9-23-315. Exemptions.**

850 This chapter does not apply to:

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

- 853 (a) a school accredited by the ~~[Utah]~~ Board of Education;
- 854 (b) a college or university accredited by the United States Department of Education; or
- 855 (c) any association or organization of a school, college, or university described in  
856 Subsections (1)(a) and (b), when each participant in the contests or exhibitions is a bona fide  
857 student in the school, college, or university;

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

860 (3) a white-collar contest.

861 Section 21. Section **9-23-316**, which is renumbered from Section 63N-10-316 is  
862 renumbered and amended to read:

863 ~~[63N-10-316]~~. **9-23-316. Contest weights and classes -- Matching**  
864 **contestants.**

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

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

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

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

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

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

878 (b) a contestant may have two hours to attempt to gain or lose not more than three  
 879 pounds in order to be reweighed.

880 (5) (a) As to any unarmed combat contest, the commission may not allow a contest in  
 881 which the contestants are not fairly matched.

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

883 (i) the win-loss record of the contestants;

884 (ii) the weight differential between the contestants;

885 (iii) the caliber of opponents for each contestant;

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

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

888 Section 22. Section **9-23-317**, which is renumbered from Section 63N-10-317 is  
 889 renumbered and amended to read:

890 ~~[63N-10-317]~~. **9-23-317. Elimination contests -- Conduct of contests --**  
 891 **Applicability of provisions -- Limitations on license -- Duration of contests -- Equipment**  
 892 **-- Limitations on contests.**

893 (1) An elimination unarmed combat contest shall be conducted under the supervision  
 894 and authority of the commission.

895 (2) Except as otherwise provided in this section and except as otherwise provided by

896 specific statute, the provisions of this chapter pertaining to boxing apply to an elimination  
897 unarmed combat contest.

898 (3) (a) All contests in an elimination unarmed combat contest shall be no more than  
899 three rounds in duration.

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

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

902 (ii) be up to three minutes in duration if there is only a single round.

903 (c) A period of rest following a round shall be no more than one minute in duration.

904 (4) A contestant:

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

906 (b) shall wear headgear approved by the commission, the designated commission  
907 member, or the director if a designated commission member is not present.

908 (5) A contestant may participate in more than one contest, but may not participate in  
909 more than a total of seven rounds in the entire tournament.

910 Section 23. Section **9-23-318**, which is renumbered from Section 63N-10-318 is  
911 renumbered and amended to read:

912 ~~[63N-10-318]~~. **9-23-318. Commission rulemaking.**

913 The commission may make rules governing the conduct of a contest held under this  
914 chapter to protect the health and safety of licensees and members of the public.

915 Section 24. Section **9-24-101**, which is renumbered from Section 63N-3-701 is  
916 renumbered and amended to read:

**CHAPTER 24. UTAH MAIN STREET PROGRAM ACT**

918 ~~[63N-3-701]~~. **9-24-101. Definitions.**

919 As used in this ~~[part]~~ chapter:

920 (1) "Advisory committee" means the Utah Main Street Advisory Committee created in  
921 Section ~~[63N-3-703]~~ 9-24-103.

922 (2) "Center" means the National Main Street Center.

923 (3) "Program" means the Utah Main Street Program created in Section ~~[63N-3-702]~~  
924 9-24-102.

925 Section 25. Section **9-24-102**, which is renumbered from Section 63N-3-702 is  
926 renumbered and amended to read:

927 ~~[63N-3-702]~~. **9-24-102. Utah Main Street Program.**

928 (1) The Utah Main Street Program is created within the ~~[office]~~ department to provide  
929 resources for the revitalization of downtown or commercial district areas of municipalities in  
930 the state.

931 (2) To implement the program, the ~~[office]~~ department may:

932 (a) become a member of the National Main Street Center and partner with the center to  
933 become the statewide coordinating program for participating municipalities in the state;

934 (b) establish criteria for the designation of one or more local main street programs  
935 administered by a county or municipality in the state;

936 (c) consider the recommendations of the advisory committee in designating and  
937 implementing local main street programs;

938 (d) provide training and technical assistance to local governments, businesses, property  
939 owners, or other organizations that participate in designated local main street programs;

940 (e) subject to appropriations from the Legislature or other funding, provide financial  
941 assistance to designated local main street programs; and

942 (f) under the direction of the executive director, appoint full-time staff.

943 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
944 ~~[office]~~ department may make rules establishing the eligibility and reporting criteria for a  
945 downtown area to receive a local main street program designation, including requirements for:

946 (a) local government support of the local main street program; and

947 (b) collecting data to measure economic development impact.

948 (4) The ~~[office]~~ department shall include in the annual written report described in  
949 Section ~~[63N-1a-306]~~ 9-1-208, a report of the program's operations and details of which  
950 municipalities have received:

951 (a) a local main street program designation; and

952 (b) financial support from the program.

953 Section 26. Section **9-24-103**, which is renumbered from Section 63N-3-703 is  
954 renumbered and amended to read:

955 ~~[63N-3-703]~~. **9-24-103. Main Street Program Advisory Committee --**  
956 **Membership -- Duties.**

957 (1) There is created ~~[in]~~ within the ~~[office]~~ department the Main Street Program

958 Advisory Committee.

959 (2) The advisory committee is composed of the following members appointed by the  
960 executive director:

961 (a) a representative of the ~~[office]~~ department who provides administrative oversight of  
962 the program;

963 (b) ~~[a representative of the office]~~ two representatives of the Governor's Office of  
964 Economic Opportunity, one of whom is involved in tourism development;

965 ~~[(c) a representative of the Department of Cultural and Community Engagement;]~~

966 ~~[(d)]~~ (c) a representative of the State Historic Preservation Office;

967 ~~[(e)]~~ (d) a representative of the ~~[Utah]~~ Department of Transportation;

968 ~~[(f)]~~ (e) a representative of the Housing and Community Development Division within  
969 the Department of Workforce Services;

970 ~~[(g)]~~ (f) a representative from a local association of governments;

971 ~~[(h)]~~ (g) a representative from the private sector involved in a local main street  
972 program;

973 ~~[(i)]~~ (h) a representative of a local main street program; and

974 ~~[(j)]~~ (i) three representatives from various entities that have an interest or expertise in  
975 assisting local main street programs.

976 (3) The advisory committee shall advise and make recommendations to the ~~[office]~~  
977 department regarding:

978 (a) the eligibility of applicants for designation as a local main street program;

979 (b) financial assistance requests from designated local main street programs; and

980 (c) improving the effectiveness of the program.

981 (4) (a) Except as provided under Subsection (4)(b), each member of the advisory  
982 committee appointed under Subsections ~~[(2)(g)]~~ (2)(f) through ~~[(j)]~~ (i) shall be appointed for a  
983 four-year term.

984 (b) The executive director, at the time of appointment or reappointment, may adjust the  
985 length of terms to ensure that the terms of approximately half of the members of the advisory  
986 committee appointed under Subsections ~~[(2)(g)]~~ (2)(f) through ~~[(j)]~~ (i) end every two years.

987 (5) The representative of the ~~[office]~~ department appointed under Subsection (2)(a)  
988 shall serve as chair of the advisory committee.



989 (6) When a vacancy occurs in the membership for any reason, the executive director  
990 shall appoint a replacement member.

991 (7) A majority of the advisory committee constitutes a quorum for the purpose of  
992 conducting advisory committee business and the action of a majority of a quorum constitutes  
993 the action of the advisory committee.

994 (8) A member may not receive compensation or benefits for the member's service, but  
995 a member may receive per diem and travel expenses in accordance with:

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

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

998 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
999 63A-3-107.

1000 Section 27. Section 35A-1-109 is amended to read:

1001 **35A-1-109. Annual report -- Content -- Format.**

1002 (1) The department shall prepare and submit to the governor and the Legislature, by  
1003 October 1 of each year, an annual written report of the operations, activities, programs, and  
1004 services of the department, including its divisions, offices, boards, commissions, councils, and  
1005 committees, for the preceding fiscal year.

1006 (2) For each operation, activity, program, or service provided by the department, the  
1007 annual report shall include:

1008 (a) a description of the operation, activity, program, or service;

1009 (b) data and metrics:

1010 (i) selected and used by the department to measure progress, performance,  
1011 effectiveness, and scope of the operation, activity, program, or service, including summary  
1012 data; and

1013 (ii) that are consistent and comparable for each state operation, activity, program, or  
1014 service that primarily involves employment training or placement as determined by the  
1015 executive directors of the department, the Governor's Office of Economic Opportunity, and the  
1016 Governor's Office of Planning and Budget;

1017 (c) budget data, including the amount and source of funding, expenses, and allocation  
1018 of full-time employees for the operation, activity, program, or service;

1019 (d) historical data from previous years for comparison with data reported under

1020 Subsections (2)(b) and (c);  
1021 (e) goals, challenges, and achievements related to the operation, activity, program, or  
1022 service;  
1023 (f) relevant federal and state statutory references and requirements;  
1024 (g) contact information of officials knowledgeable and responsible for each operation,  
1025 activity, program, or service; and  
1026 (h) other information determined by the department that:  
1027 (i) may be needed, useful, or of historical significance; or  
1028 (ii) promotes accountability and transparency for each operation, activity, program, or  
1029 service with the public and elected officials.  
1030 (3) The annual report shall be designed to provide clear, accurate, and accessible  
1031 information to the public, the governor, and the Legislature.  
1032 (4) The department shall:  
1033 (a) submit the annual report in accordance with Section 68-3-14;  
1034 (b) make the annual report, and previous annual reports, accessible to the public by  
1035 placing a link to the reports on the department's website; and  
1036 (c) provide the data and metrics described in Subsection (2)(b) to the Talent,  
1037 Education, and Industry Alignment [~~Subcommittee~~] Board created in Section [~~63N-1b-301~~]  
1038 53B-33-102.  
1039 Section 28. Section **53B-1-404** is amended to read:  
1040 **53B-1-404. Membership of the board -- Student appointee -- Terms -- Oath --**  
1041 **Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation --**  
1042 **Training.**  
1043 (1) The board consists of 18 residents of the state appointed by the governor with the  
1044 advice and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies,  
1045 as follows:  
1046 (a) subject to Subsections (2)(a), (3), and (6)(b)(ii), 16 members appointed from among  
1047 candidates presented to the governor by a nominating committee; and  
1048 (b) two student members appointed as described in Subsection (4).  
1049 (2) (a) For an appointment of a member effective July 1, 2020, the governor shall  
1050 appoint the member in accordance with Section 53B-1-501.

1051 (b) Unless appointed by the governor as described in Section 53B-1-501, the term of  
1052 each individual who is a member of the State Board of Regents on May 12, 2020, expires on  
1053 June 30, 2020.

1054 (3) If the governor is not satisfied with a sufficient number of the candidates presented  
1055 by the nominating committee to make the required number of appointments, the governor may  
1056 request that the committee nominate additional candidates.

1057 (4) (a) For the appointments described in Subsection (1)(b), the governor shall appoint:

1058 (i) one individual who is enrolled in a certificate program at a technical college at the  
1059 time of the appointment; and

1060 (ii) one individual who:

1061 (A) is a fully matriculated student enrolled in a degree-granting institution; and

1062 (B) is not serving as a student body president at the time of the nomination.

1063 (b) The governor shall select:

1064 (i) an appointee described in Subsection (4)(a)(i) from among three nominees,  
1065 presented to the governor by a committee consisting of eight students, one from each technical  
1066 college, each of whom is recognized by the student's technical college; and

1067 (ii) an appointee described in Subsection (4)(a)(ii) from among three nominees  
1068 presented to the governor by the student body presidents of degree-granting institutions.

1069 (c) An appointee described in Subsection (4)(a) is not subject to the public comment  
1070 process described in Section 63G-24-204.

1071 (5) (a) All appointments to the board shall be made on a nonpartisan basis.

1072 (b) An individual may not serve simultaneously on the board and an institution board  
1073 of trustees.

1074 (6) (a) (i) Except as provided in Subsection (6)(a)(ii) and Section 53B-1-501, members  
1075 shall be appointed to six-year staggered terms, each of which begins on July 1 of the year of  
1076 appointment.

1077 (ii) A member described in Subsection (1)(b) shall be appointed to a one-year term.

1078 (b) (i) A member described in Subsection (1)(a) may serve up to two consecutive full  
1079 terms.

1080 (ii) The governor may appoint a member described in Subsection (1)(a) to a second  
1081 consecutive full term without a recommendation from the nominating committee.

1082 (iii) A member described in Subsection (1)(b) may not serve more than one full term.

1083 (c) (i) The governor may remove a member for cause.

1084 (ii) The governor shall consult with the president of the Senate before removing a  
1085 member.

1086 (7) (a) A member shall take the official oath of office before entering upon the duties of  
1087 office.

1088 (b) The oath shall be filed with the Division of Archives and Records Services.

1089 (8) The board shall elect a chair and vice chair from among the board's members who  
1090 shall serve terms of two years and until their successors are chosen and qualified.

1091 (9) (a) The board shall appoint a secretary from the commissioner's staff to serve at the  
1092 board's discretion.

1093 (b) The secretary is a full-time employee.

1094 (c) The secretary shall record and maintain a record of all board meetings and perform  
1095 other duties as the board directs.

1096 (10) (a) The board may establish advisory committees [~~in addition to the advisory~~  
1097 ~~council described in Section 53B-1-407~~].

1098 (b) All matters requiring board determination shall be addressed in a properly  
1099 convened meeting of the board or the board's executive committee.

1100 (11) (a) The board shall enact bylaws for the board's own government not inconsistent  
1101 with the constitution or the laws of this state.

1102 (b) The board shall provide for an executive committee in the bylaws that:

1103 (i) has the full authority of the board to act upon routine matters during the interim  
1104 between board meetings;

1105 (ii) may not act on nonroutine matters except under extraordinary and emergency  
1106 circumstances; and

1107 (iii) shall report to the board at the board's next meeting following an action undertaken  
1108 by the executive committee.

1109 (12) (a) The board shall meet regularly upon the board's own determination.

1110 (b) The board may also meet, in full or executive session, at the request of the chair,  
1111 the commissioner, or at least five members of the board.

1112 (13) A quorum of the board is required to conduct the board's business and consists of

1113 10 members.

1114 (14) (a) A vacancy in the board occurring before the expiration of a member's full term  
1115 shall be immediately filled through the nomination process described in Section 53B-1-406 and  
1116 in this section.

1117 (b) An individual appointed under Subsection (14)(a) serves for the remainder of the  
1118 unexpired term.

1119 (15) (a) (i) Subject to Subsection (15)(a)(ii), a member shall receive a daily salary for  
1120 each calendar day that the member attends a board meeting that is the same as the daily salary  
1121 for a member of the Legislature described in Section 36-2-3.

1122 (ii) A member may receive a salary for up to 10 calendar days per calendar year.

1123 (b) A member may receive per diem and travel expenses in accordance with:

1124 (i) Section 63A-3-106;

1125 (ii) Section 63A-3-107; and

1126 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1127 63A-3-107.

1128 (16) The commissioner shall provide to each member:

1129 (a) initial training when the member joins the board; and

1130 (b) ongoing annual training.

1131 (17) A board member shall comply with the conflict of interest provisions described in  
1132 Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1133 Section 29. Section 53B-33-101 (Effective 07/01/22), which is renumbered from  
1134 Section 63N-1b-101 (Effective 07/01/22) is renumbered and amended to read:

1135 **CHAPTER 33. TALENT, EDUCATION, AND INDUSTRY ALIGNMENT**

1136 ~~63N-1b-101 (Effective 07/01/22)].~~ 53B-33-101 (Effective

1137 07/01/22). Definitions.

1138 As used in this chapter:

1139 (1) "Apprenticeship program" means a program that:

1140 (a) combines paid on-the-job learning with formal classroom instruction to prepare  
1141 students for careers; and

1142 (b) includes:

1143 (i) structured on-the-job learning for students under the supervision of a skilled

- 1144 employee;
- 1145 (ii) classroom instruction for students related to the on-the-job learning;
- 1146 (iii) ongoing student assessments using established competency and skills standards;
- 1147 and
- 1148 (iv) the student receiving an industry-recognized credential or degree upon completion
- 1149 of the program.
- 1150 (2) "Career and technical education region" means an economic service area created in
- 1151 Section [35A-2-101](#).
- 1152 (3) "Commission" means the Unified Economic Opportunity Commission created in
- 1153 Section [63N-1a-201](#).
- 1154 ~~[(3)]~~ (4) "High quality professional learning" means the professional learning standards
- 1155 for teachers and principals described in Section [53G-11-303](#).
- 1156 ~~[(4)]~~ (5) "Institution of higher education" means the University of Utah, Utah State
- 1157 University, Southern Utah University, Weber State University, Snow College, Utah Tech
- 1158 University, Utah Valley University, or Salt Lake Community College.
- 1159 ~~[(5)]~~ (6) "Local education agency" means a school district, a charter school, or the Utah
- 1160 Schools for the Deaf and the Blind.
- 1161 ~~[(6)]~~ (7) "Master plan" means the computer science education master plan described in
- 1162 Section [~~63N-1b-304~~] [53B-33-105](#).
- 1163 ~~[(7)]~~ (8) "Participating employer" means an employer that:
- 1164 (a) partners with an educational institution on a curriculum for an apprenticeship
- 1165 program or work-based learning program; and
- 1166 (b) provides an apprenticeship or work-based learning program for students.
- 1167 ~~[(8)]~~ (9) "State board" means the State Board of Education.
- 1168 ~~[(9)]~~ "Talent program" means the Talent Ready Utah Program created in Section
- 1169 [63N-1b-302](#);
- 1170 (10) "Talent [~~subcommittee~~] board" means the Talent, Education, and Industry
- 1171 Alignment [~~Subcommittee~~] Board created in Section [~~63N-1b-301~~] [53B-33-102](#).
- 1172 (11) "Talent program" means the Talent Ready Utah Program created in Section
- 1173 [53B-33-103](#).
- 1174 (12) "Targeted industry" means an industry or group of industries targeted by the

1175 Governor's Office of Economic Opportunity for economic development in the state.

1176 [~~(11)~~] (13) "Technical college" means:

1177 (a) the same as that term is defined in Section 53B-1-101.5; and

1178 (b) a degree-granting institution acting in the degree-granting institution's technical  
1179 education role described in Section 53B-2a-201.

1180 [~~(12)~~] (14) (a) "Work-based learning program" means a program that combines  
1181 structured and supervised learning activities with authentic work experiences and that is  
1182 implemented through industry and education partnerships.

1183 (b) "Work-based learning program" includes the following objectives:

1184 (i) providing students an applied workplace experience using knowledge and skills  
1185 attained in a program of study that includes an internship, externship, or work experience;

1186 (ii) providing an educational institution with objective input from a participating  
1187 employer regarding the education requirements of the current workforce; and

1188 (iii) providing funding for programs that are associated with high-wage, in-demand, or  
1189 emerging occupations.

1190 [~~(13)~~] (15) "Workforce programs" means education or industry programs that facilitate  
1191 training the state's workforce to meet industry demand.

1192 Section 30. Section 53B-33-102, which is renumbered from Section 63N-1b-301 is  
1193 renumbered and amended to read:

1194 [~~63N-1b-301~~]. **53B-33-102. Talent, Education, and Industry Alignment**

1195 **Board -- Creation -- Membership -- Expenses -- Duties.**

1196 (1) There is created [~~a subcommittee of the commission called~~] the Talent, Education,  
1197 and Industry Alignment [~~Subcommittee~~] Board composed of the following members:

1198 (a) the state superintendent of public instruction or the superintendent's designee;

1199 (b) the commissioner [~~of higher education~~] or the [~~commissioner of higher education's~~]  
1200 commissioner's designee;

1201 (c) the chair of the State Board of Education or the chair's designee;

1202 (d) the executive director of the Department of Workforce Services or the executive  
1203 [~~director of the department's~~] director's designee;

1204 (e) the executive director of the [~~GO Utah office~~] Governor's Office of Economic  
1205 Opportunity or the executive director's designee;

- 1206 (f) the director of the Division of Occupational and Professional Licensing or the  
1207 director's designee;
- 1208 (g) the governor's education advisor or the advisor's designee;
- 1209 (h) one member of the Senate, appointed by the president of the Senate;
- 1210 (i) one member of the House of Representatives, appointed by the speaker of the House  
1211 of Representatives;
- 1212 (j) the president of the Salt Lake Chamber or the president's designee;
- 1213 (k) [~~three~~] six representatives of private industry chosen to represent targeted  
1214 industries, appointed by the commission;
- 1215 [~~(l) a representative of the technology industry chosen by the commission;~~]  
1216 [~~(m)~~] (l) the lieutenant governor or the lieutenant governor's designee; and  
1217 [~~(n)~~] (m) any additional individuals appointed by the commission who represent:
- 1218 (i) one or more individual educational institutions; or  
1219 (ii) education or industry professionals.
- 1220 (2) The [~~commission~~] talent board shall select a chair and vice chair from among the  
1221 members of the talent [~~subcommittee~~] board.
- 1222 (3) The talent [~~subcommittee~~] board shall meet at least quarterly.
- 1223 (4) Attendance of a majority of the members of the talent [~~subcommittee~~] board  
1224 constitutes a quorum for the transaction of official talent [~~subcommittee~~] board business.
- 1225 (5) Formal action by the talent [~~subcommittee~~] board requires the majority vote of a  
1226 quorum.
- 1227 (6) A member of the talent [~~subcommittee~~] board:
- 1228 (a) may not receive compensation or benefits for the member's service; and  
1229 (b) who is not a legislator may receive per diem and travel expenses in accordance  
1230 with:
- 1231 (i) Section [63A-3-106](#);
- 1232 (ii) Section [63A-3-107](#); and  
1233 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1234 [63A-3-107](#).
- 1235 (7) The talent [~~subcommittee~~] board shall:
- 1236 (a) (i) review and develop metrics to measure the progress, performance, effectiveness,



- 1237 and scope of any state operation, activity, program, or service that primarily involves  
 1238 employment training or placement; and
- 1239 (ii) ensure that the metrics described in Subsection (7)(a) are consistent and  
 1240 comparable for each state operation, activity, program, or service that primarily involves  
 1241 employment training or placement;
- 1242 (b) make recommendations to the board and the commission regarding how to better  
 1243 align training and education in the state with industry demand;
- 1244 (c) make recommendations to the board and the commission regarding how to better  
 1245 align technical education with current and future workforce needs; ~~[and]~~
- 1246 (d) coordinate with the ~~[commission]~~ talent program to meet the responsibilities  
 1247 described in Subsection ~~[63N-1b-302(4).]~~ 53B-33-103(4);
- 1248 (e) develop a computer science education master plan in accordance with Section  
 1249 53B-33-105;
- 1250 (f) coordinate with the talent program to meet the responsibilities described in Section  
 1251 53B-33-107; and
- 1252 (g) administer the Utah Works Program in accordance with Section 53B-33-108.
- 1253 (8) Nothing in this section prohibits an individual who, on June 30, 2022, is a member  
 1254 of a subcommittee within the Governor's Office of Economic Opportunity known as the Talent,  
 1255 Education, and Industry Alignment Subcommittee from serving as a member of the talent  
 1256 board.
- 1257 Section 31. Section **53B-33-103**, which is renumbered from Section 63N-1b-302 is  
 1258 renumbered and amended to read:
- 1259 ~~[63N-1b-302].~~ **53B-33-103. Talent Ready Utah Program.**
- 1260 (1) There is created ~~[within the office]~~ the Talent Ready Utah Program administered by  
 1261 the commissioner.
- 1262 (2) The ~~[executive director]~~ commissioner, with the approval of the board, shall  
 1263 appoint a director of the talent program.
- 1264 (3) The director of the talent program may appoint staff with the approval of the  
 1265 ~~[executive director]~~ commissioner.
- 1266 (4) The talent program shall coordinate with the talent ~~[subcommittee]~~ board to:
- 1267 (a) further education and industry alignment in the state;

- 1268 (b) coordinate the development of new education programs that align with industry  
 1269 demand;
- 1270 (c) coordinate or partner with other state agencies to administer grant programs;
- 1271 (d) promote the inclusion of industry partners in education;
- 1272 (e) provide outreach and information to employers regarding workforce programs and  
 1273 initiatives;
- 1274 (f) develop and analyze stackable credential programs;
- 1275 (g) determine efficiencies among workforce providers;
- 1276 (h) map available workforce programs focusing on programs that successfully create  
 1277 high-paying jobs; and
- 1278 (i) support initiatives of the talent ~~[subcommittee]~~ board.

1279 Section 32. Section **53B-33-104**, which is renumbered from Section 63N-1b-303 is  
 1280 renumbered and amended to read:

1281 ~~[63N-1b-303]~~. **53B-33-104. Talent program report to board.**

1282 The talent program shall ~~[prepare an annual report describing]~~ annually report to the  
 1283 board on the talent program's operations and recommendations ~~[for inclusion in the office's~~  
 1284 ~~annual written report described in Section 63N-1a-306]~~, including the results of the  
 1285 apprenticeship pilot program described in Section ~~[63N-1b-306]~~ 53B-33-107.

1286 Section 33. Section **53B-33-105**, which is renumbered from Section 63N-1b-304 is  
 1287 renumbered and amended to read:

1288 ~~[63N-1b-304]~~. **53B-33-105. Computer science education master plan.**

1289 The talent ~~[subcommittee]~~ board, in consultation with the state board and the talent  
 1290 program, shall develop a computer science education master plan that:

- 1291 (1) includes a statement of the objectives and goals of the master plan;
- 1292 (2) describes how the talent ~~[subcommittee]~~ board and the state board will administer  
 1293 the Computer Science for Utah Grant Program created in Section ~~[63N-1b-305]~~ 53B-33-106;
- 1294 (3) provides guidance for local education agencies in implementing computer science  
 1295 education opportunities for students in high school, middle school, and elementary school;
- 1296 (4) integrates recommendations and best practices from private and public entities that  
 1297 are seeking to improve and expand the opportunities for computer science education, including  
 1298 the Expanding Computer Education Pathways Alliance; and

1299 (5) makes recommendations to assist a local education agency in creating a local  
1300 education agency computer science plan described in Subsection [~~63N-1b-305~~(7)]

1301 53B-33-106(6), including:

1302 (a) providing recommendations regarding course offerings in computer science;

1303 (b) providing recommendations regarding professional development opportunities in  
1304 computer science for licensed teachers;

1305 (c) providing recommendations regarding curriculum software for computer science  
1306 courses;

1307 (d) providing recommendations regarding assessment solutions to measure the learning  
1308 outcomes of students in computer science courses; and

1309 (e) providing information regarding how a local education agency can receive technical  
1310 support from the talent [~~subcommittee~~] board in providing computer science education  
1311 opportunities for students.

1312 Section 34. Section **53B-33-106**, which is renumbered from Section 63N-1b-305 is  
1313 renumbered and amended to read:

1314 [~~63N-1b-305~~]. **53B-33-106. Computer Science for Utah Grant Program.**

1315 (1) As used in this section, "grant program" means the Computer Science for Utah  
1316 Grant Program created in Subsection (2).

1317 (2) The Computer Science for Utah Grant Program is created to provide grants to  
1318 eligible local education agencies for improving computer science learning outcomes and course  
1319 offerings as demonstrated by:

1320 (a) the creation and implementation of a local education agency computer science plan  
1321 as described in Subsection [~~(7)~~] (6); and

1322 (b) the effective implementation of approved courses and the provision of effective  
1323 training opportunities for licensed teachers.

1324 (3) Subject to appropriations from the Legislature, [~~and subject to the approval of the~~  
1325 ~~talent subcommittee,~~] the state board, in consultation with the talent board, shall distribute to  
1326 local education agencies money appropriated for the grant program in accordance with this  
1327 section.

1328 [~~(4) The state board shall:~~]

1329 [~~(a) solicit applications from local education agency boards to receive grant money~~]

1330 under the grant program;]

1331 ~~[(b) make recommendations to the talent subcommittee regarding the awarding of grant~~  
1332 ~~money to a local education agency board on behalf of a local education agency based on the~~  
1333 ~~criteria described in Subsection (6); and]~~

1334 ~~[(c) obtain final approval from the talent subcommittee before awarding grant money.]~~

1335 [(5)] (4) In administering the Computer Science for Utah Grant Program, the state  
1336 board ~~[and the office]~~, in consultation with the talent [~~subcommittee~~] board, may make rules, in  
1337 accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

1338 (a) describe the form and deadlines for a grant application by a local education agency  
1339 under this section; and

1340 (b) describe the reporting requirements required by a local education agency after  
1341 receiving a grant under this section.

1342 [~~(6)~~] (5) In awarding a grant under Subsection (3), the state board shall consider the  
1343 effectiveness of the local education agency in creating and implementing a local education  
1344 agency computer science plan as described in Subsection [~~(7)~~] (6).

1345 [~~(7)~~] (6) Each local education agency that seeks a grant as described in this section  
1346 shall submit a written computer science plan, in a form approved by the state board ~~[and the~~  
1347 ~~talent subcommittee]~~, that:

1348 (a) covers at least four years;

1349 (b) addresses the recommendations of the talent [~~subcommittee's~~] board's computer  
1350 science education master plan described in Section [~~63N-1b-304~~] [53B-33-105](#);

1351 (c) identifies targets for improved computer science offerings, student learning, and  
1352 licensed teacher training;

1353 (d) describes a computer science professional development program and other  
1354 opportunities for high quality professional learning for licensed teachers or individuals training  
1355 to become licensed teachers;

1356 (e) provides a detailed budget, communications, and reporting structure for  
1357 implementing the computer science plan;

1358 (f) commits to provide one computer science course offering, approved by the talent  
1359 [~~subcommittee~~] board, in every middle and high school within the local education agency;

1360 (g) commits to integrate computer science education into the curriculum of each

1361 elementary school within the local education agency; and

1362 (h) includes any other requirement established by the state board [~~or the office~~] by rule,  
1363 in consultation with the talent [~~subcommittee~~] board, in accordance with this part and Title  
1364 63G, Chapter 3, Utah Administrative Rulemaking Act.

1365 [~~(8)~~] (7) Each local education agency that receives a grant as described in this section  
1366 shall provide an annual written assessment to the state board and the talent [~~subcommittee~~]  
1367 board for each year that the local education agency receives a grant or expends grant money  
1368 that includes:

1369 (a) how the grant money was used;

1370 (b) any improvements in the number and quality of computer science offerings  
1371 provided by the local education agency and any increase in the number of licensed teachers  
1372 providing computer science teaching to students;

1373 (c) any difficulties encountered during implementation of the local education agency's  
1374 written computer science plan and steps that will be taken to address the difficulties; and

1375 (d) any other requirement established by the state board [~~or the office~~] by rule, in  
1376 consultation with the talent [~~subcommittee~~] board, in accordance with this part and Title 63G,  
1377 Chapter 3, Utah Administrative Rulemaking Act.

1378 [~~(9)~~] (8) (a) The state board and the talent [~~subcommittee~~] board shall review each  
1379 annual written assessment described in Subsection [~~(8)~~] (7).

1380 (b) As a result of the review described in Subsection [~~(9)~~] (8)(a):

1381 (i) the state board or the talent [~~subcommittee~~] board may provide recommendations to  
1382 improve the progress of the local education agency in meeting the objectives of the written  
1383 computer science plan;

1384 (ii) the state board may determine not to renew or extend a grant under this section; or

1385 (iii) the state board or the talent [~~subcommittee~~] board may take other action to assist  
1386 the local education agency.

1387 Section 35. Section **53B-33-107**, which is renumbered from Section 63N-1b-306 is  
1388 renumbered and amended to read:

1389 [~~63N-1b-306~~]. **53B-33-107. Apprenticeships and work-based learning.**

1390 (1) The talent program, in collaboration with the talent [~~subcommittee~~] board, may  
1391 partner with one or more of the following to facilitate and encourage apprenticeship

1392 opportunities and work-based learning opportunities for Utah students:

1393 (a) the ~~[state board]~~ State Board of Education;

1394 (b) the Utah system of higher education; ~~[and]~~ or

1395 (c) a participating employer in the state.

1396 (2) Subject to appropriations from the Legislature and in accordance with the proposal  
1397 process and other provisions of this section, the talent ~~[subcommittee, with the concurrence of~~  
1398 ~~the executive director]~~ board, in coordination with the talent program, may provide funding for  
1399 approved apprenticeship opportunities and work-based learning opportunities.

1400 (3) To receive funding under this section, an entity described in Subsection (1) seeking  
1401 to partner with the talent program shall submit a proposal through the talent program, in a form  
1402 approved by the talent program and in accordance with deadlines determined by the talent  
1403 program, that contains the following elements:

1404 (a) the proposal shall include:

1405 (i) a description of the proposed apprenticeship program or work-based learning  
1406 program that demonstrates the program will be:

1407 (A) responsive to the workforce needs of a high demand industry or occupation; and

1408 (B) a partnership between at least one participating employer and at least one public  
1409 high school, technical college, or institution of higher education;

1410 (ii) an estimate of:

1411 (A) student enrollment in the program;

1412 (B) what school credit, credentials, certifications, or other workforce attainments will  
1413 be provided by the program; and

1414 (C) job-placement rates for students who complete the program;

1415 (iii) a description of any financial contributions or in-kind contributions that will be  
1416 provided by each participating employer in the program;

1417 (iv) if the program would require state board approval under the provisions of Section  
1418 [53B-16-102](#), evidence that the state board has approved the program; and

1419 (v) the amount of funding requested for the program, including justification for the  
1420 funding; and

1421 (b) while not required, a preference may be given to a proposal that includes:

1422 (i) a description of a stackable credentialing pathway for participating students that will

- 1423 be created by the program between at least two of the following:
- 1424 (A) a public high school;
- 1425 (B) a technical college; and
- 1426 (C) an institution of higher education; or
- 1427 (ii) the potential for participating students to obtain full-time employment with the
- 1428 participating employer upon completion of the program.
- 1429 (4) The talent [~~subcommittee~~] board shall review and prioritize each proposal received
- 1430 and determine whether the proposal should be funded, using the following criteria:
- 1431 (a) the quality and completeness of the elements of the proposal described in
- 1432 Subsection (3)(a);
- 1433 (b) the quality of the optional elements of the proposal described in Subsection (3)(b);
- 1434 (c) to what extent the proposal would expand the capacity to meet state or regional
- 1435 workforce needs; and
- 1436 (d) other relevant criteria as determined by the talent [~~subcommittee~~] board.
- 1437 (5) A partnership that receives funding under this section:
- 1438 (a) shall use the money to accomplish the proposed apprenticeship program or
- 1439 work-based learning program;
- 1440 (b) may use the money to offset a participating employer's direct operational costs
- 1441 associated with employing students as part of an approved apprenticeship program or
- 1442 work-based learning program;
- 1443 (c) except as provided in Subsection (5)(d), may not use the money for educational
- 1444 administration; and
- 1445 (d) may use the money to support one full-time employee within a career and technical
- 1446 education region if:
- 1447 (i) each participating local education agency, public high school, technical college, and
- 1448 institution of higher education agree on which entity will house the full-time employee;
- 1449 (ii) the full-time employee spends all of the employee's time working exclusively to
- 1450 develop apprentice programs or work-based learning programs; and
- 1451 (iii) the full-time employee is responsible for regular reporting to and receiving training
- 1452 from the director of the talent program.
- 1453 (6) The talent program shall be responsible for the administration of apprenticeship

1454 programs and work-based learning programs described in this section, including:

1455 (a) working with and providing technical assistance to the participating partners that  
 1456 establish apprentice programs and work-based learning programs and that receive funding  
 1457 under the provisions of this section;

1458 (b) establishing reporting requirements for participating partners that establish  
 1459 apprentice programs and work-based learning programs and that receive funding under the  
 1460 provisions of this section;

1461 (c) providing outreach and marketing to encourage more employers to participate; and

1462 (d) annually [~~providing information to the office regarding~~] reporting on the activities,  
 1463 successes, and challenges of the [~~center~~] talent program related to administering apprentice  
 1464 programs and work-based learning programs for inclusion in the [~~office's annual written~~] report  
 1465 described in Section [~~63N-1a-306~~] 53B-33-104, including:

1466 (i) specific entities that received funding under this section;

1467 (ii) the amount of funding provided to each entity; and

1468 (iii) the number of participating students in each apprentice program and work-based  
 1469 learning program.

1470 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
 1471 [~~and the provisions of this section,~~] the talent program may make rules regarding:

1472 (a) the method and deadlines for applying for funding under this section;

1473 (b) the distribution of funding under this section; and

1474 (c) the reporting requirements of each entity receiving funding under this section.

1475 Section 36. Section **53B-33-108**, which is renumbered from Section 63N-1b-307 is  
 1476 renumbered and amended to read:

1477 [~~63N-1b-307~~]. **53B-33-108. Utah Works Program.**

1478 (1) There is created the Utah Works Program.

1479 (2) The [~~program~~] Utah Works Program, under the direction of the talent  
 1480 [~~subcommittee~~] board, shall [~~coordinate and~~] partner with the following entities [~~described~~  
 1481 below] to develop short-term pre-employment training and short-term early employment  
 1482 training for student and workforce participants that meet the needs of businesses that are  
 1483 creating jobs and economic growth in the state [~~by~~]:

1484 (a) [~~partnering with the office,~~] the Department of Workforce Services[~~, and the Utah~~



1485 ~~system of higher education];~~

1486 ~~(b) the Governor's Office of Economic Opportunity; and~~

1487 ~~[(b) partnering with] (c) businesses that have significant hiring demands for primarily~~  
 1488 ~~newly created jobs in the state[;].~~

1489 ~~(3) In addition to the duties described in Subsection (2), the Utah Works Program may:~~

1490 ~~[(e) coordinating] (a) coordinate~~ with the Department of Workforce Services,  
 1491 education agencies, and employers to create effective recruitment initiatives to attract student  
 1492 and workforce participants and business participants to the program;

1493 ~~[(d) coordinating] (b) coordinate~~ with the ~~[Utah system of higher education] board~~ to  
 1494 develop educational and training resources to provide student participants in the program  
 1495 qualifications to be hired by business participants in the program; and

1496 ~~[(e) coordinating] (c) coordinate~~ with the ~~[State Board of Education] state board~~ and  
 1497 local education agencies when appropriate to develop educational and training resources to  
 1498 provide student participants in the program qualifications to be hired by business participants  
 1499 in the program.

1500 ~~[(3)(a) Subject to appropriation, the office, in consultation with the talent~~  
 1501 ~~subcommittee, may respond to the COVID-19 pandemic by directing financial grants to~~  
 1502 ~~institutions of higher education described in Section 53B-2-101 to offer short-term programs~~  
 1503 ~~to:]~~

1504 ~~[(i) provide training to furloughed, laid off, dislocated, underserved, or other~~  
 1505 ~~populations affected by COVID-19 to fill employment gaps in the state;]~~

1506 ~~[(ii) provide training and education related to industry needs; and]~~

1507 ~~[(iii) provide students with certificates or other recognition after completion of~~  
 1508 ~~training.]~~

1509 ~~[(b) The office shall include the following information in the annual written report~~  
 1510 ~~described in Section 63N-1-301:]~~

1511 ~~[(i) the process by which the office determines which institutions of higher education~~  
 1512 ~~shall receive financial grants; and]~~

1513 ~~[(ii) the formula for awarding financial grants:]~~

1514 ~~[(c) An institution of higher education that receives grant funds under this Subsection~~

1515 ~~(3):]~~

1516 ~~[(i) may use grant funds for:]~~  
 1517 ~~[(A) costs associated with developing a new program; or]~~  
 1518 ~~[(B) costs associated with expanding an existing program; and]~~  
 1519 ~~[(ii) shall demonstrate industry needs and opportunities for partnership with industry.]~~  
 1520 ~~[(d) The office shall award grant funds on a rolling basis, until the earlier of funds~~  
 1521 ~~being exhausted or June 30, 2022.]~~

1522 ~~[(e) The office shall conduct outreach, including education about career guidance,~~  
 1523 ~~training, and workforce programs, to the targeted populations.]~~

1524 (4) The ~~[office]~~ board, in consultation with the talent ~~[subcommittee]~~ board, may, in  
 1525 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, ~~[and in~~  
 1526 ~~accordance with the provisions of this section,]~~ make rules regarding the development and  
 1527 administration of the Utah Works Program.

1528 (5) The Utah Works Program shall annually report the following metrics to the ~~[office~~  
 1529 ~~for inclusion in the office's annual report described in Section ~~63N-1a-306~~]~~ board:

1530 (a) the number of participants in the program;

1531 (b) how program participants learned about or were referred to the program~~[-including~~  
 1532 ~~the number of participants who learned about or were referred to the program by:]~~;

1533 ~~[(i) the Department of Workforce Services;]~~

1534 ~~[(ii) marketing efforts of the office or talent subcommittee;]~~

1535 ~~[(iii) a school counselor; and]~~

1536 ~~[(iv) other methods;]~~

1537 (c) the number of participants who have completed training offered by the program;

1538 and

1539 (d) the number of participants who have been hired by a business participating in the  
 1540 program.

1541 Section 37. Section **53B-33-109** is enacted to read:

1542 **53B-33-109. Grants for business entities offering employee return to work**  
 1543 **programs.**

1544 (1) As used in this section, "business entity" means a for-profit or nonprofit entity.

1545 (2) Subject to appropriations from the Legislature, the talent program, in consultation  
 1546 with the talent board, may award grants to business entities to offer innovative return to work

1547 programs for employees.

1548 (3) A business entity that receives grant funds under this section may only use grant  
1549 funds for:

1550 (a) costs associated with developing a new return to work program; or

1551 (b) costs associated with expanding an existing return to work program.

1552 (4) The talent program shall include the following information in the report described  
1553 in Section [53B-33-104](#):

1554 (a) the process by which the talent program determines which business entities shall  
1555 receive grants; and

1556 (b) the formula for awarding grants.

1557 (5) The talent program shall award grant funds on a rolling basis, until the earlier of  
1558 funds being exhausted or June 30, 2025.

1559 Section 38. Section **63B-1b-202** is amended to read:

1560 **63B-1b-202. Custodial officer -- Powers and duties.**

1561 (1) (a) There is created within the Division of Finance an officer responsible for the  
1562 care, custody, safekeeping, collection, and accounting of all bonds, notes, contracts, trust  
1563 documents, and other evidences of indebtedness:

1564 (i) owned or administered by the state or any of its agencies; and

1565 (ii) except as provided in Subsection (1)(b), relating to revolving loan funds.

1566 (b) Notwithstanding Subsection (1)(a), the officer described in Subsection (1)(a) is not  
1567 responsible for the care, custody, safekeeping, collection, and accounting of a bond, note,  
1568 contract, trust document, or other evidence of indebtedness relating to the:

1569 (i) Agriculture Resource Development Fund, created in Section [4-18-106](#);

1570 (ii) Utah Rural Rehabilitation Fund, created in Section [4-19-105](#);

1571 (iii) Petroleum Storage Tank Trust Fund, created in Section [19-6-409](#);

1572 (iv) Olene Walker Housing Loan Fund, created in Section [35A-8-502](#); [~~and~~]

1573 (v) Brownfields Fund, created in Section [19-8-120](#)[~~;~~]; and

1574 (vi) Rural Opportunity Fund, created in Section [63N-4-805](#).

1575 (2) (a) Each authorizing agency shall deliver to this officer for the officer's care,  
1576 custody, safekeeping, collection, and accounting all bonds, notes, contracts, trust documents,  
1577 and other evidences of indebtedness:

- 1578 (i) owned or administered by the state or any of its agencies; and
- 1579 (ii) except as provided in Subsection (1)(b), relating to revolving loan funds.
- 1580 (b) This officer shall:
- 1581 (i) establish systems, programs, and facilities for the care, custody, safekeeping,
- 1582 collection, and accounting for the bonds, notes, contracts, trust documents, and other evidences
- 1583 of indebtedness submitted to the officer under this Subsection (2); and
- 1584 (ii) shall make available updated reports to each authorizing agency as to the status of
- 1585 loans under their authority.
- 1586 (3) The officer described in Section [63B-1b-201](#) shall deliver to the officer described in
- 1587 Subsection (1)(a) for the care, custody, safekeeping, collection, and accounting by the officer
- 1588 described in Subsection (1)(a) of all bonds, notes, contracts, trust documents, and other
- 1589 evidences of indebtedness closed as provided in Subsection [63B-1b-201](#)(2)(b).
- 1590 Section 39. Section **63I-1-263** is amended to read:
- 1591 **63I-1-263. Repeal dates, Titles 63A to 63N.**
- 1592 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 1593 (a) Section [63A-16-102](#) is repealed;
- 1594 (b) Section [63A-16-201](#) is repealed; and
- 1595 (c) Section [63A-16-202](#) is repealed.
- 1596 (2) Subsection [63A-5b-405](#)(5), relating to prioritizing and allocating capital
- 1597 improvement funding, is repealed July 1, 2024.
- 1598 (3) Section [63A-5b-1003](#), State Facility Energy Efficiency Fund, is repealed July 1,
- 1599 2023.
- 1600 (4) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
- 1601 Committee, are repealed July 1, 2023.
- 1602 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
- 1603 1, 2028.
- 1604 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 1605 2025.
- 1606 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
- 1607 2024.
- 1608 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is

- 1609 repealed July 1, 2023.
- 1610 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed  
1611 July 1, 2023.
- 1612 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is  
1613 repealed July 1, 2026.
- 1614 (11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed  
1615 July 1, 2025.
- 1616 (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities  
1617 Advisory Board, is repealed July 1, 2026.
- 1618 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,  
1619 2025.
- 1620 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,  
1621 2024.
- 1622 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 1623 (16) Subsection [63J-1-602.1](#)(17), Nurse Home Visiting Restricted Account is repealed  
1624 July 1, 2026.
- 1625 (17) (a) Subsection [63J-1-602.1](#)(61), relating to the Utah Statewide Radio System  
1626 Restricted Account, is repealed July 1, 2022.
- 1627 (b) When repealing Subsection [63J-1-602.1](#)(61), the Office of Legislative Research and  
1628 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make  
1629 necessary changes to subsection numbering and cross references.
- 1630 (18) Subsection [63J-1-602.2](#)(5), referring to dedicated credits to the Utah Marriage  
1631 Commission, is repealed July 1, 2023.
- 1632 (19) Subsection [63J-1-602.2](#)(6), referring to the Trip Reduction Program, is repealed  
1633 July 1, 2022.
- 1634 (20) Subsection [63J-1-602.2](#)(24), related to the Utah Seismic Safety Commission, is  
1635 repealed January 1, 2025.
- 1636 (21) Title [~~63J, Chapter 4, Part 5~~] [63L, Chapter 11, Part 4](#), Resource Development  
1637 Coordinating Committee, is repealed July 1, 2027.
- 1638 (22) In relation to the advisory committee created in Subsection [63L-11-305](#)(3), on  
1639 July 1, 2022:

- 1640 (a) Subsection [63L-11-305](#)(1)(a), which defines "advisory committee," is repealed; and
- 1641 (b) Subsection [63L-11-305](#)(3), which creates the advisory committee, is repealed.
- 1642 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
- 1643 January 1, 2023:
- 1644 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
- 1645 repealed;
- 1646 (b) Section [63M-7-305](#), the language that states "council" is replaced with
- 1647 "commission";
- 1648 (c) Subsection [63M-7-305](#)(1) is repealed and replaced with:
- 1649 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
- 1650 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:
- 1651 "(2) The commission shall:
- 1652 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
- 1653 Drug-Related Offenses Reform Act; and
- 1654 (b) coordinate the implementation of Section [77-18-104](#) and related provisions in
- 1655 Subsections [77-18-103](#)(2)(c) and (d).".
- 1656 (24) The Crime Victim Reparations and Assistance Board, created in Section
- 1657 [63M-7-504](#), is repealed July 1, 2027.
- 1658 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
- 1659 1, 2022.
- 1660 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- 1661 [~~(27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating~~
- 1662 ~~Council, is repealed July 1, 2024.~~]
- 1663 [~~(28)~~ (27)] Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 1664 [~~(29)~~ (28)] Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed
- 1665 July 1, 2028.
- 1666 [~~(30)~~ (29)] (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
- 1667 January 1, 2021.
- 1668 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for
- 1669 calendar years beginning on or after January 1, 2021.
- 1670 (c) Notwithstanding Subsection [~~(30)~~ (29)](b), an entity may carry forward a tax credit

1671 in accordance with Section [59-9-107](#) if:

1672 (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December  
1673 31, 2020; and

1674 (ii) the qualified equity investment that is the basis of the tax credit is certified under  
1675 Section [63N-2-603](#) on or before December 31, 2023.

1676 ~~[(31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed~~  
1677 ~~July 1, 2023.]~~

1678 ~~[(32) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,~~  
1679 ~~2025.]~~

1680 (30) In relation to the Rural Employment Expansion Program, on July 1, 2023:

1681 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;

1682 and

1683 (b) Subsection [63N-4-805](#)(5)(b), referring to the Rural Employment Expansion  
1684 Program, is repealed.

1685 (31) In relation to the Board of Tourism Development, on July 1, 2025:

1686 (a) Subsection [63N-2-511](#)(1)(b), which defines "tourism board," is repealed;

1687 (b) Subsections [63N-2-511](#)(3)(a) and (5), the language that states "tourism board" is  
1688 repealed and replaced with "Utah Office of Tourism";

1689 (c) Subsection [63N-7-101](#)(1), which defines "board," is repealed;

1690 (d) Subsection [63N-7-102](#)(3)(c), which requires the Utah Office of Tourism to receive  
1691 approval from the Board of Tourism Development, is repealed; and

1692 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

1693 ~~[(33)]~~ (32) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant  
1694 Program, is repealed January 1, 2028.

1695 Section 40. Section **63L-2-301** is amended to read:

1696 **63L-2-301. Promoting or lobbying for a federal designation within the state.**

1697 (1) As used in this section:

1698 (a) "Federal designation" means the designation of a:

1699 (i) national monument;

1700 (ii) national conservation area;

1701 (iii) wilderness area or wilderness study area;

- 1702 (iv) area of critical environmental concern;
- 1703 (v) research natural area; or
- 1704 (vi) national recreation area.
- 1705 (b) (i) "Governmental entity" means:
- 1706 (A) a state-funded institution of higher education or public education;
- 1707 (B) a political subdivision of the state;
- 1708 (C) an office, agency, board, bureau, committee, department, advisory board, or
- 1709 commission that the government funds or establishes to carry out the public's business,
- 1710 regardless of whether the office, agency board, bureau, committee, department, advisory board,
- 1711 or commission is composed entirely of public officials or employees;
- 1712 (D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative
- 1713 undertaking as defined in Section 11-13-103;
- 1714 (E) a governmental nonprofit corporation as defined in Section 11-13a-102; or
- 1715 (F) an association as defined in Section 53G-7-1101.
- 1716 (ii) "Governmental entity" does not mean:
- 1717 (A) the School and Institutional Trust Lands Administration created in Section
- 1718 53C-1-201;
- 1719 (B) the School and Institutional Trust Lands Board of Trustees created in Section
- 1720 53C-1-202;
- 1721 (C) the Office of the Governor;
- 1722 (D) the Governor's Office of Planning and Budget created in Section 63J-4-201;
- 1723 (E) the Public Lands Policy Coordinating Office created in Section 63L-11-201;
- 1724 (F) the Office of Energy Development created in Section 79-6-401; or
- 1725 (G) the Governor's Office of Economic Opportunity created in Section 63N-1a-301[;
- 1726 ~~including the Talent, Education, and Industry Alignment Subcommittee created in Section~~
- 1727 ~~63N-1b-301].~~
- 1728 (2) (a) A governmental entity, or a person a governmental entity employs and
- 1729 designates as a representative, may investigate the possibility of a federal designation within
- 1730 the state.
- 1731 (b) A governmental entity that intends to advocate for a federal designation within the
- 1732 state shall:



1733 (i) notify the chairs of the following committees before the introduction of federal  
1734 legislation:

1735 (A) the Natural Resources, Agriculture, and Environment Interim Committee, if  
1736 constituted, and the Federalism Commission; or

1737 (B) if the notice is given during a General Session, the House and Senate Natural  
1738 Resources, Agriculture, and Environment Standing Committees; and

1739 (ii) upon request of the chairs, meet with the relevant committee to review the proposal.

1740 (3) This section does not apply to a political subdivision supporting a federal  
1741 designation if the federal designation:

1742 (a) applies to 5,000 acres or less; and

1743 (b) has an economical or historical benefit to the political subdivision.

1744 Section 41. Section **63N-1a-102** is amended to read:

1745 **63N-1a-102. Definitions.**

1746 As used in this title:

1747 (1) "Baseline jobs" means the number of full-time employee positions that existed  
1748 within a business entity in the state before the date on which a project related to the business  
1749 entity is approved by the office or by the GO Utah board.

1750 (2) "Baseline state revenue" means the amount of state tax revenue collected from a  
1751 business entity or the employees of a business entity during the year before the date on which a  
1752 project related to the business entity is approved by the office or by the GO Utah board.

1753 (3) "Commission" means the Unified Economic Opportunity Commission created in  
1754 Section [63N-1a-201](#).

1755 (4) "Economic opportunity agency" includes:

1756 (a) the Department of Workforce Services;

1757 (b) the Department of Cultural and Community Engagement;

1758 (c) the Department of Commerce;

1759 (d) the Department of Natural Resources;

1760 (e) the Office of Energy Development;

1761 (f) the State Board of Education;

1762 (g) institutions of higher education;

1763 (h) the Utah Multicultural Commission;

- 1764 (i) the World Trade Center Utah;
  - 1765 (j) local government entities;
  - 1766 (k) associations of governments;
  - 1767 (l) the Utah League of Cities and Towns;
  - 1768 (m) the Utah Association of Counties;
  - 1769 (n) the Economic Development Corporation of Utah;
  - 1770 (o) the Small Business Administration;
  - 1771 (p) chambers of commerce;
  - 1772 (q) industry associations;
  - 1773 (r) small business development centers; and
  - 1774 (s) other entities identified by the commission or the executive director.
- 1775 (5) "Executive director" means the executive director of the office.
- 1776 (6) "Full-time employee" means an employment position that is filled by an employee
- 1777 who works at least 30 hours per week and:
- 1778 (a) may include an employment position filled by more than one employee, if each
  - 1779 employee who works less than 30 hours per week is provided benefits comparable to a
  - 1780 full-time employee; and
  - 1781 (b) may not include an employment position that is shifted from one jurisdiction in the
  - 1782 state to another jurisdiction in the state.
- 1783 (7) "GO Utah board" means the [~~Business and Economic Development Subcommittee~~]
- 1784 Board of Economic Opportunity created in Section [~~63N-1b-202~~] [63N-1a-401](#).
- 1785 (8) "High paying job" means a newly created full-time employee position where the
- 1786 aggregate average annual gross wage of the employment position, not including health care or
- 1787 other paid or unpaid benefits, is:
- 1788 (a) at least 110% of the average wage of the county in which the employment position
  - 1789 exists; or
  - 1790 (b) for an employment position related to a project described in Chapter 2, Part 1,
  - 1791 Economic Development Tax Increment Financing, and that is located within the boundary of a
  - 1792 county of the third, fourth, fifth, or sixth class, or located within a municipality in a county of
  - 1793 the second class and where the municipality has a population of 10,000 or less:
  - 1794 (i) at least 100% of the average wage of the county in which the employment position

1795 exists; or

1796 (ii) an amount determined by rule made by the office in accordance with Title 63G,  
1797 Chapter 3, Utah Administrative Rulemaking Act, if the office determines the project is in a  
1798 county experiencing economic distress.

1799 (9) (a) "Incremental job" means a full-time employment position in the state that:

1800 (i) did not exist within a business entity in the state before the beginning of a project  
1801 related to the business entity; and

1802 (ii) is created in addition to the number of baseline jobs that existed within a business  
1803 entity.

1804 (b) "Incremental job" includes a full-time employment position where the employee is  
1805 hired:

1806 (i) directly by a business entity; or

1807 (ii) by a professional employer organization, as defined in Section [31A-40-102](#), on  
1808 behalf of a business entity.

1809 (10) "New state revenue" means the state revenue collected from a business entity or a  
1810 business entity's employees during a calendar year minus the baseline state revenue calculation.

1811 (11) "Office" or "GO Utah office" means the Governor's Office of Economic  
1812 Opportunity.

1813 (12) "State revenue" means state tax liability paid by a business entity or a business  
1814 entity's employees under any combination of the following provisions:

1815 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

1816 (b) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and  
1817 Information;

1818 (c) Title 59, Chapter 10, Part 2, Trusts and Estates;

1819 (d) Title 59, Chapter 10, Part 4, Withholding of Tax; and

1820 (e) Title 59, Chapter 12, Sales and Use Tax Act.

1821 (13) "State strategic goals" means the strategic goals listed in Section [63N-1a-103](#).

1822 (14) "Statewide economic development strategy" means the economic development  
1823 strategy developed by the commission in accordance with Section [63N-1a-202](#).

1824 (15) "Talent board" means the Talent, Education, and Industry Alignment Board  
1825 created in Section [53B-33-102](#).

1826 Section 42. Section **63N-1a-201** is amended to read:

1827 **63N-1a-201. Creation of commission.**

1828 (1) There is created in the office the Unified Economic Opportunity Commission,  
1829 established to carry out the mission described in Section **63N-1a-103** and direct the office and  
1830 other appropriate entities in fulfilling the [~~state's~~] state strategic goals.

1831 (2) The commission consists of:

1832 (a) the following voting members:

1833 (i) the governor, who shall serve as the chair of the commission;

1834 (ii) the executive director, who shall serve as the vice chair of the commission;

1835 (iii) the executive director of the Department of Workforce Services;

1836 (iv) the executive director of the Department of Transportation;

1837 (v) the executive director of the Department of Natural Resources;

1838 (vi) the executive director of the Department of Commerce;

1839 (vii) the commissioner of the Department of Agriculture and Food;

1840 (viii) the executive director of the Governor's Office of Planning and Budget;

1841 (ix) the commissioner of higher education;

1842 (x) the state superintendent of public instruction;

1843 (xi) the president of the Senate or the president's designee;

1844 (xii) the speaker of the House of Representatives or the speaker's designee;

1845 (xiii) one individual who is knowledgeable about housing needs in the state, including  
1846 housing density and land use, appointed by the governor;

1847 (xiv) one individual who represents the interests of urban cities, appointed by the Utah  
1848 League of Cities and Towns; and

1849 (xv) one individual who represents the interests of rural counties, appointed by the  
1850 Utah Association of Counties; and

1851 (b) the following non-voting members:

1852 (i) the chief executive officer of World Trade Center Utah;

1853 (ii) the chief executive officer of the Economic Development Corporation of Utah; and

1854 (iii) a senior advisor to the chair of the commission with expertise in rural affairs of the  
1855 state, appointed by the chair of the commission.

1856 (3) A majority of commission members constitutes a quorum for the purposes of

1857 conducting commission business and the action of a majority of a quorum constitutes the action  
1858 of the commission.

1859 (4) The executive director of the office, or the executive director's designee, is the  
1860 executive director of the commission.

1861 (5) The office shall provide:

1862 (a) office space and administrative staff support for the commission; and

1863 (b) the central leadership and coordination of the commission's efforts in the field of  
1864 economic development.

1865 (6) (a) A member may not receive compensation or benefits for the member's service  
1866 on the commission, but may receive per diem and travel expenses in accordance with:

1867 (i) Sections 63A-3-106 and 63A-3-107; and

1868 (ii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
1869 63A-3-107.

1870 (b) Compensation and expenses of a commission member who is a legislator are  
1871 governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and  
1872 Expenses.

1873 Section 43. Section 63N-1a-202 is amended to read:

1874 **63N-1a-202. Commission duties.**

1875 (1) The commission shall:

1876 (a) develop, coordinate, and lead a comprehensive statewide economic development  
1877 strategy that:

1878 (i) unifies and coordinates economic development efforts in the state;

1879 (ii) includes key performance indicators for long-term progress toward the state  
1880 strategic goals;

1881 (iii) establishes reporting and accountability processes for the key performance  
1882 indicators; and

1883 (iv) ensures the success of the statewide economic development strategy is shared  
1884 among the urban and rural areas of the state;

1885 (b) receive feedback, input, and reports from economic opportunity agencies regarding  
1886 programs related to the statewide economic development strategy;

1887 (c) develop the statewide economic strategy in view of the state water policy described

1888 in Section [73-1-21](#), including the state's commitment to appropriate conservation, efficient and  
1889 optimal use of water resources, infrastructure development and improvement, optimal  
1890 agricultural use, water quality, reasonable access to recreational activities, effective wastewater  
1891 treatment, and protecting and restoring healthy ecosystems;

1892 (d) direct and facilitate changes to or recommend elimination of economic  
1893 development programs to ensure alignment with the mission and vision described in Section  
1894 [63N-1a-103](#);

1895 (e) at least once every five years, identify industry clusters on which the commission  
1896 recommends the state focus recruiting and expansion efforts;

1897 (f) establish strategies for the recruitment and retention of targeted industry clusters  
1898 while respecting the different needs of rural and urban areas throughout the state;

1899 (g) establish strategies for supporting entrepreneurship and small business development  
1900 in the state;

1901 (h) analyze the state's projected long-term population and economic growth and plan  
1902 for the anticipated impacts of the projected growth in a manner that improves quality of life  
1903 and is consistent with the statewide economic development strategy and state strategic goals;

1904 (i) identify gaps and potential solutions related to improving infrastructure, especially  
1905 as related to the state's projected long-term population growth;

1906 (j) support the development of a prepared workforce that can support critical industries  
1907 and industry clusters identified by the commission;

1908 (k) coordinate and develop strategies that assist education providers and industry to  
1909 cooperate in supporting students in developing market relevant skills to meet industry needs;

1910 (l) develop strategies and plans to ensure comprehensive economic development efforts  
1911 are targeted to the unique needs of rural areas of the state;

1912 (m) study the unique needs of multicultural communities throughout the state and  
1913 develop household-level plans to ensure residents of the state can participate in economic  
1914 opportunities in the state;

1915 (n) ensure the commission's efforts are, to the extent practicable, data-driven and  
1916 evidence-based;

1917 (o) support an integrated international trade strategy for the state;

1918 (p) facilitate coordination among public, private, and nonprofit economic opportunity

1919 agencies; and

1920 (q) in performing the commission's duties, consider the recommendations of the  
1921 subcommittees described in Chapter 1b, Commission Subcommittees, the GO Utah board, the  
1922 talent board, and any working groups established under Subsection (2).

1923 (2) The commission may establish working groups as is deemed appropriate to assist  
1924 and advise the commission on specified topics or issues related to the commission's duties.

1925 [~~2~~] (3) The commission shall provide a report to the office for inclusion in the office's  
1926 annual written report described in Section 63N-1a-306, that includes:

1927 (a) the statewide economic development strategy;

1928 (b) a description of how the commission fulfilled the commission's statutory purposes  
1929 and duties during the year, including any relevant findings;

1930 (c) the key performance indicators included in the statewide economic development  
1931 strategy, including data showing the extent to which the indicators are being met; and

1932 (d) any legislative recommendations.

1933 Section 44. Section 63N-1a-303 is amended to read:

1934 **63N-1a-303. Powers and duties of executive director.**

1935 (1) Unless otherwise expressly provided by statute, the executive director may organize  
1936 the office in any appropriate manner, including the appointment of deputy directors of the  
1937 office.

1938 (2) The executive director may consolidate personnel and service functions for  
1939 efficiency and economy in the office.

1940 (3) The executive director, with the approval of the governor:

1941 (a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal  
1942 Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

1943 (b) may enter into a lawful contract or agreement with another state, a chamber of  
1944 commerce organization, a service club, or a private entity; and

1945 (c) shall annually prepare and submit to the governor a budget of the office's financial  
1946 requirements.

1947 (4) With the governor's approval, if a federal program requires the expenditure of state  
1948 funds as a condition for the state to participate in a fund, property, or service, the executive  
1949 director may expend necessary funds from money provided by the Legislature for the use of the

1950 office.

1951 (5) The executive director shall coordinate with the executive directors of the  
1952 Department of Workforce Services and the Governor's Office of Planning and Budget to  
1953 review data and metrics to be reported to the Legislature as described in Subsection  
1954 [63N-1a-306\(2\)\(b\)](#).

1955 (6) Unless otherwise provided in this title, the executive director may make rules in  
1956 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary for  
1957 the administration of programs established under this title.

1958 Section 45. Section **63N-1a-306** is amended to read:

1959 **63N-1a-306. Annual report -- Content -- Format.**

1960 (1) The office shall prepare and submit to the governor and the Legislature, by October  
1961 1 of each year, an annual written report of the operations, activities, programs, and services of  
1962 the office, including the divisions, sections, boards, commissions, councils, and committees  
1963 established under this title, for the preceding fiscal year.

1964 (2) For each operation, activity, program, or service provided by the office, the annual  
1965 report shall include:

1966 (a) a description of the operation, activity, program, or service;

1967 (b) data and metrics:

1968 (i) selected and used by the office to measure progress, performance, effectiveness, and  
1969 scope of the operation, activity, program, or service, including summary data; and

1970 (ii) that are consistent and comparable for each state operation, activity, program, or  
1971 service that primarily involves employment training or placement as determined by the  
1972 executive directors of the office, the Department of Workforce Services, and the Governor's  
1973 Office of Planning and Budget;

1974 (c) budget data, including the amount and source of funding, expenses, and allocation  
1975 of full-time employees for the operation, activity, program, or service;

1976 (d) historical data from previous years for comparison with data reported under  
1977 Subsections (2)(b) and (c);

1978 (e) goals, challenges, and achievements related to the operation, activity, program, or  
1979 service;

1980 (f) relevant federal and state statutory references and requirements;



1981 (g) contact information of officials knowledgeable and responsible for each operation,  
1982 activity, program, or service; and

1983 (h) other information determined by the office that:

1984 (i) may be needed, useful, or of historical significance; or

1985 (ii) promotes accountability and transparency for each operation, activity, program, or  
1986 service with the public and elected officials.

1987 (3) The annual report shall be designed to provide clear, accurate, and accessible  
1988 information to the public, the governor, and the Legislature.

1989 (4) The office shall:

1990 (a) submit the annual report in accordance with Section 68-3-14;

1991 (b) make the annual report, and previous annual reports, accessible to the public by  
1992 placing a link to the reports on the office's website; and

1993 (c) provide the data and metrics described in Subsection (2)(b) to the [~~Talent,~~  
1994 ~~Education, and Industry Alignment Subcommittee created in Section 63N-1b-301~~] talent board.

1995 Section 46. Section 63N-1a-307 is enacted to read:

1996 **63N-1a-307. Restrictions on pass through funding.**

1997 (1) As used in this section, "pass through funding" means the same as that term is  
1998 defined in Section 63J-1-220.

1999 (2) In addition to the requirements of Section 63J-1-220, the office may not distribute  
2000 pass through funding to an entity or organization unless the item of appropriation for the pass  
2001 through funding describes the type of entity or organization the Legislature intends to receive  
2002 the pass through funding.

2003 (3) If an item of appropriation to the office for pass through funding does not describe  
2004 the type of entity or organization the Legislature intends to receive the pass through funding,  
2005 the funds shall lapse to the source fund at the end of the fiscal year, regardless of whether those  
2006 funds are designated by law as nonlapsing.

2007 Section 47. Section 63N-1a-401, which is renumbered from Section 63N-1b-201 is  
2008 renumbered and amended to read:

2009 **Part 4. Creation of Board of Economic Opportunity**

2010 [~~63N-1b-201~~]. **63N-1a-401. Creation of Board of Economic Opportunity.**

2011 (1) (a) There is created [~~a subcommittee of the commission, called the Business and~~

2012 ~~Economic Development Subcommittee~~ within the office the Board of Economic Opportunity,  
2013 consisting of 15 members appointed by the chair of the commission, in consultation with the  
2014 executive director, to four-year terms of office with the advice and consent of the Senate in  
2015 accordance with Title 63G, Chapter 24, Part 2, Vacancies, including:

2016 (i) a representative from a rural association of governments;

2017 (ii) a rural representative of agriculture;

2018 (iii) a rural representative of the travel industry;

2019 (iv) a representative of rural utilities; and

2020 (v) a representative from the oil, gas, or mineral extraction industry.

2021 (b) Notwithstanding the requirements of Subsection (1)(a), the chair of the commission  
2022 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
2023 terms of board members are staggered so that approximately half of the [~~subcommittee~~] board  
2024 is appointed every two years.

2025 (c) The members may not serve more than two full consecutive terms except where the  
2026 chair of the commission determines that an additional term is in the best interest of the state.

2027 (2) In appointing members of the [~~committee~~] board, the chair of the commission shall  
2028 ensure that:

2029 (a) no more than eight members of the [~~subcommittee~~] board are from one political  
2030 party; and

2031 (b) members represent a variety of geographic areas and economic interests of the state.

2032 (3) When a vacancy occurs in the membership for any reason, the replacement shall be  
2033 appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

2034 (4) Eight members of the [~~subcommittee~~] board constitute a quorum for conducting  
2035 board business and exercising board power.

2036 (5) The chair of the commission shall select one [~~subcommittee~~] board member as the  
2037 [~~subcommittee's~~] board's chair and one member as the [~~subcommittee's~~] board's vice chair.

2038 (6) A member may not receive compensation or benefits for the member's service, but  
2039 may receive per diem and travel expenses in accordance with:

2040 (a) Section [63A-3-106](#);

2041 (b) Section [63A-3-107](#); and

2042 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

2043 (7) A member shall comply with the conflict of interest provisions described in Title  
 2044 63G, Chapter 24, Part 3, Conflicts of Interest.

2045 ~~[(8) Nothing in this section prohibits an individual who, on May 4, 2021, is a member~~  
 2046 ~~of a board within the office known as the Board of Business and Economic Development from~~  
 2047 ~~serving as a member of the GO Utah board.]~~

2048 Section 48. Section **63N-1a-402**, which is renumbered from Section 63N-1b-202 is  
 2049 renumbered and amended to read:

2050 ~~[63N-1b-202].~~ **63N-1a-402. Board of Economic Opportunity duties and**  
 2051 **powers.**

2052 (1) The~~[-Business and Economic Development Subcommittee]~~ GO Utah board shall  
 2053 advise and assist the commission to:

2054 (a) promote and encourage the economic, commercial, financial, industrial,  
 2055 agricultural, and civic welfare of the state;

2056 (b) promote and encourage the development, attraction, expansion, and retention of  
 2057 businesses, industries, and commerce in the state;

2058 (c) support the efforts of local government and regional nonprofit economic  
 2059 development organizations to encourage expansion or retention of businesses, industries, and  
 2060 commerce in the state;

2061 (d) act to enhance the state's economy;

2062 ~~[(e) work in conjunction with companies and individuals located or doing business in~~  
 2063 ~~the state to secure favorable rates, fares, tolls, charges, and classification for transportation of~~  
 2064 ~~persons or property by:]~~

2065 ~~[(i) railroad;]~~

2066 ~~[(ii) motor carrier; or]~~

2067 ~~[(iii) other common carriers;]~~

2068 ~~[(f)]~~ (e) develop policies, priorities, and objectives regarding the assistance, retention,  
 2069 or recruitment of business, industries, and commerce in the state;

2070 ~~[(g)]~~ (f) administer programs for the assistance, retention, or recruitment of businesses,  
 2071 industries, and commerce in the state;

2072 ~~[(h)]~~ (g) ensure that economic development programs are available to all areas of the  
 2073 state in accordance with federal and state law;

2074            ~~[(i)]~~ (h) identify local, regional, and statewide rural economic development and  
2075 planning priorities;  
2076            ~~[(j)]~~ (i) understand, through study and input, issues relating to local, regional, and  
2077 statewide rural economic development, including challenges, opportunities, best practices,  
2078 policy, planning, and collaboration; and  
2079            ~~[(k)]~~ (j) maintain ethical and conflict of interest standards consistent with those  
2080 imposed on a public officer under Title 67, Chapter 16, Utah Public Officers' and Employees'  
2081 Ethics Act.

2082            (2) The ~~[subcommittee]~~ GO Utah board shall:

2083            (a) serve as an advisory board to the commission on rural economic development  
2084 issues; and

2085            ~~[(b) prepare an annual strategic plan that:]~~

2086            ~~[(i) identifies rural economic development, planning, and leadership training  
2087 challenges, opportunities, priorities, and objectives; and]~~

2088            ~~[(ii) includes a work plan for accomplishing the objectives referred to in Subsection  
2089 (1)(b)(i); and]~~

2090            ~~[(c) oversee the Rural County Grant Program created in Section 17-54-103.]~~

2091            ~~[(3) The subcommittee may:]~~

2092            ~~[(a) in accordance with Subsection (1)(c), appear as a party litigant on behalf of an  
2093 individual or a company located or doing business in the state in a proceeding before a  
2094 regulatory commission of the state, another state, or the federal government; and]~~

2095            ~~[(b) in consultation with the executive director, make, amend, or repeal rules for the  
2096 conduct of its business consistent with this part and in accordance with Title 63G, Chapter 3,  
2097 Utah Administrative Rulemaking Act.]~~

2098            (b) make recommendations to the executive director regarding applications for loans,  
2099 grants, or other financial assistance from the Industrial Assistance Account as provided in  
2100 Section 63N-3-105.

2101            (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2102 GO Utah board may, in consultation with the executive director, make rules for the conduct of  
2103 the GO Utah board's business.

2104            Section 49. Section **63N-2-511** is amended to read:

2105 **63N-2-511. Stay Another Day and Bounce Back Fund.**

2106 (1) As used in this section:

2107 (a) "Bounce back fund" means the Stay Another Day and Bounce Back Fund, created  
2108 in Subsection (2).2109 (b) "Tourism board" means the Board of Tourism Development created in Section  
2110 [~~63N-7-101~~] [63N-7-201](#).2111 (2) There is created an expendable special revenue fund known as the Stay Another  
2112 Day and Bounce Back Fund.

2113 (3) The bounce back fund shall:

2114 (a) be administered by the tourism board;

2115 (b) earn interest; and

2116 (c) be funded by:

2117 (i) annual payments under Section [17-31-9](#) from the county in which a qualified hotel  
2118 is located;2119 (ii) money transferred to the bounce back fund under Section [63N-2-503.5](#) or  
2120 [63N-2-512](#); and

2121 (iii) any money that the Legislature chooses to appropriate to the bounce back fund.

2122 (4) Interest earned by the bounce back fund shall be deposited into the bounce back  
2123 fund.2124 (5) The tourism board may use money in the bounce back fund to pay for a tourism  
2125 program of advertising, marketing, and branding of the state, taking into consideration the  
2126 long-term strategic plan, economic trends, and opportunities for tourism development on a  
2127 statewide basis.2128 Section 50. Section **63N-2-810** is amended to read:2129 **63N-2-810. Reports on tax credit certificates.**2130 The office shall include the following information in the annual written report described  
2131 in Section [~~63N-4-106~~] [63N-1a-306](#):

2132 (1) the total amount listed on tax credit certificates the office issues under this part;

2133 (2) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax  
2134 credit applicants under this part; and

2135 (3) the economic impact on the state related to providing tax credits under this part.

2136 Section 51. Section **63N-3-105** is amended to read:

2137 **63N-3-105. Qualification for assistance.**

2138 (1) (a) Except as provided in Section **63N-3-109**, the administrator, in consultation  
2139 with the GO Utah board, shall determine which industries, companies, and individuals qualify  
2140 to receive money from the Industrial Assistance Account.

2141 (b) Except as provided by Subsection (2), to qualify for financial assistance from the  
2142 restricted account, an applicant shall:

2143 (i) demonstrate to the satisfaction of the administrator that the applicant will expend  
2144 funds in the state with employees, vendors, subcontractors, or other businesses in an amount  
2145 proportional with money provided from the restricted account at a minimum ratio of one to one  
2146 per year or other more stringent requirements as established on a per project basis by the  
2147 administrator;

2148 (ii) demonstrate to the satisfaction of the administrator the applicant's ability to sustain  
2149 economic activity in the state sufficient to repay, by means of cash or appropriate credits, the  
2150 loan provided by the restricted account; and

2151 (iii) satisfy other criteria the administrator considers appropriate.

2152 (2) (a) The administrator may exempt an applicant from the requirements of Subsection  
2153 (1)(a) or (b) if:

2154 (i) the applicant is part of a targeted industry;

2155 (ii) the applicant is a quasi-public corporation organized under Title 16, Chapter 6a,  
2156 Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent Corporations  
2157 Act, and its operations, as demonstrated to the satisfaction of the administrator, will provide  
2158 significant economic stimulus to the growth of commerce and industry in the state; or

2159 (iii) the applicant is an entity offering an economic opportunity under Section  
2160 **63N-3-109**.

2161 (b) The administrator may not exempt the applicant from the requirement under  
2162 Subsection **63N-3-106(2)(b)** that the loan be structured so that the repayment or return to the  
2163 state equals at least the amount of the assistance together with an annual interest charge.

2164 (3) The GO Utah board shall make recommendations to the administrator regarding  
2165 applications for loans, grants, or other financial assistance from the Industrial Assistance  
2166 Account.

- 2167           ~~[(3)]~~ (4) The administrator shall:
- 2168           (a) for applicants not described in Subsection (2)(a):
- 2169           (i) make findings as to whether or not each applicant has satisfied each of the
- 2170 conditions set forth in Subsection (1); and
- 2171           (ii) monitor the continued compliance by each applicant with each of the conditions set
- 2172 forth in Subsection (1) for five years;
- 2173           **(b) consider the GO Utah board's recommendations with respect to each application;**
- 2174           ~~[(b)]~~ (c) monitor the compliance by each applicant with the provisions of any contract
- 2175 or agreement entered into between the applicant and the state as provided in Section
- 2176 [63N-3-107](#); and
- 2177           ~~[(e)]~~ (d) make funding decisions based upon appropriate findings and compliance.
- 2178           Section 52. Section **63N-3-109** is amended to read:
- 2179           **63N-3-109. Financial assistance to entities offering economic opportunities.**
- 2180           (1) Subject to the duties and powers of the GO Utah board under Section [~~63N-1b-202~~]
- 2181 [63N-1a-402](#), the administrator may provide money from the Industrial Assistance Account to
- 2182 an entity offering an economic opportunity if that entity:
- 2183           (a) applies to the administrator in a form approved by the administrator; and
- 2184           (b) meets the qualifications of Subsection (2).
- 2185           (2) As part of an application for receiving money under this section, an applicant shall:
- 2186           (a) demonstrate to the satisfaction of the administrator the nature of the economic
- 2187 opportunity and the related benefit to the economic well-being of the state by providing
- 2188 evidence documenting the logical and compelling linkage, either direct or indirect, between the
- 2189 expenditure of money necessitated by the economic opportunity and the likelihood that the
- 2190 state's tax base, regions of the state's tax base, or specific components of the state's tax base
- 2191 will not be reduced but will be maintained or enlarged;
- 2192           (b) demonstrate how the funding request will act in concert with other state, federal, or
- 2193 local agencies to achieve the economic benefit;
- 2194           (c) demonstrate how the funding request will act in concert with free market principles;
- 2195 and
- 2196           (d) satisfy other criteria the administrator considers appropriate.
- 2197           (3) Before awarding any money under this section, the administrator shall:

2198 (a) make findings as to whether an applicant has satisfied the requirements of  
2199 Subsection (2);

2200 (b) establish benchmarks and timeframes in which progress toward the completion of  
2201 the agreed upon activity is to occur;

2202 (c) monitor compliance by an applicant with any contract or agreement entered into by  
2203 the applicant and the state as provided by Section 63N-3-107; and

2204 (d) make funding decisions based upon appropriate findings and compliance.  
2205 Section 53. Section 63N-3-112 is amended to read:

2206 **63N-3-112. Talent development grants.**

2207 (1) A for-profit business that is creating new incremental high paying jobs in the state,  
2208 may apply to receive a talent development grant from the restricted account.

2209 (2) In accordance with the provisions of this section and in consultation with the GO  
2210 Utah board, the administrator may award up to \$10,000 per new job created.

2211 (3) The administrator shall designate an application process for a business to apply for  
2212 the grant.

2213 (4) A business may apply to receive a grant only after each employee has been  
2214 employed at qualifying wage levels for at least 12 consecutive months.

2215 (5) Money granted for a talent development grant under this section shall be deducted  
2216 from any other money or incentive awarded by the office to the business.

2217 (6) Grants awarded under this section are only to reimburse a business for the costs  
2218 incurred to recruit, hire, train, and otherwise employ an employee in a newly created job.

2219 (7) A business shall submit a hiring and training plan detailing what the grant money  
2220 will be used for as part of the application process.

2221 (8) The administrator may only grant an award up to an amount that is no more than  
2222 25% of the estimated costs to be incurred by the business for the costs in the hiring and training  
2223 plan.

2224 Section 54. Section 63N-3-204 is amended to read:

2225 **63N-3-204. Administration -- Grants and loans.**

2226 (1) The office shall administer this part.

2227 (2) (a) (i) The office may award Utah Technology [~~Commercialization and~~] Innovation  
2228 Funding Program grants or issue loans under this part to [~~an applicant that is:~~] small



2229 businesses.

2230 [~~(A) an institution of higher education;~~]

2231 [~~(B) a licensee; or~~]

2232 [~~(C) a small business;~~]

2233 (ii) If loans are issued under Subsection (2)(a)(i), the Division of Finance may set up a  
2234 fund or account as necessary for the proper accounting of the loans.

2235 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2236 office shall make rules [~~for a process to determine whether an institution of higher education~~  
2237 ~~that receives a grant under this part must return the grant proceeds or a portion of the grant~~  
2238 ~~proceeds if the technology that is developed with the grant proceeds is licensed to a licensee~~  
2239 ~~that:~~] establishing procedures for applying for and issuing grants or loans under this part.

2240 [~~(i) does not maintain a manufacturing or service location in the state from which the~~  
2241 ~~licensee or a sublicensee exploits the technology; or~~]

2242 [~~(ii) initially maintains a manufacturing or service location in the state from which the~~  
2243 ~~licensee or a sublicensee exploits the technology, but within five years after issuance of the~~  
2244 ~~license the licensee or sublicensee transfers the manufacturing or service location for the~~  
2245 ~~technology to a location out of the state.~~]

2246 [~~(c) A repayment by an institution of higher education of grant proceeds or a portion of~~  
2247 ~~the grant proceeds may only come from the proceeds of the license established between the~~  
2248 ~~licensee and the institution of higher education.~~]

2249 [~~(d)~~] (c) (i) An applicant that [is a licensee or small business that] receives a grant or  
2250 loan under this part shall return the grant or loan proceeds or a portion of the grant or loan  
2251 proceeds to the office if the applicant:

2252 (A) does not maintain [~~a manufacturing or service location in the state from which the~~  
2253 ~~applicant exploits the technology~~] the applicant's principal place of business in the state; or

2254 (B) initially maintains [~~a manufacturing or service location in the state from which the~~  
2255 ~~applicant exploits the technology~~] the applicant's principal place of business in the state, but  
2256 within five years after issuance of the grant or loan, the applicant transfers the [manufacturing  
2257 or service location for the technology] applicant's principal place of business to an out-of-state  
2258 location.

2259 (ii) A repayment by an applicant shall be prorated based on the number of full years the

2260 applicant operated in the state from the date of the awarded grant or loan.

2261 ~~[(iii) A repayment by a licensee that receives a grant may only come from the proceeds~~  
2262 ~~of the license to that licensee.]~~

2263 ~~[(3) (a) Funding allocations shall be made by the office with the advice of the GO Utah~~  
2264 ~~board.]~~

2265 ~~[(b) Each proposal shall receive the best available outside review.]~~

2266 ~~[(4) (a)]~~ (3) In considering each proposal, the office shall weigh technical merit, the  
2267 level of matching funds from private and federal sources, and the potential for ~~[job creation and~~  
2268 ~~economic development]~~ commercialization and broad impact.

2269 ~~[(b) Proposals or consortia that combine and coordinate related research at two or more~~  
2270 ~~institutions of higher education shall be encouraged.]~~

2271 ~~[(5)]~~ (4) The office shall review the activities and progress of grant or loan recipients  
2272 on a regular basis and, as part of the office's annual written report described in Section  
2273 63N-1a-306, report on the accomplishments ~~[and]~~, direction, and usefulness of the Utah  
2274 Technology [Commercialization and] Innovation Funding Program[-], including  
2275 recommendations on:

2276 (a) whether the program is beneficial to the state and should continue; and

2277 (b) whether other office programs or programs in other agencies could provide similar  
2278 state benefits more effectively or at a lower cost.

2279 ~~[(6) (a) On or before August 1, 2018, the office shall provide a written analysis and~~  
2280 ~~recommendations concerning the usefulness of the Technology Commercialization and~~  
2281 ~~Innovation Program described in this part, including whether:]~~

2282 ~~[(i) the program is beneficial to the state and should continue; and]~~

2283 ~~[(ii) other office programs or programs in other agencies could provide similar benefits~~  
2284 ~~to the state more effectively or at a lower cost.]~~

2285 ~~[(b) The written analysis and recommendations described in this Subsection (6) shall~~  
2286 ~~be provided to:]~~

2287 ~~[(i) the Business, Economic Development, and Labor Appropriations Subcommittee;]~~

2288 ~~[(ii) the Economic Development and Workforce Services Interim Committee;]~~

2289 ~~[(iii) the Business and Labor Interim Committee; and]~~

2290 ~~[(iv) the governor.]~~

2291 Section 55. Section **63N-3-801** is enacted to read:

2292 **Part 8. Economic Assistance Grant Program**

2293 **63N-3-801. Definitions.**

2294 As used in this part:

2295 (1) "Business entity" means a for-profit or nonprofit entity.

2296 (2) "Grant" means a grant awarded as part of the Economic Assistance Grant Program  
2297 created in Section [63N-3-802](#).

2298 (3) "Grant program" means the Economic Assistance Grant Program created in Section  
2299 [63N-3-802](#).

2300 Section 56. Section **63N-3-802** is enacted to read:

2301 **63N-3-802. Creation of Economic Assistance Grant Program -- Requirements --**  
2302 **Rulemaking -- Annual report.**

2303 (1) There is created the Economic Assistance Grant Program administered by the  
2304 office.

2305 (2) Subject to appropriations from the Legislature, the office may award one or more  
2306 grants to a business entity to provide funding for projects that:

2307 (a) promote and support economic opportunities in the state; and

2308 (b) provide a service in the state related to industry, education, community  
2309 development, or infrastructure.

2310 (3) In awarding grants, the office may prioritize projects:

2311 (a) that create new jobs in the state;

2312 (b) that develop targeted industries in the state;

2313 (c) where an applicant identifies clear metrics to measure the progress, effectiveness,  
2314 and scope of the project;

2315 (d) where an applicant secures funding from other sources to help finance the project;

2316 (e) where an applicant demonstrates comprehensive planning of the project; and

2317 (f) that require one-time funds.

2318 (4) Before a business entity may receive a grant, the business entity shall enter into a  
2319 written agreement with the office that specifies:

2320 (a) the amount of the grant;

2321 (b) the time period for distributing the grant;

2322 (c) the terms and conditions that the business entity shall meet to receive the grant;

2323 (d) the structure of the grant; and

2324 (e) the expenses for which the business entity may expend the grant.

2325 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

2326 office may make rules to administer the grant program.

2327 (6) The office shall include in the annual written report described in Section

2328 63N-1a-306 a report on the grant program, including a description and the amount of any

2329 grants awarded.

2330 Section 57. Section **63N-4-104** is amended to read:

2331 **63N-4-104. Duties.**

2332 (1) The Center for Rural Development shall:

2333 (a) work to enhance the capacity of the office to address rural economic development,  
2334 planning, and leadership training challenges and opportunities by establishing partnerships and  
2335 positive working relationships with appropriate public and private sector entities, individuals,  
2336 and institutions;

2337 (b) work with the GO Utah board to coordinate and focus available resources in ways  
2338 that address the economic development, planning, and leadership training challenges and  
2339 priorities in rural Utah;

2340 (c) assist in administering the Rural [~~County Grant Program created in Section~~  
2341 ~~17-54-103~~, including, as described in Subsection ~~17-54-103~~(10), compiling reported  
2342 information regarding the program for inclusion in the office's annual written report described  
2343 in Section ~~63N-1a-306~~] Opportunity Program created in Section 63N-4-802; and

2344 (d) in accordance with economic development and planning policies set by state  
2345 government, coordinate relations between:

2346 (i) the state;

2347 (ii) rural governments;

2348 (iii) other public and private groups engaged in rural economic planning and  
2349 development; and

2350 (iv) federal agencies.

2351 (2) (a) The Center for Rural Development may:

2352 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

2353 make rules necessary to carry out its duties;

2354 (ii) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of rural  
2355 Utah citizens; and

2356 (iii) use those gifts, grants, devises, and property received under Subsection (2)(a)(ii)  
2357 for the use and benefit of rural citizens within the state.

2358 (b) All resources received under Subsection (2)(a)(ii) shall be deposited in the General  
2359 Fund as dedicated credits to be used as directed in Subsection (2)(a)(iii).

2360 Section 58. Section **63N-4-402** is amended to read:

2361 **63N-4-402. Definitions.**

2362 As used in this part:

2363 (1) (a) "Business entity" means a sole proprietorship, partnership, association, joint  
2364 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on  
2365 a business.

2366 (b) "Business entity" does not include a business primarily engaged in the following:

2367 (i) construction;

2368 (ii) staffing;

2369 (iii) retail trade; or

2370 (iv) public utility activities.

2371 (2) "Grant" means a grant awarded as part of the Rural Employment Expansion Grant  
2372 Program created in Section [63N-4-403](#).

2373 (3) "Grant program" means the Rural Employment Expansion Grant Program created  
2374 in Section [63N-4-403](#).

2375 (4) "Mining company" means an entity whose primary business is the exploration for  
2376 or extraction of minerals from the earth.

2377 (5) "Mining services company" means an entity whose primary business is providing  
2378 support services for a mining company, including drilling or geological modeling.

2379 [~~2~~] (6) (a) "Owner or officer" means an individual who owns an ownership interest in  
2380 an entity or holds a position where the person has authority to manage, direct, control, or make  
2381 decisions for:

2382 (i) the entity or a portion of the entity; or

2383 (ii) an employee, agent, or independent contractor of the entity.

2384 (b) "Owner or officer" includes:

2385 (i) a member of a board of directors or other governing body of an entity; or

2386 (ii) a partner in any type of partnership.

2387 [~~(3) "Rural employment expansion grant" means a grant available under this part.]~~

2388 (7) "Rural county" means a county of the third, fourth, fifth, or sixth class.

2389 Section 59. Section **63N-4-403** is amended to read:

2390 **63N-4-403. Creation of Rural Employment Expansion Grant Program -- Duties**  
2391 **of the office.**

2392 (1) There is created the Rural Employment Expansion Grant Program administered by  
2393 the office.

2394 [~~(1)~~] (2) The office shall:

2395 (a) review a business entity's application for a [~~rural employment expansion grant~~  
2396 ~~under this part~~] grant in the order in which the application is received by the office;

2397 (b) ensure that a [~~rural employment expansion~~] grant is only awarded to a business  
2398 entity that meets the requirements of this part; and

2399 (c) as part of the annual written report described in Section [63N-1a-306](#), prepare an  
2400 annual evaluation that provides:

2401 (i) the identity of each business entity that was provided a [~~rural employment~~  
2402 ~~expansion~~] grant by the office during the year of the annual report;

2403 (ii) the total amount awarded in [~~rural employment expansion~~] grants for each county;  
2404 and

2405 (iii) an evaluation of the effectiveness of the [~~rural employment expansion~~] grant in  
2406 bringing significant new employment to rural communities.

2407 [~~(2)~~] (3) The office may:

2408 (a) authorize a [~~rural employment expansion~~] grant for a business entity under this part;

2409 (b) audit a business entity to ensure:

2410 (i) eligibility for a [~~rural employment expansion~~] grant; and

2411 (ii) compliance with this part; and

2412 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
2413 in accordance with the provisions of this part, make rules regarding the:

2414 (i) form and content of an application for a [~~rural employment expansion~~] grant;

2415 (ii) documentation or other requirements for a business entity to receive a [~~rural~~  
2416 ~~employment expansion~~] grant; and

2417 (iii) administration of [~~rural employment expansion~~] grants, including an appeal  
2418 process and relevant timelines and deadlines.

2419 Section 60. Section **63N-4-404** is amended to read:

2420 **63N-4-404. Grant application process.**

2421 (1) For a fiscal year beginning on or after July 1, 2018, a business entity seeking to  
2422 receive a [~~rural employment expansion grant as provided in this part~~] grant shall provide the  
2423 office with an application [~~for a rural employment expansion grant~~] in a form approved by the  
2424 office that includes:

2425 (a) a certification, by an officer of the business entity, of each signature on the  
2426 application;

2427 (b) a document that specifies the projected number and anticipated wage level of the  
2428 new full-time employee positions that the business entity plans to create as the basis for  
2429 qualifying for a [~~rural employment expansion~~] grant; and

2430 (c) any additional information required by the office.

2431 (2) (a) If, after review of an application provided by a business entity as described in  
2432 Subsection (1), the office determines that the application is inadequate to provide a reasonable  
2433 justification for authorizing the [~~rural employment expansion~~] grant, the office shall:

2434 (i) deny the application; or

2435 (ii) inform the business entity that the application is inadequate and ask the business  
2436 entity to submit additional documentation.

2437 (b) (i) If the office denies an application, the business entity may appeal the denial to  
2438 the office.

2439 (ii) The office shall review any appeal within 10 business days and make a final  
2440 determination of the business entity's eligibility for a grant [~~under this part~~].

2441 (3) If, after review of an application provided by a business entity as described in  
2442 Subsection (1), the office determines that the application provides reasonable justification for  
2443 authorizing a [~~rural employment expansion~~] grant and if there are available funds for the grant,  
2444 the office shall enter into a written agreement with the business entity that:

2445 (a) indicates the maximum [~~rural employment expansion~~] grant amount the business

2446 entity is authorized to receive;

2447 (b) includes a document signed by an officer of the business entity that expressly  
2448 directs and authorizes the State Tax Commission to disclose to the office the business entity's  
2449 tax returns and other information that would otherwise be subject to confidentiality under  
2450 Section 59-1-403 or Section 6103, Internal Revenue Code;

2451 (c) describes the documentation required to demonstrate that the business entity has  
2452 created the new full-time employee positions described in the application provided under  
2453 Subsection (1); and

2454 (d) specifies the deadlines to provide the documentation described in Subsection (3)(c).

2455 (4) (a) Subject to available funds, the office may award a [~~rural employment~~  
2456 ~~expansion~~] grant to a business entity as follows:

2457 (i) \$4,000 for each new full-time employee position in a county where the average  
2458 county wage is equal to or greater than the state average wage;

2459 (ii) \$5,000 for each new full-time employee position in a county where the average  
2460 county wage is between 85% and 99% of the state average wage; and

2461 (iii) \$6,000 for each new full-time employee position in a county where the average  
2462 county wage is less than 85% of the state average wage.

2463 (b) A business entity may qualify for no more than \$250,000 in [~~rural employment~~  
2464 ~~expansion~~] grants in any fiscal year.

2465 (5) (a) Subject to available funds, the office shall award a business entity a grant in the  
2466 amount allowed under this part if the business entity provides documentation to the office:

2467 (i) in a form prescribed by the office under Subsection (3)(c);

2468 (ii) before the deadline described in Subsection (3)(d); and

2469 (iii) that demonstrates that the business applicant has created new full-time employee  
2470 positions.

2471 (b) If a business entity does not provide the documentation described in Subsection  
2472 (3)(c) before the deadline described in Subsection (3)(d), the business entity is ineligible to  
2473 receive a [~~rural employment expansion~~] grant unless the business entity submits a new  
2474 application to be reviewed by the office in accordance with Subsection (1).

2475 (6) Nothing in this part prevents a business entity that has received a [~~rural~~  
2476 ~~employment expansion~~] grant from concurrently applying for or receiving another grant or



2477 incentive administered by the office.

2478 ~~[(7) (a) As used in this Subsection (7):]~~

2479 ~~[(i) "Mining company" means an entity whose primary business is the exploration for~~  
2480 ~~or extraction of minerals from the earth.]~~

2481 ~~[(ii) "Mining services company" means an entity whose primary business is providing~~  
2482 ~~support services for a mining company, including drilling or geological modeling.]~~

2483 ~~[(b)]~~ (7) If an applicant for a ~~[rural employment expansion]~~ grant is a mining company  
2484 or mining services company having business operations within five miles of a rural county, the  
2485 applicant shall be treated as if the applicant were located within the adjacent rural county in  
2486 determining whether the applicant qualifies for the ~~[rural employment expansion]~~ grant  
2487 program.

2488 Section 61. Section **63N-4-801** is enacted to read:

2489 **Part 8. Rural Opportunity Act**

2490 **63N-4-801. Definitions.**

2491 As used in this part:

2492 (1) "Advisory committee" means the Rural Opportunity Advisory Committee created  
2493 in Section [63N-4-804](#).

2494 (2) (a) "Business entity" means a sole proprietorship, partnership, association, joint  
2495 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on  
2496 a business.

2497 (b) "Business entity" does not include a business primarily engaged in the following:

2498 (i) construction;

2499 (ii) staffing;

2500 (iii) retail trade; or

2501 (iv) public utility activities.

2502 (3) "CEO board" means a County Economic Opportunity Advisory Board as described  
2503 in Section [63N-4-803](#).

2504 (4) "Fund" means the Rural Opportunity Fund created in Section [63N-4-805](#).

2505 (5) "Qualified asset" means a physical asset that provides or supports an essential  
2506 public service.

2507 (6) "Qualified project" means a project to build or improve one or more qualified

2508 assets for a rural community, including:

2509 (a) telecom and high-speed Internet infrastructure;

2510 (b) power and energy infrastructure;

2511 (c) water and sewerage infrastructure;

2512 (d) healthcare infrastructure; or

2513 (e) other infrastructure as defined by rule made by the office in accordance with Title

2514 63G, Chapter 3, Utah Administrative Rulemaking Act.

2515 (7) "Rural community" means a rural county or rural municipality.

2516 (8) "Rural county" means a county of the third, fourth, fifth, or sixth class.

2517 (9) "Rural municipality" means a city, town, or metro township located within the

2518 boundaries of a rural county.

2519 (10) "Rural Opportunity Program" or "program" means the Rural Opportunity Program

2520 created in Section [63N-4-802](#).

2521 Section 62. Section **63N-4-802** is enacted to read:

2522 **63N-4-802. Creation of Rural Opportunity Program -- Awarding of grants and**  
2523 **loans -- Rulemaking -- Reporting.**

2524 (1) There is created the Rural Opportunity Program.

2525 (2) The program shall be overseen by the advisory committee and administered by the  
2526 office.

2527 (3) (a) In overseeing the program, the advisory committee shall make recommendations  
2528 to the office on the awarding of grants and loans under this section.

2529 (b) After reviewing the recommendations of the advisory committee, and subject to  
2530 appropriations from the Legislature, the office shall:

2531 (i) award grants to rural communities and business entities in accordance with

2532 Subsection (4) and rules made by the center under Subsection (6); and

2533 (ii) award loans to rural communities in accordance with Subsection (5) and rules made  
2534 by the center under Subsection (6).

2535 (4) (a) The office shall annually distribute an equal amount of grant money to all rural  
2536 counties that have created a CEO board, in an amount up to and including \$200,000 annually  
2537 per county.

2538 (b) In addition to the grant money distributed to rural counties under Subsection (4)(a),

2539 the office may use program funds to:

2540 (i) award grants to rural communities that demonstrate a funding match, in an amount  
2541 established by rule under Subsection (6); and

2542 (ii) award grants to business entities that create new jobs within rural communities.

2543 (c) The office shall award grants under this Subsection (4) to address the economic  
2544 development needs of rural communities, which needs may include:

2545 (i) business recruitment, development, and expansion;

2546 (ii) workforce training and development; and

2547 (iii) infrastructure, industrial building development, and capital facilities improvements  
2548 for business development.

2549 (d) In awarding grants under this Subsection (4), the office:

2550 (i) shall prioritize applications in accordance with rules made by the office under  
2551 Subsection (6); and

2552 (ii) may not award more than \$800,000 annually to a rural community or business  
2553 entity.

2554 (5) (a) In addition to the awarding of grants under Subsection (4), the office may use  
2555 program funds to award loans to rural communities to provide financing for qualified projects.

2556 (b) (i) A rural community may not receive a loan from the program unless the rural  
2557 community enters into a loan contract with the office.

2558 (ii) A loan contract under Subsection (5)(b)(i):

2559 (A) shall be secured by legally issued bonds, notes, or other evidence of indebtedness  
2560 validly issued under state law, including pledging all or any portion of a revenue source  
2561 controlled by the rural community to the repayment of the loan; and

2562 (B) may provide that a portion of the proceeds of the loan may be applied to fund a  
2563 reserve fund to secure the repayment of the loan.

2564 (c) A loan under this Subsection (5) shall bear interest at a rate:

2565 (i) not less than bond market interest rates available to the state; and

2566 (ii) not more than .5% above bond market interest rates available to the state.

2567 (d) Before a rural community may receive a loan from the office, the rural community  
2568 shall:

2569 (i) publish the rural community's intention to obtain the loan at least once in

2570 accordance with the publication and notice requirements described in Section [11-14-316](#); and  
2571 (ii) adopt an ordinance or resolution authorizing the loan.  
2572 (e) (i) If a rural community that receives a loan from the office fails to comply with the  
2573 terms of the loan contract, the office may seek any legal or equitable remedy to obtain  
2574 compliance or payment of damages.  
2575 (ii) If a rural community fails to make loan payments when due, the state shall, at the  
2576 request of the office, withhold an amount of money due to the rural community and deposit the  
2577 withheld money into the fund to pay the amount due under the contract.  
2578 (iii) The office may elect when to take any action or request the withholding of money  
2579 under this Subsection (5)(e).  
2580 (f) All loan contracts, bonds, notes, or other evidence of indebtedness securing any  
2581 loans shall be collected and accounted for in accordance with Section [63B-1b-202](#).  
2582 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2583 and in collaboration with the advisory committee, the office shall make rules to administer the  
2584 program.  
2585 (b) The rules under Subsection (6)(a) shall establish:  
2586 (i) eligibility criteria for a rural community or business entity to receive a grant or loan  
2587 under the program;  
2588 (ii) application requirements;  
2589 (iii) funding match requirements for a rural community to receive a grant under  
2590 Subsection (4)(b);  
2591 (iv) a process for prioritizing grant and loan applications; and  
2592 (v) reporting requirements.  
2593 (7) The office shall include the following information in the annual written report  
2594 described in Section [63N-1a-306](#):  
2595 (a) the total amount of grants and loans the office awarded to rural communities and  
2596 business entities under the program;  
2597 (b) a description of the projects for which the office awarded a grant or loan under the  
2598 program;  
2599 (c) the total amount of outstanding debt service that is being repaid by a grant or loan  
2600 awarded under the program;

2601 (d) whether the grants and loans awarded under the program have resulted in economic  
 2602 development within rural communities; and

2603 (e) the office's recommendations regarding the effectiveness of the program and any  
 2604 suggestions for legislation.

2605 Section 63. Section **63N-4-803**, which is renumbered from Section 17-54-104 is  
 2606 renumbered and amended to read:

2607 ~~[17-54-104]~~. **63N-4-803. County Economic Opportunity Advisory Board.**

2608 (1) (a) Each rural county that seeks to obtain a grant from the office under ~~[this~~  
 2609 ~~chapter]~~ Subsection 63N-4-802(4)(a), shall create a ~~[CED]~~ CEO board composed of at least the  
 2610 following members appointed by the county legislative body:

- 2611 (i) a county representative;
- 2612 (ii) a representative of a municipality in the county;
- 2613 (iii) a workforce development representative;
- 2614 (iv) a private-sector representative; and
- 2615 (v) a member of the public who lives in the county.

2616 (b) The county legislative body may also appoint additional members with experience  
 2617 or expertise in economic development matters.

2618 (c) In appointing members of the ~~[CED]~~ CEO board, the county legislative body may  
 2619 consider gender and socioeconomic diversity.

2620 (2) Each ~~[CED]~~ CEO board shall assist and advise the county legislative body on:

- 2621 (a) applying for a grant under ~~[this chapter]~~ Subsection 63N-4-802(4)(a);
- 2622 (b) what projects should be funded by grant money provided to a rural county under  
 2623 ~~[this chapter]~~ Subsection 63N-4-802(4)(a); and

2624 (c) preparing reporting requirements for grant money received by a rural county under  
 2625 ~~[this chapter]~~ Subsection 63N-4-802(4)(a).

2626 Section 64. Section **63N-4-804** is enacted to read:

2627 **63N-4-804. Rural Opportunity Advisory Committee.**

2628 (1) There is created within the office the Rural Opportunity Advisory Committee.

2629 (2) The advisory committee shall be composed of seven members appointed by the  
 2630 executive director, at least five of whom shall reside in a rural county.

2631 (3) The advisory committee shall advise and make recommendations to the office

2632 regarding the awarding of grants and loans under the Rural Opportunity Program.

2633 (4) (a) Subject to Subsection (4)(b), each member of the advisory committee shall be  
2634 appointed for a four-year term unless a member is appointed to complete an unexpired term.

2635 (b) The executive director may adjust the length of term at the time of appointment or  
2636 reappointment so that approximately half of the advisory committee is appointed every two  
2637 years.

2638 (5) The advisory committee shall annually elect a chair from among the advisory  
2639 committee's members.

2640 (6) A majority of the advisory committee constitutes a quorum for the purpose of  
2641 conducting advisory committee business and the action of a majority of a quorum constitutes  
2642 the action of the advisory committee.

2643 (7) The office shall provide staff support for the advisory committee.

2644 (8) A member may not receive compensation or benefits for the member's service, but  
2645 may receive per diem and travel expenses in accordance with:

2646 (a) Section [63A-3-106](#);

2647 (b) Section [63A-3-107](#); and

2648 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2649 [63A-3-107](#).

2650 Section 65. Section **63N-4-805** is enacted to read:

2651 **63N-4-805. Rural Opportunity Fund.**

2652 (1) There is created a restricted account within the General Fund known as the "Rural  
2653 Opportunity Fund".

2654 (2) The fund shall be administered by the office for the purposes described in  
2655 Subsection (5).

2656 (3) The fund consists of:

2657 (a) money appropriated by the Legislature;

2658 (b) donations or grants from public or private entities; and

2659 (c) all money collected from the repayment of fund money used for a loan issued under  
2660 the Rural Opportunity Program.

2661 (4) (a) The fund shall earn interest.

2662 (b) All interest earned on money in the fund shall be deposited into the fund.

- 2663 (5) Money in the fund may only be used by the office to:  
2664 (a) award grants and loans under the Rural Opportunity Program;  
2665 (b) award grants under the Rural Employment Expansion Program created in Section  
2666 63N-4-403;  
2667 (c) award grants under the Rural Coworking and Innovation Center Grant Program  
2668 created in Section 63N-4-503; and  
2669 (d) pay for administrative costs related to this chapter.  
2670 (6) The office may establish separate accounts in the fund for separate programs,  
2671 administrative and operating expenses, or any other purpose to implement this chapter.  
2672 (7) Money in the fund shall be invested by the state treasurer as provided in Title 51,  
2673 Chapter 7, State Money Management Act, and the earnings from the investments shall be  
2674 credited to the fund.  
2675 (8) The office shall include a report of how money from the fund was used in the  
2676 annual written report described in Section 63N-1a-306.  
2677 Section 66. Section **63N-6-301** is amended to read:  
2678 **63N-6-301. Utah Capital Investment Corporation -- Powers and purposes --**  
2679 **Reporting requirements.**  
2680 (1) (a) There is created an independent quasi-public nonprofit corporation known as the  
2681 Utah Capital Investment Corporation.  
2682 (b) The corporation:  
2683 (i) may exercise all powers conferred on independent corporations under Section  
2684 63E-2-106;  
2685 (ii) is subject to the prohibited participation provisions of Section 63E-2-107; and  
2686 (iii) is subject to the other provisions of Title 63E, Chapter 2, Independent  
2687 Corporations Act, except as otherwise provided in this part.  
2688 (c) The corporation shall file with the Division of Corporations and Commercial Code:  
2689 (i) articles of incorporation; and  
2690 (ii) any amendment to its articles of incorporation.  
2691 (d) In addition to the articles of incorporation, the corporation may adopt bylaws and  
2692 operational policies that are consistent with this chapter.  
2693 (e) Except as otherwise provided in this part, this part does not exempt the corporation

2694 from the requirements under state law which apply to other corporations organized under Title  
2695 63E, Chapter 2, Independent Corporations Act.

2696 (2) The purposes of the corporation are to:

2697 (a) organize the Utah fund of funds;

2698 (b) select an investment fund allocation manager to make venture capital and private  
2699 equity fund investments by the Utah fund of funds;

2700 (c) negotiate the terms of a contract with the investment fund allocation manager;

2701 (d) execute the contract with the selected investment fund manager on behalf of the  
2702 Utah fund of funds;

2703 (e) receive funds paid by designated investors for the issuance of certificates by the  
2704 board for private investment in the Utah fund of funds;

2705 (f) receive investment returns from the Utah fund of funds; and

2706 (g) establish the redemption reserve to be used by the corporation to:

2707 (i) redeem certificates; and

2708 (ii) provide money for the state as directed by statute.

2709 (3) The corporation may not:

2710 (a) exercise governmental functions;

2711 (b) have members;

2712 (c) pledge the credit or taxing power of the state or any political subdivision of the  
2713 state; or

2714 (d) make its debts payable out of any money except money of the corporation.

2715 (4) The obligations of the corporation are not obligations of the state or any political  
2716 subdivision of the state within the meaning of any constitutional or statutory debt limitations,  
2717 but are obligations of the corporation payable solely and only from the corporation's funds.

2718 (5) The corporation may:

2719 (a) engage consultants and legal counsel;

2720 (b) expend funds;

2721 (c) invest funds;

2722 (d) issue debt and equity, and borrow funds;

2723 (e) enter into contracts;

2724 (f) insure against loss;



- 2725 (g) hire employees; and
- 2726 (h) perform any other act necessary to carry out its purposes.
- 2727 (6) (a) The corporation shall, in consultation with the board, publish on or before
- 2728 September 1 an annual report of the activities conducted by the Utah fund of funds and submit,
- 2729 in accordance with Section 68-3-14, the written report to:
- 2730 (i) the governor;
- 2731 (ii) the Business, Economic Development, and Labor Appropriations Subcommittee;
- 2732 (iii) the Business and Labor Interim Committee; and
- 2733 (iv) the Retirement and Independent Entities Interim Committee.
- 2734 (b) The annual report shall:
- 2735 (i) be designed to provide clear, accurate, and accessible information to the public, the
- 2736 governor, and the Legislature;
- 2737 (ii) include a copy of the audit of the Utah fund of funds described in Section
- 2738 63N-6-405;
- 2739 (iii) include a detailed balance sheet, revenue and expenses statement, and cash flow
- 2740 statement;
- 2741 (iv) include detailed information regarding new fund commitments made during the
- 2742 year, including the amount of money committed;
- 2743 (v) include the net rate of return of the Utah fund of funds from the inception of the
- 2744 Utah fund of funds, after accounting for all expenses, including administrative and financing
- 2745 costs;
- 2746 (vi) include detailed information regarding:
- 2747 (A) realized gains from investments and any realized losses; and
- 2748 (B) unrealized gains and any unrealized losses based on the net present value of
- 2749 ongoing investments;
- 2750 (vii) include detailed information regarding all yearly expenditures, including:
- 2751 (A) administrative, operating, and financing costs;
- 2752 (B) aggregate compensation information for full- and part-time employees, including
- 2753 benefit and travel expenses; and
- 2754 (C) expenses related to the allocation manager;
- 2755 (viii) include detailed information regarding all funding sources for administrative,

2756 operations, and financing expenses, including expenses charged by or to the Utah fund of  
2757 funds, including management and placement fees;

2758 (ix) review the progress of the investment fund allocation manager in implementing its  
2759 investment plan and provide a general description of the investment plan;

2760 (x) for each individual fund that the Utah fund of funds is invested in that represents at  
2761 least 5% of the net assets of the Utah fund of funds, include the name of the fund, the total  
2762 value of the fund, the fair market value of the Utah fund of funds' investment in the fund, and  
2763 the percentage of the total value of the fund held by the Utah fund of funds;

2764 (xi) include the number of companies in Utah where an investment was made from a  
2765 fund that the Utah fund of funds is invested in, and provide an aggregate count of new full-time  
2766 employees in the state added by all companies where investments were made by funds that the  
2767 Utah fund of funds is invested in;

2768 (xii) include an aggregate total value for all funds the Utah fund of funds is invested in,  
2769 and an aggregate total amount of money invested in the state by the funds the Utah fund of  
2770 funds is invested in;

2771 (xiii) describe any redemption or transfer of a certificate issued under this part;

2772 (xiv) include actual and estimated potential appropriations the Legislature will be  
2773 required to provide as a result of redeemed certificates or tax credits during the following five  
2774 years;

2775 (xv) include an evaluation of the state's progress in accomplishing the purposes stated  
2776 in Section [63N-6-102](#); and

2777 (xvi) be directly accessible to the public via a link from the main page of the Utah fund  
2778 of fund's website.

2779 (c) The annual report may not identify a specific designated investor who has redeemed  
2780 or transferred a certificate.

2781 (7) (a) On or before December 1, 2021, the corporation shall provide a written report to  
2782 the president of the Senate and the speaker of the House of Representatives that includes a  
2783 detailed plan, time line, and recommendations for the future of the corporation.

2784 (b) The plan shall include recommendations describing:

2785 (i) the divestment of the state from any future liability of the corporation and a time  
2786 line for realizing gains and winding down all investments from the current Utah fund of funds;

2787 (ii) any plans that the corporation has to raise capital for a fund similar to the current  
 2788 Utah fund of funds that does not require certificates, contingent tax credits, or other guarantees  
 2789 from the state to be provided to equity investors;

2790 (iii) whether the corporation should continue as an independent quasi-public nonprofit  
 2791 corporation under Title 63E, Chapter 2, Independent Corporations Act;

2792 (iv) if the corporation recommends continuing as an independent quasi-public  
 2793 nonprofit corporation, why the corporation should continue, and what benefits the corporation  
 2794 will provide to the state in terms of economic development, job growth, or other benefits;

2795 (v) whether the corporation should be liquidated or dissolved under Section  
 2796 [~~63N-3-306~~] [63N-6-306](#);

2797 (vi) if the corporation recommends that the corporation be liquidated or dissolved, a  
 2798 detailed plan and time line for dissolution that includes recommendations regarding how assets  
 2799 and realized gains of the corporation should be distributed;

2800 (vii) whether the corporation should be privatized in accordance with Title 63E,  
 2801 Chapter 1, Part 4, Privatization of Independent Entities; and

2802 (viii) if the corporation recommends that the corporation be privatized, a detailed plan  
 2803 and time line for privatization that includes recommendations regarding the distribution of  
 2804 assets and realized gains of the corporation.

2805 (8) In relation to the written report described in Subsection (7), the corporation:

2806 (a) may seek potential commitments through letters of intent or other means to  
 2807 demonstrate the viability of raising capital for a new fund as described in Subsection (7)(b)(ii);  
 2808 and

2809 (b) may not enter into any binding commitments related to a new fund as described in  
 2810 Subsection (7)(b)(ii), unless the corporation receives specific authorization through legislation  
 2811 passed by the Legislature after the report described in Subsection (7) is provided.

2812 Section 67. Section [63N-7-101](#) is repealed and reenacted to read:

## 2813 **CHAPTER 7. UTAH OFFICE OF TOURISM**

### 2814 **Part 1. General Provisions**

#### 2815 **63N-7-101. Definitions.**

#### 2816 As used in this chapter:

2817 (1) "Board" means the Board of Tourism Development created in Section [63N-7-201](#).

2818 (2) "Managing director" means the managing director of the Utah Office of Tourism.

2819 (3) "Sports organization" means an organization that:

2820 (a) is exempt from federal income taxation in accordance with Section 501(c)(3),

2821 Internal Revenue Code;

2822 (b) maintains the organization's principal location in the state;

2823 (c) has a minimum of 15 years experience in the state hosting, fostering, and attracting  
2824 major summer and winter sporting events statewide; and

2825 (d) was created to foster state, regional, national, and international sports competitions  
2826 in the state, to drive the state's Olympic and sports legacy, including competitions related to  
2827 Olympic sports, and to promote and encourage sports tourism throughout the state, including  
2828 advertising, marketing, branding, and promoting the state for the purpose of attracting sporting  
2829 events in the state.

2830 (4) "Tourism office" means the Utah Office of Tourism created in Section [63N-7-102](#).  
2831 Section 68. Section [63N-7-102](#) is repealed and reenacted to read:

2832 **[63N-7-102. Utah Office of Tourism created -- Appointment of managing director](#)**  
2833 **-- Responsibilities of tourism office.**

2834 (1) There is created within the GO Utah office the Utah Office of Tourism.

2835 (2) (a) The executive director shall appoint a managing director of the tourism office.

2836 (b) The managing director may, with the approval of the executive director, appoint  
2837 staff.

2838 (3) The tourism office shall:

2839 (a) be the tourism development authority of the state;

2840 (b) develop a tourism advertising, marketing, branding, destination development, and  
2841 destination management program for the state;

2842 (c) receive approval from the board under Subsection [63N-7-202](#)(1)(a) before  
2843 implementing the program described in Subsection (3)(b);

2844 (d) develop a plan to increase the economic contribution by tourists visiting the state;

2845 (e) plan and conduct a program of information, advertising, and publicity relating to the  
2846 recreational, scenic, historic, and tourist advantages and attractions of the state at large;

2847 (f) encourage and assist in the coordination of the activities of persons, firms,  
2848 associations, corporations, travel regions, counties, and governmental agencies engaged in

2849 publicizing, developing, and promoting the scenic attractions and tourist advantages of the  
2850 state;

2851 (g) conduct a regular and ongoing research program to identify statewide economic  
2852 trends and conditions in the tourism sector of the economy; and

2853 (h) ensure that any plan or program developed under this Subsection (3) addresses, but  
2854 not be limited to, the following policies:

2855 (i) enhancing the state's image;

2856 (ii) promoting the state as a year-round destination;

2857 (iii) encouraging expenditures by visitors to the state; and

2858 (iv) expanding the markets where the state is promoted.

2859 Section 69. Section **63N-7-103** is repealed and reenacted to read:

2860 **63N-7-103. Annual report.**

2861 The executive director shall include, in the annual written report described in Section  
2862 63N-1a-306, a report from the managing director on the activities of the tourism office,  
2863 including information regarding the economic efficiency of the advertising and branding  
2864 campaigns conducted under Section 63N-7-102.

2865 Section 70. Section **63N-7-104** is enacted to read:

2866 **63N-7-104. Agreements with other governmental entities.**

2867 The tourism office may enter into agreements with state or federal agencies to accept  
2868 services, quarters, or facilities as a contribution in carrying out the duties and functions of the  
2869 tourism office.

2870 Section 71. Section **63N-7-201** is repealed and reenacted to read:

2871 **Part 2. Board of Tourism Development**

2872 **63N-7-201. Board of Tourism created -- Members -- Meetings -- Expenses.**

2873 (1) There is created within the tourism office the Board of Tourism Development.

2874 (2) (a) The board shall consist of 15 members appointed by the governor to four-year  
2875 terms with the advice and consent of the Senate.

2876 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the  
2877 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
2878 board members are staggered so that approximately half of the board is appointed every two  
2879 years.

- 2880           (3) The members may not serve more than two full consecutive terms unless the  
2881 governor determines that an additional term is in the best interest of the state.
- 2882           (4) Not more than eight members of the board may be from the same political party.
- 2883           (5) (a) The members shall be representative of:
- 2884           (i) all areas of the state with six being appointed from separate geographical areas as  
2885 provided in Subsection (5)(b); and
- 2886           (ii) a diverse mix of business ownership or executive management of tourism related  
2887 industries.
- 2888           (b) The geographical representatives shall be appointed as follows:
- 2889           (i) one member from Salt Lake, Tooele, or Morgan County;
- 2890           (ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;
- 2891           (iii) one member from Utah, Summit, Juab, or Wasatch County;
- 2892           (iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;
- 2893           (v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and
- 2894           (vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.
- 2895           (c) The tourism industry representatives of ownership or executive management shall  
2896 be appointed as follows:
- 2897           (i) one member from ownership or executive management of the lodging industry, as  
2898 recommended by the lodging industry for the governor's consideration;
- 2899           (ii) one member from ownership or executive management of the restaurant industry,  
2900 as recommended by the restaurant industry for the governor's consideration;
- 2901           (iii) one member from ownership or executive management of the ski industry, as  
2902 recommended by the ski industry for the governor's consideration; and
- 2903           (iv) one member from ownership or executive management of a tourism-related  
2904 transportation provider, as recommended by the tourism industry for the governor's  
2905 consideration.
- 2906           (d) One member shall be appointed at large from ownership or executive management  
2907 of business, finance, economic policy, or the academic media marketing community.
- 2908           (e) One member shall be appointed from the Utah Tourism Industry Association, as  
2909 recommended by the association for the governor's consideration.
- 2910           (f) One member shall be appointed to represent the state's counties, as recommended

2911 by the Utah Association of Counties for the governor's consideration.

2912 (g) One member shall be appointed from an arts and cultural organization, as  
2913 recommended by the arts and cultural community for the governor's consideration.

2914 (h) One member shall be appointed to represent the outdoor recreation industry, as  
2915 recommended by the outdoor recreation industry for the governor's consideration.

2916 (i) (i) The governor may choose to disregard a recommendation made for the board  
2917 members described in Subsections (5)(c), (e), and (f) through (h).

2918 (ii) The governor shall request additional recommendations if recommendations are  
2919 disregarded under Subsection (5)(i)(i).

2920 (6) When a vacancy occurs in the membership for any reason, the replacement shall be  
2921 appointed for the unexpired term from the same geographic area or industry representation as  
2922 the member whose office was vacated.

2923 (7) Eight members of the board constitute a quorum for conducting board business and  
2924 exercising board powers.

2925 (8) The governor shall select one of the board members as chair and one of the board  
2926 members as vice chair, each for a four-year term as recommended by the board for the  
2927 governor's consideration.

2928 (9) A member may not receive compensation or benefits for the member's service, but  
2929 may receive per diem and travel expenses in accordance with:

2930 (a) Section [63A-3-106](#);

2931 (b) Section [63A-3-107](#); and

2932 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

2933 (10) The board shall meet monthly or as often as the board determines to be necessary  
2934 at various locations throughout the state.

2935 (11) Members who may have a potential conflict of interest in consideration of fund  
2936 allocation decisions shall identify the potential conflict prior to voting on the issue.

2937 (12) (a) The board shall determine attendance requirements for maintaining a  
2938 designated board seat.

2939 (b) If a board member fails to attend according to the requirements established  
2940 pursuant to Subsection (12)(a), the board member shall be replaced upon written certification  
2941 from the board chair or vice chair to the governor.

2942 (c) A replacement appointed by the governor under Subsection (12)(b) shall serve for  
2943 the remainder of the board member's unexpired term.

2944 (13) (a) The board's office shall be in Salt Lake City.

2945 (b) The tourism office shall provide staff support to the board.

2946 Section 72. Section **63N-7-202** is repealed and reenacted to read:

2947 **63N-7-202. Board duties.**

2948 (1) The board shall:

2949 (a) approve a tourism program of out-of-state advertising, marketing, and branding,  
2950 taking into account the long-term strategic plan, economic trends, and opportunities for tourism  
2951 development on a statewide basis, as a condition of the distribution of funds to the tourism  
2952 office from:

2953 (i) the Tourism Marketing Performance Account created in Section **63N-7-301**; and

2954 (ii) the Stay Another Day and Bounce Back Account created in Section **63N-2-511**;

2955 (b) review tourism office programs to coordinate and integrate advertising and  
2956 branding themes, which may include recreational, scenic, historic, and tourist attractions of the  
2957 state, to be used in tourism office programs;

2958 (c) encourage and assist in coordinating activities of persons, firms, associations,  
2959 corporations, civic groups, and governmental agencies that are engaged in publicizing,  
2960 developing, and promoting the scenic attractions and tourist advantages of the state;

2961 (d) advise the tourism office in establishing a cooperative program using funds from  
2962 the Tourism Marketing Performance Account created in Section **63N-7-301**; and

2963 (e) advise the tourism office on the tourism office's planning, policies, and strategies  
2964 and on trends and opportunities for tourism development that may exist in the various areas of  
2965 the state.

2966 (2) The board may:

2967 (a) solicit and accept contributions of money, services, and facilities from any other  
2968 sources, whether public or private, and shall use these funds for promoting the general interest  
2969 of the state in tourism; and

2970 (b) establish subcommittees for the purpose of assisting the board in an advisory role.

2971 (3) The board may not, except as otherwise provided under Subsection (1)(a), make  
2972 policy related to the management or operation of the tourism office.



2973 Section 73. Section **63N-7-301** is amended to read:

2974 **63N-7-301. Tourism Marketing Performance Account.**

2975 (1) There is created within the General Fund a restricted account known as the Tourism  
2976 Marketing Performance Account.

2977 (2) The account shall be administered by [~~GOED~~] the tourism office for the purposes  
2978 listed in [~~Subsection (5)~~] Subsections (6) through (8).

2979 (3) (a) The account shall earn interest.

2980 (b) All interest earned on account money shall be deposited into the account.

2981 (4) The account shall be funded by appropriations made to the account by the  
2982 Legislature in accordance with this section.

2983 (5) The [~~executive~~] managing director [~~of GOED's Office of Tourism~~] shall use  
2984 account money appropriated to [~~GOED~~] the tourism office to pay for the statewide advertising,  
2985 marketing, and branding campaign for promotion of the state as conducted by [~~GOED~~] the  
2986 tourism office.

2987 (6) (a) For each fiscal year [~~beginning on or after July 1, 2007, GOED~~], the tourism  
2988 office shall annually allocate 10% of the account money appropriated to [~~GOED~~] the tourism  
2989 office to a sports organization for advertising, marketing, branding, and promoting Utah in  
2990 attracting sporting events into the state.

2991 (b) The sports organization shall:

2992 (i) provide an annual written report to [~~GOED~~] the tourism office that gives an  
2993 accounting of the use of funds the sports organization receives under this Subsection (6); and

2994 (ii) promote the state and encourage economic growth in the state.

2995 [~~(c) For purposes of this Subsection (6), "sports organization" means an organization~~  
2996 ~~that:]~~

2997 [~~(i) is exempt from federal income taxation in accordance with Section 501(c)(3);~~  
2998 ~~Internal Revenue Code;]~~

2999 [~~(ii) maintains its principal location in the state;]~~

3000 [~~(iii) has a minimum of 15 years experience in the state hosting, fostering, and~~  
3001 ~~attracting major summer and winter sporting events statewide; and]~~

3002 [~~(iv) was created to foster state, regional, national, and international sports~~  
3003 ~~competitions in the state, to drive the state's Olympic and sports legacy, including competitions~~

3004 ~~related to Olympic sports, and to promote and encourage sports tourism throughout the state,~~  
3005 ~~including advertising, marketing, branding, and promoting the state for the purpose of~~  
3006 ~~attracting sporting events in the state.]~~

3007 (7) Money deposited into the account shall include a legislative appropriation from the  
3008 cumulative sales and use tax revenue increases described in Subsection (8), plus any additional  
3009 appropriation made by the Legislature.

3010 (8) (a) In fiscal years 2006 through 2019, a portion of the state sales and use tax  
3011 revenues determined under this Subsection (8) shall be certified by the State Tax Commission  
3012 as a set-aside for the account, and the State Tax Commission shall report the amount of the  
3013 set-aside to the office, the Office of Legislative Fiscal Analyst, and the Division of Finance,  
3014 which shall set aside the certified amount for appropriation to the account.

3015 (b) For fiscal years 2016 through 2019, the State Tax Commission shall calculate the  
3016 set-aside under this Subsection (8) in each fiscal year by applying one of the following  
3017 formulas: if the annual percentage change in the Consumer Price Index for All Urban  
3018 Consumers, as published by the Bureau of Labor Statistics of the United States Department of  
3019 Labor, for the fiscal year two years before the fiscal year in which the set-aside is to be made is:

3020 (i) greater than 3%, and if the annual percentage change in the state sales and use tax  
3021 revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal  
3022 year three years before the fiscal year in which the set-aside is to be made to the fiscal year two  
3023 years before the fiscal year in which the set-aside is to be made is greater than the annual  
3024 percentage change in the Consumer Price Index for the fiscal year two years before the fiscal  
3025 year in which the set-aside is to be made, then the difference between the annual percentage  
3026 change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented  
3027 goods and services and the annual percentage change in the Consumer Price Index shall be  
3028 multiplied by an amount equal to the state sales and use tax revenues attributable to the retail  
3029 sales of tourist-oriented goods and services from the fiscal year three years before the fiscal  
3030 year in which the set-aside is to be made; or

3031 (ii) 3% or less, and if the annual percentage change in the state sales and use tax  
3032 revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal  
3033 year three years before the fiscal year in which the set-aside is to be made to the fiscal year two  
3034 years before the fiscal year in which the set-aside is to be made is greater than 3%, then the

3035 difference between the annual percentage change in the state sales and use tax revenues  
3036 attributable to the retail sales of tourist-oriented goods and services and 3% shall be multiplied  
3037 by an amount equal to the state sales and use tax revenues attributable to the retail sales of  
3038 tourist-oriented goods and services from the fiscal year three years before the fiscal year in  
3039 which the set-aside is to be made.

3040 (c) The total money appropriated to the account in a fiscal year under Subsections  
3041 (8)(a) and (b) may not exceed the amount appropriated to the account in the preceding fiscal  
3042 year by more than \$3,000,000.

3043 (d) As used in this Subsection (8), "state sales and use tax revenues" are revenues  
3044 collected under Subsections 59-12-103(2)(a)(i)(A) and 59-12-103(2)(c)(i).

3045 (e) As used in this Subsection (8), "retail sales of tourist-oriented goods and services"  
3046 are calculated by adding the following percentages of sales from each business registered with  
3047 the State Tax Commission under one of the following codes of the 2012 North American  
3048 Industry Classification System of the federal Executive Office of the President, Office of  
3049 Management and Budget:

3050 (i) 80% of the sales from each business under NAICS Codes:

3051 (A) 532111 Passenger Car Rental;

3052 (B) 53212 Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing;

3053 (C) 5615 Travel Arrangement and Reservation Services;

3054 (D) 7211 Traveler Accommodation; and

3055 (E) 7212 RV (Recreational Vehicle) Parks and Recreational Camps;

3056 (ii) 25% of the sales from each business under NAICS Codes:

3057 (A) 51213 Motion Picture and Video Exhibition;

3058 (B) 532292 Recreational Goods Rental;

3059 (C) 711 Performing Arts, Spectator Sports, and Related Industries;

3060 (D) 712 Museums, Historical Sites, and Similar Institutions; and

3061 (E) 713 Amusement, Gambling, and Recreation Industries;

3062 (iii) 20% of the sales from each business under NAICS Code 722 Food Services and  
3063 Drinking Places;

3064 (iv) 18% of the sales from each business under NAICS Codes:

3065 (A) 447 Gasoline Stations; and

3066 (B) 81293 Parking Lots and Garages;  
3067 (v) 14% of the sales from each business under NAICS Code 8111 Automotive Repair  
3068 and Maintenance; and

3069 (vi) 5% of the sales from each business under NAICS Codes:

3070 (A) 445 Food and Beverage Stores;

3071 (B) 446 Health and Personal Care Stores;

3072 (C) 448 Clothing and Clothing Accessories Stores;

3073 (D) 451 Sporting Goods, Hobby, Musical Instrument, and Book Stores;

3074 (E) 452 General Merchandise Stores; and

3075 (F) 453 Miscellaneous Store Retailers.

3076 (9) (a) For each fiscal year, the tourism office shall allocate 20% of the funds  
3077 appropriated to the Tourism Marketing and Performance Account to the cooperative program  
3078 described in this Subsection (9).

3079 (b) Money allocated to the cooperative program may be awarded to cities, counties,  
3080 nonprofit destination marketing organizations, and similar public entities for the purpose of  
3081 supplementing money committed by these entities for advertising and promoting sites and  
3082 events in the state.

3083 (c) The tourism office shall establish:

3084 (i) an application and approval process for an entity to receive a cooperative program  
3085 award, including an application deadline;

3086 (ii) the criteria for awarding a cooperative program award, which shall emphasize  
3087 attracting out-of-state visitors, and may include attracting in-state visitors, to sites and events in  
3088 the state; and

3089 (iii) eligibility, advertising, timing, and reporting requirements of an entity that  
3090 receives a cooperative program award.

3091 (d) Money allocated to the cooperative program that is not used in each fiscal year shall  
3092 be returned to the Tourism Marketing Performance Account.

3093 Section 74. Section **63N-19-101** is enacted to read:

3094 **CHAPTER 19. CENTER FOR INTERNATIONAL BUSINESS AND DIPLOMACY**

3095 **63N-19-101. Definitions.**

3096 As used in this chapter, "center" means the Center for International Business and

3097 Diplomacy created in Section [63N-19-103](#).

3098 Section 75. Section **63N-19-102** is enacted to read:

3099 **63N-19-102. Purpose.**

3100 The Legislature finds and declares that fostering and developing international economic  
3101 and diplomatic opportunities is a state public purpose necessary to assure the welfare of Utah's  
3102 citizens, the growth of Utah's economy, and adequate employment for Utah's citizens.

3103 Section 76. Section **63N-19-103** is enacted to read:

3104 **63N-19-103. Creation of Center for International Business and Diplomacy --**  
3105 **Duties -- Rulemaking.**

3106 (1) There is created within the office the Center for International Business and  
3107 Diplomacy.

3108 (2) The center shall:

3109 (a) foster and support efforts to enhance international economic and diplomatic  
3110 opportunities in the state;

3111 (b) provide outreach and information to businesses that could benefit from  
3112 international partnerships and business opportunities;

3113 (c) coordinate with the Legislature to accommodate diplomatic visits to the state; and

3114 (d) enter into agreements with appropriate public and private sector entities,  
3115 individuals, and institutions to support the center's diplomacy efforts.

3116 (3) The center may, in accordance with Title 63G, Chapter 3, Utah Administrative  
3117 Rulemaking Act, make rules necessary to carry out the center's responsibilities under this  
3118 chapter.

3119 Section 77. Section **63N-19-104** is enacted to read:

3120 **63N-19-104. Annual report.**

3121 The center shall include in the annual written report described in Section [63N-1a-306](#), a  
3122 report of the center's operations, including:

3123 (1) the number of businesses that received assistance in utilizing international services;

3124 (2) a description of diplomatic visits to the state; and

3125 (3) recommendations regarding changes that would improve the center.

3126 Section 78. Section **72-17-101**, which is renumbered from Section 63N-17-102 is  
3127 renumbered and amended to read:

3128 CHAPTER 17. UTAH BROADBAND CENTER AND ACCESS ACT

3129 Part 1. General Provisions

3130 [~~63N-17-102~~]. 72-17-101. Definitions.

3131 As used in this chapter:

3132 (1) "Broadband center" means the Utah Broadband Center created in Section

3133 [~~63N-17-201~~] 72-17-201.

3134 (2) "Eligible applicant" means:

3135 (a) a telecommunications provider or an Internet service provider;

3136 (b) a local government entity and one or more private entities, collectively, who are

3137 parties to a public-private partnership established for the purpose of expanding affordable

3138 broadband access in the state; or

3139 (c) a tribal government.

3140 (3) "Public-private partnership" means an arrangement or agreement between a

3141 government entity and one or more private persons to fund and provide for a public need

3142 through the development or operation of a public project in which the private person or persons

3143 share with the government entity the responsibility or risk of developing, owning, maintaining,

3144 financing, or operating the project.

3145 (4) "Underserved area" means an area of the state that is underserved in terms of the

3146 area's access to broadband service, as further defined by rule made by the broadband center.

3147 (5) "Unserved area" means an area of the state that is rural and unserved in terms of the

3148 area's access to broadband service, as further defined by rule made by the broadband center.

3149 Section 79. Section **72-17-201**, which is renumbered from Section 63N-17-201 is

3150 renumbered and amended to read:

3151 Part 2. Utah Broadband Center

3152 [~~63N-17-201~~]. 72-17-201. Utah Broadband Center -- Creation -- Director --

3153 **Duties.**

3154 (1) There is created within the [~~office~~] department the Utah Broadband Center.

3155 (2) The executive director shall appoint a director of the broadband center to oversee

3156 the operations of the broadband center.

3157 (3) The broadband center shall:

3158 (a) ensure that publicly funded broadband projects continue to be publicly accessible

3159 and provide a public benefit;

3160 (b) develop a statewide digital connectivity plan;

3161 (c) carry out the duties described in Section [~~63N-17-202~~] 72-17-202; and

3162 (d) administer the Broadband Access Grant Program in accordance with Part 3,

3163 Broadband Access Grant Program.

3164 Section 80. Section **72-17-202**, which is renumbered from Section 63N-17-202 is

3165 renumbered and amended to read:

3166 ~~[63N-17-202]~~. **72-17-202. Infrastructure and broadband coordination.**

3167 (1) The broadband center shall partner with the Utah Geospatial Resource Center  
3168 created in Section 63A-16-505 to collect and maintain a database and interactive map that  
3169 displays economic development data statewide, including:

3170 (a) voluntarily submitted broadband availability, speeds, and other broadband data;

3171 (b) voluntarily submitted public utility data;

3172 (c) workforce data, including information regarding:

3173 (i) enterprise zones designated by the Governor's Office of Economic Opportunity  
3174 under Section 63N-2-206;

3175 (ii) public institutions of higher education; and

3176 (iii) procurement technical assistance centers;

3177 (d) transportation data, which may include information regarding railway routes,  
3178 commuter rail routes, airport locations, and major highways;

3179 (e) lifestyle data, which may include information regarding state parks, national parks  
3180 and monuments, United States Forest Service boundaries, ski areas, golf courses, and hospitals;  
3181 and

3182 (f) other relevant economic development data as determined by the [~~office~~] department,  
3183 including data provided by partner organizations.

3184 (2) The broadband center may:

3185 (a) make recommendations to state and federal agencies, local governments, the  
3186 governor, and the Legislature regarding policies and initiatives that promote the development  
3187 of broadband-related infrastructure in the state and help implement those policies and  
3188 initiatives;

3189 (b) facilitate coordination between broadband providers and public and private entities;

3190 (c) collect and analyze data on broadband availability and usage in the state, including  
3191 Internet speed, capacity, the number of unique visitors, and the availability of broadband  
3192 infrastructure throughout the state;

3193 (d) create a voluntary broadband advisory committee, which shall include broadband  
3194 providers and other public and private stakeholders, to solicit input on broadband-related policy  
3195 guidance, best practices, and adoption strategies;

3196 (e) work with broadband providers, state and local governments, and other public and  
3197 private stakeholders to facilitate and encourage the expansion and maintenance of broadband  
3198 infrastructure throughout the state; and

3199 (f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds  
3200 Procedures Act, and in accordance with federal requirements:

3201 (i) apply for federal grants;

3202 (ii) participate in federal programs; and

3203 (iii) administer federally funded broadband-related programs.

3204 Section 81. Section **72-17-301**, which is renumbered from Section 63N-17-301 is  
3205 renumbered and amended to read:

3206 **Part 3. Broadband Access Grant Program**

3207 ~~[63N-17-301]~~. **72-17-301. Creation of Broadband Access Grant Program.**

3208 (1) There is established a grant program known as the Broadband Access Grant  
3209 Program that is administered by the broadband center in accordance with this part.

3210 (2) (a) The broadband center may award a grant under this part to an eligible applicant  
3211 who submits to the broadband center an application that includes a proposed project to extend  
3212 broadband service to individuals and businesses in an unserved area or an underserved area by  
3213 providing last-mile connections to end users.

3214 (b) Subsection (2)(a) does not prohibit the broadband center from awarding a grant for  
3215 a proposed project that also includes middle-mile elements that are necessary for the last-mile  
3216 connections.

3217 (3) In awarding grants under this part, the broadband center shall:

3218 (a) based on the following criteria and in the order provided, prioritize proposed  
3219 projects:

3220 (i) located in unserved areas;



- 3221 (ii) located in underserved areas;
- 3222 (iii) (A) that the eligible applicant developed after meaningful engagement with the  
3223 impacted community to identify the community's needs and innovative means of providing a  
3224 public benefit that addresses the community's needs; and
- 3225 (B) that include, as a component of the proposed project, a long-term public benefit to  
3226 the impacted community developed in response to the eligible applicant's engagement with the  
3227 community;
- 3228 (iv) located in an economically distressed area of the state, as measured by indices of  
3229 unemployment, poverty, or population loss;
- 3230 (v) that make the greatest investment in last-mile connections;
- 3231 (vi) that provide higher speed broadband access to end users; and
- 3232 (vii) for which the eligible applicant provides at least 25% of the money needed for the  
3233 proposed project, with higher priority to proposed projects for which the eligible applicant  
3234 provides a greater percentage of the money needed for the proposed project; and
- 3235 (b) consider the impact of available funding for the proposed project from other  
3236 sources, including money from matching federal grant programs.
- 3237 (4) The broadband center may not award a grant under this part that exceeds  
3238 \$7,500,000.
- 3239 (5) For a project that the eligible applicant cannot complete in a single fiscal year, the  
3240 broadband center may distribute grant proceeds for the project over the course of the project's  
3241 construction.
- 3242 (6) In awarding grants under this part, the broadband center shall ensure that grant  
3243 funds are not used in a manner that causes competition among projects that are substantially  
3244 supported by state funds, as determined in accordance with rule made by the broadband center.
- 3245 (7) As provided in and subject to the requirements of Title 63G, Chapter 2,  
3246 Government Records Access and Management Act, a record submitted to the broadband center  
3247 that contains a trade secret or confidential commercial information described in Subsection  
3248 [63G-2-305](#)(2) is a protected record.
- 3249 Section 82. Section **72-17-302**, which is renumbered from Section 63N-17-302 is  
3250 renumbered and amended to read:
- 3251 ~~[63N-17-302]~~. **72-17-302. Duties of the broadband center.**

- 3252 (1) The broadband center shall:
- 3253 (a) establish an application process by which an eligible applicant may apply for a
- 3254 grant under this part, which application shall include:
- 3255 (i) a declaration, signed under penalty of perjury, that the application is complete, true,
- 3256 and correct; and
- 3257 (ii) an acknowledgment that the eligible applicant is subject to audit;
- 3258 (b) establish a method for the broadband center to determine which eligible applicants
- 3259 qualify to receive a grant;
- 3260 (c) establish a formula to award grant funds; and
- 3261 (d) report the information described in Subsections (1)(a) through (c) to the director of
- 3262 the Division of Finance.
- 3263 (2) Subject to appropriation, the broadband center shall:
- 3264 (a) collect applications for grant funds from eligible applicants;
- 3265 (b) determine which applicants qualify for receiving a grant; and
- 3266 (c) award the grant funds in accordance with the process established under Subsection
- 3267 (1) and in accordance with Section [~~63N-17-301~~] 72-17-301.
- 3268 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3269 broadband center may make rules to administer the grant program.

3270 Section 83. **Repealer.**

3271 This bill repeals:

3272 Section ~~17-54-101~~, **Title.**

3273 Section ~~17-54-102~~, **Definitions.**

3274 Section ~~17-54-103~~, **Rural County Grant Program.**

3275 Section ~~53B-1-114~~, **Coordination for education.**

3276 Section ~~53B-1-407~~, **Industry advisory council.**

3277 Section ~~63N-4-201~~, **Title.**

3278 Section ~~63N-4-202~~, **Definitions.**

3279 Section ~~63N-4-203~~, **Board authority to award a grant or loan to an eligible county**

3280 **-- Interest on a loan -- Eligible county proposal process -- Process for awarding a grant or**

3281 **loan.**

3282 Section ~~63N-4-204~~, **Agreement between the executive director and an eligible**

3283 county -- Failure to meet or violation of a term or condition of an agreement.

3284 Section 63N-4-205, Report on amount of grants and loans, projects, and  
3285 outstanding debt.

3286 Section 63N-4-601, Title.

3287 Section 63N-4-602, Definitions.

3288 Section 63N-4-603, Creation and purpose of the Rural Rapid Manufacturing  
3289 Grant Program.

3290 Section 63N-4-604, Requirements for awarding a grant.

3291 Section 63N-4-701, Title.

3292 Section 63N-4-702, Definitions.

3293 Section 63N-4-703, Creation and purpose of the Rural Speculative Industrial  
3294 Building Program.

3295 Section 63N-4-704, Requirements for entering into a lease.

3296 Section 63N-10-101, Title.

3297 Section 63N-17-101, Title.

3298 Section 84. Appropriation.

3299 The following sums of money are appropriated for the fiscal year beginning July 1,  
3300 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
3301 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
3302 Act, the Legislature appropriates the following sums of money from the funds or accounts  
3303 indicated for the use and support of the government of the state of Utah.

3304 ITEM 1

3305 To Governor's Office of Economic Opportunity - Rural Coworking and Innovation  
3306 Center Grant Program

3307 From General Fund (\$750,000)

3308 Schedule of Programs:

3309 Rural Coworking and Innovation Center

3310 Grant Program (\$750,000)

3311 ITEM 2

3312 To Governor's Office of Economic Opportunity - Rural Employment Expansion  
3313 Program

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**02-04-22 4:33 PM**

3314	<u>From General Fund</u>	<u>(\$1,500,000)</u>
3315	<u>Schedule of Programs:</u>	
3316	<u>Rural Employment Expansion Program</u>	<u>(\$1,500,000)</u>
3317	<u>ITEM 3</u>	
3318	<u>To GFR - Rural Opportunity Fund</u>	
3319	<u>From General Fund</u>	<u>\$2,250,000</u>
3320	<u>Schedule of Programs:</u>	
3321	<u>Rural Opportunity Fund</u>	<u>\$2,250,000</u>
3322	Section 85. <b>Effective date.</b>	
3323	<u>This bill takes effect on July 1, 2022.</u>	