

## HB0333S01 compared with HB0333

~~text~~ shows text that was in HB0333 but was deleted in HB0333S01.

text shows text that was not in HB0333 but was inserted into HB0333S01.

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Senator Ann Millner proposes the following substitute bill:

### ECONOMIC AND WORKFORCE DEVELOPMENT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Timothy D. Hawkes**

Senate Sponsor: ~~text~~ 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

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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 establish working groups to assist and advise the commission;
- ▶ allows the executive director of the GO Utah office to make rules to administer certain programs established in law;
- ▶ prohibits the GO Utah office from distributing pass through funding unless the ~~{item of appropriation describes the intended recipient}~~ office follows the standards or criteria described in the appropriation item;
- ▶ requires pass through funding appropriated to the GO Utah office to lapse at the end of the fiscal year if the item of appropriation ~~{fails to describe the intended recipient}~~ does not include any standards or criteria for distributing the pass through funding;
- ▶ modifies the duties of the GO Utah office's Board of Economic Opportunity, formerly the Business and Economic Development Subcommittee;
- ▶ allows the GO Utah office to issue economic development tax credits for certain projects for which other tax credits are claimed;
- ▶ modifies requirements for the GO Utah office to award grants and loans under the Utah Technology Innovation Funding Program, formerly the Technology Commercialization and Innovation Program;
- ▶ establishes the Economic Assistance Grant Program within the GO Utah office, for awarding grants to business entities implementing projects that promote economic opportunities in the state or provide certain services in the state;
- ▶ expands the GO Utah office's Rural Opportunity Program, formerly the Rural County Grant Program, by allowing the office to award grants and loans to ~~{rural}~~ certain counties, ~~{rural}~~ municipalities, and business entities;

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- ▶ requires the GO Utah office to report annually on the Rural Opportunity Program;
- ▶ creates the Rural Opportunity Advisory Committee within the GO Utah office, for advising and making recommendations to the GO Utah office on grant and loan awards under the Rural Opportunity Program;
- ▶ creates the Rural Opportunity Fund, to be used by the GO Utah office for awarding grants and loans under certain rural programs;
- ▶ creates the Utah Office of Tourism within the GO Utah office and describes the duties of the office;
- ▶ modifies the membership and duties of the GO Utah office's Board of Tourism Development;
- ▶ creates the Center for International Business and Diplomacy within the GO Utah office and describes the duties of the center;
- ~~▶ transfers the Utah Broadband Center from the GO Utah office to the Department of Transportation;~~
- ‡ ▶ repeals certain education coordinating groups within the Utah System of Higher Education;
- ▶ repeals the Utah Board of Higher Education's industry advisory council;
- ▶ repeals the GO Utah office's business development grant program for disadvantaged rural communities;
- ▶ repeals the GO Utah office's Rural Rapid Manufacturing Grant Program;
- ▶ repeals the GO Utah office's Rural Speculative Industrial Building Program; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

This bill appropriates in fiscal year 2023:

- ▶ to Governor's Office of Economic Opportunity - Rural Coworking and Innovation Center Grant Program, as an ongoing appropriation:
  - from the General Fund, (\$750,000);
- ▶ to Governor's Office of Economic Opportunity - Rural Employment Expansion Program, as an ongoing appropriation:
  - from the General Fund, (\$1,500,000); and
- ▶ to ~~{GFR}~~ Governor's Office of Economic Opportunity - Rural Opportunity Fund, as

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an ongoing appropriation:

- from the General Fund, \$2,250,000.

### Other Special Clauses:

This bill provides a special effective date.

[This bill provides coordination clauses.](#)

### Utah Code Sections Affected:

AMENDS:

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

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

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

**63I-1-263**, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196, 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 382

**63L-2-301**, as last amended by Laws of Utah 2021, Chapters 280, 282, and 382

**63N-1a-102**, as last amended by Laws of Utah 2021, Chapter 381 and renumbered and amended by Laws of Utah 2021, Chapter 282

**63N-1a-201**, as enacted by Laws of Utah 2021, Chapter 282

**63N-1a-202**, as enacted by Laws of Utah 2021, Chapter 282

**63N-1a-303**, as last amended by Laws of Utah 2021, Chapter 382 and renumbered and amended by Laws of Utah 2021, Chapter 282

**63N-1a-306**, as last amended by Laws of Utah 2021, Chapter 382 and renumbered and amended by Laws of Utah 2021, Chapter 282

[63N-2-104, as last amended by Laws of Utah 2021, Chapters 282, 381 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 282](#)

**63N-2-511**, as last amended by Laws of Utah 2015, Chapter 417 and renumbered and amended by Laws of Utah 2015, Chapter 283

**63N-2-810**, as last amended by Laws of Utah 2021, Chapter 282

**63N-3-105**, as last amended by Laws of Utah 2021, Chapter 282

**63N-3-109**, as last amended by Laws of Utah 2021, Chapter 282

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**63N-3-112**, as enacted by Laws of Utah 2021, Chapter 282

**63N-3-204**, as last amended by Laws of Utah 2021, Chapter 282

**63N-4-104**, as last amended by Laws of Utah 2021, Chapter 282

**63N-4-402**, as last amended by Laws of Utah 2019, Chapters 45 and 465

**63N-4-403**, as last amended by Laws of Utah 2021, Chapter 282

**63N-4-404**, as last amended by Laws of Utah 2020, Chapter 369

**63N-6-301**, as last amended by Laws of Utah 2021, Chapter 438

**63N-7-301**, as last amended by Laws of Utah 2020, Chapter 154

### ENACTS:

**53B-33-109**, Utah Code Annotated 1953

**63N-1a-307**, Utah Code Annotated 1953

**63N-3-801**, Utah Code Annotated 1953

**63N-3-802**, Utah Code Annotated 1953

**63N-4-801**, Utah Code Annotated 1953

**63N-4-802**, Utah Code Annotated 1953

**63N-4-804**, Utah Code Annotated 1953

**63N-4-805**, Utah Code Annotated 1953

**63N-7-104**, Utah Code Annotated 1953

**63N-19-101**, Utah Code Annotated 1953

**63N-19-102**, Utah Code Annotated 1953

**63N-19-103**, Utah Code Annotated 1953

**63N-19-104**, Utah Code Annotated 1953

### REPEALS AND REENACTS:

**63N-7-101**, as renumbered and amended by Laws of Utah 2015, Chapter 283

**63N-7-102**, as last amended by Laws of Utah 2020, Chapter 352

**63N-7-103**, as last amended by Laws of Utah 2020, Chapter 154

**63N-7-201**, as last amended by Laws of Utah 2021, Chapter 282

**63N-7-202**, as renumbered and amended by Laws of Utah 2015, Chapter 283

### RENUMBERS AND AMENDS:

**9-23-101**, (Renumbered from 63N-10-102, as last amended by Laws of Utah 2019,  
Chapter 349)

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- 9-23-201**, (Renumbered from 63N-10-201, as last amended by Laws of Utah 2018, Chapter 466)
- 9-23-202**, (Renumbered from 63N-10-203, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-204**, (Renumbered from 63N-10-204, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-205**, (Renumbered from 63N-10-205, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-301**, (Renumbered from 63N-10-301, as last amended by Laws of Utah 2019, Chapter 349)
- 9-23-302**, (Renumbered from 63N-10-302, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-303**, (Renumbered from 63N-10-303, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-304**, (Renumbered from 63N-10-304, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-305**, (Renumbered from 63N-10-305, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-306**, (Renumbered from 63N-10-306, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-307**, (Renumbered from 63N-10-307, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-308**, (Renumbered from 63N-10-308, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-309**, (Renumbered from 63N-10-309, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-310**, (Renumbered from 63N-10-310, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-311**, (Renumbered from 63N-10-311, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-312**, (Renumbered from 63N-10-312, as renumbered and amended by Laws of

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- Utah 2015, Chapter 283)
- 9-23-313**, (Renumbered from 63N-10-313, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-314**, (Renumbered from 63N-10-314, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-315**, (Renumbered from 63N-10-315, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-316**, (Renumbered from 63N-10-316, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-317**, (Renumbered from 63N-10-317, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-23-318**, (Renumbered from 63N-10-318, as renumbered and amended by Laws of Utah 2015, Chapter 283)
- 9-24-101**, (Renumbered from 63N-3-701, as enacted by Laws of Utah 2021, Chapter 407)
- 9-24-102**, (Renumbered from 63N-3-702, as enacted by Laws of Utah 2021, Chapter 407)
- 9-24-103**, (Renumbered from 63N-3-703, as enacted by Laws of Utah 2021, Chapter 407)
- 53B-33-101 (Effective 07/01/22)**, (Renumbered from 63N-1b-101 (Effective 07/01/22), as last amended by Laws of Utah 2021, Second Special Session, Chapter 1)
- 53B-33-102**, (Renumbered from 63N-1b-301, as renumbered and amended by Laws of Utah 2021, Chapter 282)
- 53B-33-103**, (Renumbered from 63N-1b-302, as renumbered and amended by Laws of Utah 2021, Chapter 282)
- 53B-33-104**, (Renumbered from 63N-1b-303, as renumbered and amended by Laws of Utah 2021, Chapter 282)
- 53B-33-105**, (Renumbered from 63N-1b-304, as renumbered and amended by Laws of Utah 2021, Chapter 282)
- 53B-33-106**, (Renumbered from 63N-1b-305, as renumbered and amended by Laws of Utah 2021, Chapter 282)

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**53B-33-107**, (Renumbered from 63N-1b-306, as renumbered and amended by Laws of Utah 2021, Chapter 282)

**53B-33-108**, (Renumbered from 63N-1b-307, as last amended by Laws of Utah 2021, First Special Session, Chapter 4)

**63N-1a-401**, (Renumbered from 63N-1b-201, as renumbered and amended by Laws of Utah 2021, Chapter 282)

**63N-1a-402**, (Renumbered from 63N-1b-202, as renumbered and amended by Laws of Utah 2021, Chapter 282)

**63N-4-803**, (Renumbered from 17-54-104, as enacted by Laws of Utah 2020, Chapter 360)

~~{ **72-17-101**, (Renumbered from 63N-17-102, as enacted by Laws of Utah 2021, Chapter 282)~~

~~———— **72-17-201**, (Renumbered from 63N-17-201, as enacted by Laws of Utah 2021, Chapter 282)~~

~~———— **72-17-202**, (Renumbered from 63N-17-202, as last amended by Laws of Utah 2021, Chapters 162, 345 and renumbered and amended by Laws of Utah 2021, Chapter 282)~~

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

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

### ~~}~~REPEALS:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

### Utah Code Sections Affected by Coordination Clause:

63N-2-104.1, Utah Code Annotated 1953

~~63N-17-101~~ 63N-7-301, as ~~enacted~~ last amended by Laws of Utah ~~2021~~ 2020,

Chapter ~~282~~ 154

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

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

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

#### **Part 1. General Provisions**

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

As used in this chapter:

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

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

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

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

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

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

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commission;

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

(v) the contestants are not matched by the weight standards established in accordance

with Section [~~63N-10-316~~] 9-23-31.

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

(i) it is conducted for training purposes;

(ii) no tickets are sold to spectators;

(iii) no concessions are available for spectators;

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

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

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

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

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

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

(a) attend and supervise a particular contest; and

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

(8) "Director" means the director appointed by the commission.

(9) "Elimination unarmed combat contest" means a contest where:

(a) a number of contestants participate in a tournament;

(b) the duration is not more than 48 hours; and

(c) the loser of each contest is eliminated from further competition.

(10) "Exhibition" means an engagement in which the participants show or display their skills without necessarily striving to win.

(11) "Judge" means an individual qualified by training or experience to:

(a) rate the performance of contestants;

(b) score a contest; and

(c) determine with other judges whether there is a winner of the contest or whether the

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contestants performed equally, resulting in a draw.

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

- (a) contestant;
- (b) judge;
- (c) manager;
- (d) promoter;
- (e) referee;
- (f) second; or
- (g) other official established by the commission by rule.

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

- (a) obtaining a contest for a contestant;
- (b) negotiating terms and conditions of the contract under which the contestant will engage in a contest; or
- (c) arranging for a second for the contestant at a contest.

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

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

- (a) occur during the same time and at the same location; and
- (b) is produced or staged by a promoter.

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

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

- (a) enforcing the rules relating to the contest;
- (b) stopping the contest in the event the health, safety, and welfare of a contestant or any other person in attendance at the contest is in jeopardy; and
- (c) acting as a judge if so designated by the commission.

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

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

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

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

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

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

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

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

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

(e) contest rules prohibit contestants from:

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

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

(iii) biting; or

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

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

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

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

(25) "Unprofessional conduct" means:

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

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(b) participating in any sham or fake contest;

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

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

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

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

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

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

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

(a) for boxing:

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

(ii) no cash prize, or other prize valued at greater than \$35, is awarded;

(iii) protective clothing, including protective headgear, a mouthguard, a protective cup, and for a female contestant a chestguard, is worn;

(iv) 16 ounce boxing gloves are worn;

(v) the contest is no longer than three rounds of no longer than three minutes each;

(vi) no winner or loser is declared or recorded; and

(vii) the contestants do not compete in a cage; and

(b) for ultimate fighting:

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

(ii) no cash prize, or other prize valued at greater than \$35, is awarded;

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(iii) protective clothing, including a protective mouthguard and a protective cup, is worn;

(iv) downward elbow strikes are not allowed;

(v) a contestant is not allowed to stand and strike a downed opponent;

(vi) a closed-hand blow to the head is not allowed while either contestant is on the ground;

(vii) the contest is no longer than three rounds of no longer than three minutes each; and

(viii) no winner or loser is declared or recorded.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

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

Section 4. Section **9-23-204**, which is renumbered from Section 63N-10-204 is renumbered and amended to read:

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

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

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

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

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

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

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

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

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

### **Part 3. Licensing**

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

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

- (a) a promoter;
- (b) a manager;
- (c) a contestant;
- (d) a second;
- (e) a referee;
- (f) a judge; or
- (g) another official established by the commission by rule.

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

- (a) promoter;
- (b) manager;
- (c) contestant;
- (d) second;
- (e) referee;
- (f) judge; or
- (g) another official who meets the requirements established by rule under Subsection

(1)(g).

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

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

- (a) submit an application in a form prescribed by the commission;
- (b) pay the fee determined by the commission under Section 63J-1-504;



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

(d) make assurances that the applicant:

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

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

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

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

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

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

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

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

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

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

(e) make assurances that the applicant:

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

(ii) has not been found in a criminal or civil proceeding to have engaged in or

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attempted to have engaged in any fraud or misrepresentation in connection with a contest or any other sporting event; and

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

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

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

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

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

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

(c) make assurances that the applicant:

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

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

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

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

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

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

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

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

(c) make assurances that the applicant:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) the commission;
- (ii) a designated commission member; or
- (iii) if a designated commission member is not present, the director.

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

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

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

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

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

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

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commission shall adopt rules:

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

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

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

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

- (i) attraction of the optimum number of spectators;
- (ii) costs of promoting and producing the contest or exhibition;
- (iii) ticket pricing;
- (iv) committed promotions and advertising of the contest or exhibition;
- (v) rankings and quality of the contestants; and
- (vi) committed television and other media coverage of the contest or exhibition.

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

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

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

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

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

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

- (i) the designated commission member;
- (ii) other commission members in attendance;

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- (iii) the director;
- (iv) commission employees;
- (v) officials;
- (vi) licensees participating or assisting in the contest; and
- (vii) others granted credentials by the commission.

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

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

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

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

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

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

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

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

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

- (1) Club fighting is prohibited.
- (2) Any person who publicizes, promotes, conducts, or engages in a club fighting

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match is:

- (a) guilty of a class A misdemeanor as provided in Section 76-9-705; and
- (b) subject to license revocation under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vi) the name of the physician selected from among a list of registered and



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commission-approved ringside physicians who shall act as ringside physician for the contest.

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

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

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

(a) the requirements of this chapter; or

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

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

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

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

(2) The rules shall include:

(a) authority for:

(i) stopping contests; and

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

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

(3) (a) The commission may, in its discretion, exempt a contest and each contestant from the definition of unprofessional conduct found in Subsection ~~[63N-10-102(25)(f)]~~ **9-23-101(25)(f)** after:

(i) a promoter requests the exemption; and

(ii) the commission considers relevant factors, including:

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- (A) the experience of the contestants;
- (B) the win and loss records of each contestant;
- (C) each contestant's level of training; and
- (D) any other evidence relevant to the contestants' professionalism and the ability to

safely conduct the contest.

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

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

Section 14. Section **9-23-309**, which is renumbered from Section 63N-10-309 is renumbered and amended to read:

~~[63N-10-309]~~.        **9-23-309. Medical examinations and drug tests.**

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

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

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

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

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

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

(b) A promoter or manager may not provide to or receive from the commission medical

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information concerning a contestant.

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

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

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

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

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

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

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

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

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

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

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

(a) submit an application for registration;

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

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

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

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

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(b) works under the direction of the commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This chapter does not apply to:

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

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

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

(3) a white-collar contest.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) the weight differential between the contestants;

(iii) the caliber of opponents for each contestant;

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

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

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

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

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

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

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

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

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

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

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

(4) A contestant:

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

(b) shall wear headgear approved by the commission, the designated commission

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member, or the director if a designated commission member is not present.

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

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

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

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

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

### CHAPTER 24. UTAH MAIN STREET PROGRAM ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) collecting data to measure economic development impact.

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

(a) a local main street program designation; and

(b) financial support from the program.

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

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

### **Membership -- Duties.**

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

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

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

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

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

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

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

~~[(f)]~~ (e) a representative of the Housing and Community Development Division within



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the Department of Workforce Services;

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

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

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

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

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

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

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

(c) improving the effectiveness of the program.

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

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

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

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

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

(b) data and metrics:

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

(ii) that are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement as determined by the executive ~~directors of the department, the Governor's Office of Economic Opportunity]~~ director, the commissioner of higher education, and the executive director of the Governor's Office of Planning and Budget;

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

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

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

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

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

(h) other information determined by the department that:

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

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

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

(4) The department shall:

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

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

(c) provide the data and metrics described in Subsection (2)(b) to the Talent, Education, and Industry Alignment [~~Subcommittee~~] Board created in Section [~~63N-16-301~~] 53B-33-102.

Section 28. Section **53B-1-404** is amended to read:

**53B-1-404. Membership of the board -- Student appointee -- Terms -- Oath -- Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation -- Training.**

(1) The board consists of 18 residents of the state appointed by the governor with the advice and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies, as follows:

(a) subject to Subsections (2)(a), (3), and (6)(b)(ii), 16 members appointed from among candidates presented to the governor by a nominating committee; and

(b) two student members appointed as described in Subsection (4).

(2) (a) For an appointment of a member effective July 1, 2020, the governor shall appoint the member in accordance with Section 53B-1-501.

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

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

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

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

(ii) one individual who:

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

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

(b) The governor shall select:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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board's discretion.

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

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

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

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

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

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

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

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

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

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

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

(13) A quorum of the board is required to conduct the board's business and consists of 10 members.

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

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

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

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

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

(i) Section 63A-3-106;

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

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

(16) The commissioner shall provide to each member:

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

(b) ongoing annual training.

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

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

### CHAPTER 33. TALENT, EDUCATION, AND INDUSTRY ALIGNMENT

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

#### 07/01/22). Definitions.

As used in this chapter:

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

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

(b) includes:

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

(ii) classroom instruction for students related to the on-the-job learning;

(iii) ongoing student assessments using established competency and skills standards;

and

(iv) the student receiving an industry-recognized credential or degree upon completion of the program.

(2) "Career and technical education region" means an economic service area created in Section 35A-2-101.

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

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[(3)] (4) "High quality professional learning" means the professional learning standards for teachers and principals described in Section 53G-11-303.

[(4)] (5) "Institution of higher education" means the University of Utah, Utah State University, Southern Utah University, Weber State University, Snow College, Utah Tech University, Utah Valley University, or Salt Lake Community College.

[(5)] (6) "Local education agency" means a school district, a charter school, or the Utah Schools for the Deaf and the Blind.

[(6)] (7) "Master plan" means the computer science education master plan described in Section ~~[63N-1b-304]~~ 53B-33-105.

[(7)] (8) "Participating employer" means an employer that:

(a) partners with an educational institution on a curriculum for an apprenticeship program or work-based learning program; and

(b) provides an apprenticeship or work-based learning program for students.

[(8)] (9) "State board" means the State Board of Education.

[(9) "Talent program" means the Talent Ready Utah Program created in Section ~~63N-1b-302.~~]

(10) "Talent ~~[subcommittee]~~ board" means the Talent, Education, and Industry Alignment ~~[Subcommittee]~~ Board created in Section ~~[63N-1b-301]~~ 53B-33-102.

(11) "Talent program" means the Talent Ready Utah Program created in Section 53B-33-103.

(12) "Targeted industry" means an industry or group of industries targeted by the commission for economic development in the state.

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

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

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

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

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

(i) providing students an applied workplace experience using knowledge and skills

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attained in a program of study that includes an internship, externship, or work experience;

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

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

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

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

~~[63N-1b-301].~~ **53B-33-102. Talent, Education, and Industry Alignment Board -- Creation -- Membership -- Expenses -- Duties.**

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

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

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

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

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

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

(f) the director of the Division of Occupational and Professional Licensing or the director's designee;

(g) the governor's education advisor or the advisor's designee;

(h) one member of the Senate, appointed by the president of the Senate;

(i) one member of the House of Representatives, appointed by the speaker of the House of Representatives;

(j) the president of the Salt Lake Chamber or the president's designee;

(k) ~~[three]~~ six representatives of private industry chosen to represent targeted industries, appointed by the commission;

~~[(f)] a representative of the technology industry chosen by the commission;~~



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~~(m)~~ (l) the lieutenant governor or the lieutenant governor's designee; and

~~(n)~~ (m) any additional individuals appointed by the commission who represent:

(i) one or more individual educational institutions; or

(ii) education or industry professionals.

(2) The ~~commission~~ talent board shall select a chair and vice chair from among the members of the talent ~~subcommittee~~ board.

(3) The talent ~~subcommittee~~ board shall meet at least quarterly.

(4) Attendance of a majority of the members of the talent ~~subcommittee~~ board constitutes a quorum for the transaction of official talent ~~subcommittee~~ board business.

(5) Formal action by the talent ~~subcommittee~~ board requires the majority vote of a quorum.

(6) A member of the talent ~~subcommittee~~ board:

(a) may not receive compensation or benefits for the member's service; and

(b) who is not a legislator may receive per diem and travel expenses in accordance

with:

(i) Section 63A-3-106;

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

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

(7) The talent ~~subcommittee~~ board shall:

(a) (i) review and develop metrics to measure the progress, performance, effectiveness, and scope of any state operation, activity, program, or service that primarily involves employment training or placement; and

(ii) ensure that the metrics described in Subsection (7)(a) are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement;

(b) make recommendations to the board and the commission regarding how to better align training and education in the state with industry demand;

(c) make recommendations to the board and the commission regarding how to better align technical education with current and future workforce needs; ~~and~~

(d) coordinate with the ~~commission~~ talent program to meet the responsibilities

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described in Subsection ~~[63N-1b-302(4)]~~ 53B-33-103(4);

(e) develop a computer science education master plan in accordance with Section 53B-33-105;

(f) coordinate with the talent program to meet the responsibilities described in Section 53B-33-107; and

(g) administer the Utah Works Program in accordance with Section 53B-33-108.

(8) Nothing in this section prohibits an individual who, on June 30, 2022, is a member of a subcommittee within the Governor's Office of Economic Opportunity known as the Talent, Education, and Industry Alignment Subcommittee from serving as a member of the talent board.

Section 31. Section **53B-33-103**, which is renumbered from Section 63N-1b-302 is renumbered and amended to read:

~~[63N-1b-302].~~ **53B-33-103. Talent Ready Utah Program.**

(1) There is created ~~[within the office]~~ the Talent Ready Utah Program administered by the commissioner.

(2) The ~~[executive director]~~ commissioner, with the approval of the board, shall appoint a director of the talent program.

(3) The director of the talent program may appoint staff with the approval of the ~~[executive director]~~ commissioner.

(4) The talent program shall coordinate with the talent ~~[subcommittee]~~ board to:

(a) further education and industry alignment in the state;

(b) coordinate the development of new education programs that align with industry demand;

(c) coordinate or partner with other state agencies to administer grant programs;

(d) promote the inclusion of industry partners in education;

(e) provide outreach and information to employers regarding workforce programs and initiatives;

(f) develop and analyze stackable credential programs;

(g) determine efficiencies among workforce providers;

(h) map available workforce programs focusing on programs that successfully create high-paying jobs; and

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(i) support initiatives of the talent [subcommittee] board.

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

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

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

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

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

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

- (1) includes a statement of the objectives and goals of the master plan;
- (2) describes how the talent [subcommittee] board and the state board will administer the Computer Science for Utah Grant Program created in Section [63N-1b-305] 53B-33-106;
- (3) provides guidance for local education agencies in implementing computer science education opportunities for students in high school, middle school, and elementary school;
- (4) integrates recommendations and best practices from private and public entities that are seeking to improve and expand the opportunities for computer science education, including the Expanding Computer Education Pathways Alliance; and
- (5) makes recommendations to assist a local education agency in creating a local education agency computer science plan described in Subsection [63N-1b-305(7)] 53B-33-106(6), including:
  - (a) providing recommendations regarding course offerings in computer science;
  - (b) providing recommendations regarding professional development opportunities in computer science for licensed teachers;
  - (c) providing recommendations regarding curriculum software for computer science courses;
  - (d) providing recommendations regarding assessment solutions to measure the learning outcomes of students in computer science courses; and

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

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

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

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

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

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

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

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

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

~~[(a) solicit applications from local education agency boards to receive grant money under the grant program;]~~

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

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

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

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

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

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

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

(a) covers at least four years;

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

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

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

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

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

(g) commits to integrate computer science education into the curriculum of each elementary school within the local education agency; and

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

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

(a) how the grant money was used;

(b) any improvements in the number and quality of computer science offerings

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provided by the local education agency and any increase in the number of licensed teachers providing computer science teaching to students;

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

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

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

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

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

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

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

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

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

(1) The talent program, in collaboration with the talent [subcommittee] board, may partner with one or more of the following to facilitate and encourage apprenticeship opportunities and work-based learning opportunities for Utah students:

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

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

(c) a participating employer in the state.

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

(3) To receive funding under this section, an entity described in Subsection (1) seeking to partner with the talent program shall submit a proposal through the talent program, in a form

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approved by the talent program and in accordance with deadlines determined by the talent program, that contains the following elements:

(a) the proposal shall include:

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

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

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

(ii) an estimate of:

(A) student enrollment in the program;

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

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

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

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

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

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

(i) a description of a stackable credentialing pathway for participating students that will be created by the program between at least two of the following:

(A) a public high school;

(B) a technical college; and

(C) an institution of higher education; or

(ii) the potential for participating students to obtain full-time employment with the participating employer upon completion of the program.

(4) The talent [subcommittee] board shall review and prioritize each proposal received and determine whether the proposal should be funded, using the following criteria:

(a) the quality and completeness of the elements of the proposal described in Subsection (3)(a);

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(b) the quality of the optional elements of the proposal described in Subsection (3)(b);

(c) to what extent the proposal would expand the capacity to meet state or regional workforce needs; and

(d) other relevant criteria as determined by the talent [subcommittee] board.

(5) A partnership that receives funding under this section:

(a) shall use the money to accomplish the proposed apprenticeship program or work-based learning program;

(b) may use the money to offset a participating employer's direct operational costs associated with employing students as part of an approved apprenticeship program or work-based learning program;

(c) except as provided in Subsection (5)(d), may not use the money for educational administration; and

(d) may use the money to support one full-time employee within a career and technical education region if:

(i) each participating local education agency, public high school, technical college, and institution of higher education agree on which entity will house the full-time employee;

(ii) the full-time employee spends all of the employee's time working exclusively to develop apprentice programs or work-based learning programs; and

(iii) the full-time employee is responsible for regular reporting to and receiving training from the director of the talent program.

(6) The talent program shall be responsible for the administration of apprenticeship programs and work-based learning programs described in this section, including:

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

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

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

(d) annually [providing information to the office regarding] reporting on the activities, successes, and challenges of the [center] talent program related to administering apprentice



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programs and work-based learning programs for inclusion in the [office's annual written] report described in Section [63N-1a-306] 53B-33-104, including:

- (i) specific entities that received funding under this section;
- (ii) the amount of funding provided to each entity; and
- (iii) the number of participating students in each apprentice program and work-based learning program.

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

- (a) the method and deadlines for applying for funding under this section;
- (b) the distribution of funding under this section; and
- (c) the reporting requirements of each entity receiving funding under this section.

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

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

(1) There is created the Utah Works Program.

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

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

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

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

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

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

[~~(d) coordinating~~] (b) coordinate with the [Utah system of higher education] board to develop educational and training resources to provide student participants in the program

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qualifications to be hired by business participants in the program; and

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

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

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

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

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

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

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

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

~~[(c) An institution of higher education that receives grant funds under this Subsection (3):]~~

~~[(i) may use grant funds for:]~~

~~[(A) costs associated with developing a new program; or]~~

~~[(B) costs associated with expanding an existing program; and]~~

~~[(ii) shall demonstrate industry needs and opportunities for partnership with industry;]~~

~~[(d) The office shall award grant funds on a rolling basis, until the earlier of funds being exhausted or June 30, 2022;]~~

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

~~(4) The ~~[office]~~ board, in consultation with the talent ~~[subcommittee]~~ board, may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, ~~[and in~~~~

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accordance with the provisions of this section,] make rules regarding the development and administration of the Utah Works Program.

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

(a) the number of participants in the program;

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

[(i) the Department of Workforce Services;]

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

[(iii) a school counselor; and]

[(iv) other methods;]

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

and

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

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

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

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

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

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

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

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

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

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

(b) the formula for awarding grants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) This officer shall:

(i) establish systems, programs, and facilities for the care, custody, safekeeping, collection, and accounting for the bonds, notes, contracts, trust documents, and other evidences of indebtedness submitted to the officer under this Subsection (2); and

(ii) shall make available updated reports to each authorizing agency as to the status of loans under their authority.

(3) The officer described in Section 63B-1b-201 shall deliver to the officer described in Subsection (1)(a) for the care, custody, safekeeping, collection, and accounting by the officer

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described in Subsection (1)(a) of all bonds, notes, contracts, trust documents, and other evidences of indebtedness closed as provided in Subsection 63B-1b-201(2)(b).

Section 39. Section 63I-1-263 is amended to read:

### 63I-1-263. Repeal dates, Titles 63A to 63N.

(1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

(a) Section 63A-16-102 is repealed;

(b) Section 63A-16-201 is repealed; and

(c) Section 63A-16-202 is repealed.

(2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement funding, is repealed July 1, 2024.

(3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

(4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee, are repealed July 1, 2023.

(5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

(6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

(7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.

(8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2023.

(9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed July 1, 2023.

(10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is repealed July 1, 2026.

(11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed July 1, 2025.

(12) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, 2026.

(13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,

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2025.

(14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,

2024.

(15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

(16) Subsection 63J-1-602.1(17), Nurse Home Visiting Restricted Account is repealed July 1, 2026.

(17) (a) Subsection 63J-1-602.1(61), relating to the Utah Statewide Radio System Restricted Account, is repealed July 1, 2022.

(b) When repealing Subsection 63J-1-602.1(61), the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(18) Subsection 63J-1-602.2(5), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

(19) Subsection 63J-1-602.2(6), referring to the Trip Reduction Program, is repealed July 1, 2022.

(20) Subsection 63J-1-602.2(24), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.

(21) Title [~~63J, Chapter 4, Part 5~~] 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is repealed July 1, 2027.

(22) In relation to the advisory committee created in Subsection 63L-11-305(3), on July 1, 2022:

(a) Subsection 63L-11-305(1)(a), which defines "advisory committee," is repealed; and

(b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed.

(23) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2023:

(a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;

(b) Section 63M-7-305, the language that states "council" is replaced with "commission";

(c) Subsection 63M-7-305(1) is repealed and replaced with:

"(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

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(d) Subsection 63M-7-305(2) is repealed and replaced with:

"(2) The commission shall:

(a) provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act; and

(b) coordinate the implementation of Section 77-18-104 and related provisions in Subsections 77-18-103(2)(c) and (d)."

(24) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.

(25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July 1, 2022.

(26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.

[(27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating Council, is repealed July 1, 2024.]

[(28)] (27) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

[(29)] (28) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July 1, 2028.

[(30)] (29) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed January 1, 2021.

(b) Section 59-9-107 regarding tax credits against premium taxes is repealed for calendar years beginning on or after January 1, 2021.

(c) Notwithstanding Subsection [(30)] (29)(b), an entity may carry forward a tax credit in accordance with Section 59-9-107 if:

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

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

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

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

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

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

and

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

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

(i) national monument;

(ii) national conservation area;

(iii) wilderness area or wilderness study area;

(iv) area of critical environmental concern;

(v) research natural area; or

(vi) national recreation area.

(b) (i) "Governmental entity" means:

(A) a state-funded institution of higher education or public education;

(B) a political subdivision of the state;

(C) an office, agency, board, bureau, committee, department, advisory board, or commission that the government funds or establishes to carry out the public's business, regardless of whether the office, agency board, bureau, committee, department, advisory board, or commission is composed entirely of public officials or employees;



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(D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative undertaking as defined in Section 11-13-103;

(E) a governmental nonprofit corporation as defined in Section 11-13a-102; or

(F) an association as defined in Section 53G-7-1101.

(ii) "Governmental entity" does not mean:

(A) the School and Institutional Trust Lands Administration created in Section 53C-1-201;

(B) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202;

(C) the Office of the Governor;

(D) the Governor's Office of Planning and Budget created in Section 63J-4-201;

(E) the Public Lands Policy Coordinating Office created in Section 63L-11-201;

(F) the Office of Energy Development created in Section 79-6-401; or

(G) the Governor's Office of Economic Opportunity created in Section 63N-1a-301[; including the Talent, Education, and Industry Alignment Subcommittee created in Section 63N-1b-301].

(2) (a) A governmental entity, or a person a governmental entity employs and designates as a representative, may investigate the possibility of a federal designation within the state.

(b) A governmental entity that intends to advocate for a federal designation within the state shall:

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

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

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

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

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

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

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

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

### 63N-1a-102. Definitions.

As used in this title:

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

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

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

(4) "Economic opportunity agency" includes:

(a) the Department of Workforce Services;

(b) the Department of Cultural and Community Engagement;

(c) the Department of Commerce;

(d) the Department of Natural Resources;

(e) the Office of Energy Development;

(f) the State Board of Education;

(g) institutions of higher education;

(h) the Utah Multicultural Commission;

(i) the World Trade Center Utah;

(j) local government entities;

(k) associations of governments;

(l) the Utah League of Cities and Towns;

(m) the Utah Association of Counties;

(n) the Economic Development Corporation of Utah;

(o) the Small Business Administration;

(p) chambers of commerce;

(q) industry associations;

(r) small business development centers; and

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(s) other entities identified by the commission or the executive director.

(5) "Executive director" means the executive director of the office.

(6) "Full-time employee" means an employment position that is filled by an employee who works at least 30 hours per week and:

(a) may include an employment position filled by more than one employee, if each employee who works less than 30 hours per week is provided benefits comparable to a full-time employee; and

(b) may not include an employment position that is shifted from one jurisdiction in the state to another jurisdiction in the state.

(7) "GO Utah board" means the [Business and Economic Development Subcommittee] Board of Economic Opportunity created in Section [63N-1b-202] 63N-1a-401.

(8) "High paying job" means a newly created full-time employee position where the aggregate average annual gross wage of the employment position, not including health care or other paid or unpaid benefits, is:

(a) at least 110% of the average wage of the county in which the employment position exists; or

(b) for an employment position related to a project described in Chapter 2, Part 1, Economic Development Tax Increment Financing, and that is located within the boundary of a county of the third, fourth, fifth, or sixth class, or located within a municipality in a county of the second class and where the municipality has a population of 10,000 or less:

(i) at least 100% of the average wage of the county in which the employment position exists; or

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

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

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

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

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

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hired:

(i) directly by a business entity; or

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

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

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

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

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

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

Information;

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

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

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

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

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

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

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

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

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

(2) The commission consists of:

(a) the following voting members:

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

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

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

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- (iv) the executive director of the Department of Transportation;
- (v) the executive director of the Department of Natural Resources;
- (vi) the executive director of the Department of Commerce;
- (vii) the commissioner of the Department of Agriculture and Food;
- (viii) the executive director of the Governor's Office of Planning and Budget;
- (ix) the commissioner of higher education;
- (x) the state superintendent of public instruction;
- (xi) the president of the Senate or the president's designee;
- (xii) the speaker of the House of Representatives or the speaker's designee;
- (xiii) one individual who is knowledgeable about housing needs in the state, including housing density and land use, appointed by the governor;
- (xiv) one individual who represents the interests of urban cities, appointed by the Utah League of Cities and Towns; and
- (xv) one individual who represents the interests of rural counties, appointed by the Utah Association of Counties; and
- (b) the following non-voting members:
  - (i) the chief executive officer of World Trade Center Utah;
  - (ii) the chief executive officer of the Economic Development Corporation of Utah; and
  - (iii) a senior advisor to the chair of the commission with expertise in rural affairs of the state, appointed by the chair of the commission.
- (3) A majority of commission members constitutes a quorum for the purposes of conducting commission business and the action of a majority of a quorum constitutes the action of the commission.
- (4) The executive director of the office, or the executive director's designee, is the executive director of the commission.
- (5) The office shall provide:
  - (a) office space and administrative staff support for the commission; and
  - (b) the central leadership and coordination of the commission's efforts in the field of economic development.
- (6) (a) A member may not receive compensation or benefits for the member's service on the commission, but may receive per diem and travel expenses in accordance with:

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

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

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

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

### 63N-1a-202. Commission duties.

(1) The commission shall:

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

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

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

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

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

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

(c) develop the statewide economic strategy in view of the state water policy described in Section 73-1-21, including the state's commitment to appropriate conservation, efficient and optimal use of water resources, infrastructure development and improvement, optimal agricultural use, water quality, reasonable access to recreational activities, effective wastewater treatment, and protecting and restoring healthy ecosystems;

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

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

(f) establish strategies for the recruitment and retention of targeted industry clusters

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while respecting the different needs of rural and urban areas throughout the state;

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the statewide economic development strategy;

(b) a description of how the commission fulfilled the commission's statutory purposes

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and duties during the year, including any relevant findings;

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

(d) any legislative recommendations.

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

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

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

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

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

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

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

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

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

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

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

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

### 63N-1a-306. Annual report -- Content -- Format.



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

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

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

(b) data and metrics:

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

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

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

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

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

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

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

(h) other information determined by the office that:

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

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

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

(4) The office shall:

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

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

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

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

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

(1) As used in this section:

(a) "Pass through funding" means the same as that term is defined in Section 63J-1-220.

(b) "Recipient entity" means the same as that term is defined in Section 63J-1-220.

(2) In addition to the requirements of Section 63J-1-220, the office may not distribute pass through funding to a recipient entity unless the office follows the standards or criteria established by the Legislature to distribute the pass through funding, as described in the applicable item of appropriation.

(3) If an item of appropriation to the office for pass through funding does not include any standards or criteria for distributing the pass through funding, the funds shall lapse to the source fund at the end of the fiscal year, regardless of whether those funds are designated by law as nonlapsing.

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

### Part 4. Creation of Board of Economic Opportunity

~~63N-1b-201.~~ 63N-1a-401. Creation of Board of Economic Opportunity.

(1) (a) There is created [a subcommittee of the commission, called the Business and Economic Development Subcommittee] within the office the Board of Economic Opportunity, consisting of 15 members appointed by the chair of the commission, in consultation with the executive director, to four-year terms of office with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, [including:] at least five of whom reside in a county of the third, fourth, fifth, or sixth class.

[(i) a representative from a rural association of governments;]

[(ii) a rural representative of agriculture;]

[(iii) a rural representative of the travel industry;]

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~~[(iv) a representative of rural utilities; and]~~

~~[(v) a representative from the oil, gas, or mineral extraction industry.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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~~63N-1b-202.~~ 63N-1a-402. Board of Economic Opportunity duties and powers.

(1) The ~~Business and Economic Development Subcommittee~~ GO Utah board shall advise and assist the ~~commission~~ office to:

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

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

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

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

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

~~(i) railroad;~~

~~(ii) motor carrier; or~~

~~(iii) other common carriers;~~

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

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

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

~~(i) (h) identify local, regional, and statewide rural economic development and planning priorities;~~

~~(j) (i) understand, through study and input, issues relating to local, regional, and statewide rural economic development, including challenges, opportunities, best practices, policy, planning, and collaboration; ~~and~~~~

~~(k) make recommendations regarding loans, grants, or other assistance from the Industrial Assistance Account as provided in Section 63N-3-105; and~~

## HB0333S01 compared with HB0333

(k) maintain ethical and conflict of interest standards consistent with those imposed on a public officer under Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

[(2) The subcommittee shall:]

[(a) serve as an advisory board to the commission on rural economic development issues;]

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

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

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

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

[(3) The subcommittee may:]

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

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

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

Section 49. Section 63N-2-104 is amended to read:

**63N-2-104. Creation of economic development zones -- Tax credits -- Assignment of tax credit.**

(1) The office may create an economic development zone in the state if the following requirements are satisfied:

(a) the area is zoned agricultural, commercial, industrial, manufacturing, business park, research park, or other appropriate business related use in a community-approved master plan that contemplates future growth;

(b) the request to create a development zone has first been approved by an appropriate local government entity; and

## HB0333S01 compared with HB0333

(c) local incentives have been or will be committed to be provided within the area in accordance with the community's approved incentive policy and application process.

(2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules establishing the requirements for a business entity or local government entity to qualify for a tax credit for a new commercial project in a development zone under this part.

(b) The office shall ensure that the requirements described in Subsection (2)(a) include the following:

(i) the new commercial project is within the development zone;

(ii) the new commercial project includes direct investment within the geographic boundaries of the development zone;

(iii) the new commercial project brings new incremental jobs to Utah;

(iv) the new commercial project includes the creation of high paying jobs in the state, significant capital investment in the state, or significant purchases from vendors, contractors, or service providers in the state, or a combination of these three economic factors;

(v) the new commercial project generates new state revenues;

(vi) a business entity, a local government entity, or a community reinvestment agency to which a local government entity assigns a tax credit under this section meets the requirements of Section 63N-2-105; and

(vii) unless otherwise advisable in light of economic circumstances, the new commercial project relates to the industry clusters identified by the commission under Section 63N-1a-202.

(3) (a) The office, after consultation with the GO Utah board, may enter into a written agreement with a business entity or local government entity authorizing a tax credit to the business entity or local government entity if the business entity or local government entity meets the requirements described in this section.

(b) (i) With respect to a new commercial project, the office may authorize a tax credit to a business entity or a local government entity, but not both.

(ii) In determining whether to authorize a tax credit with respect to a new commercial project to a business entity or a local government entity, the office shall authorize the tax credit in a manner that the office determines will result in providing the most effective incentive for

## HB0333S01 compared with HB0333

the new commercial project.

(c) (i) Except as provided in Subsection (3)(c)(ii)(A), for a new commercial project that is located within the boundary of a county of the first or second class, the office may not authorize or commit to authorize a tax credit that exceeds:

(A) 50% of the new state revenues from the new commercial project in any given year;  
or

(B) 30% of the new state revenues from the new commercial project over the lesser of the life of a new commercial project or 20 years.

(ii) If the office authorizes or commits to authorize a tax credit for a new commercial project located within the boundary of:

(A) a municipality with a population of 10,000 or less located within a county of the second class and that is experiencing economic hardship as determined by the office, the office shall authorize a tax credit of up to 50% of new state revenues from the new commercial project over the lesser of the life of the new commercial project or 20 years;

(B) a county of the third class, the office shall authorize a tax credit of up to 50% of new state revenues from the new commercial project over the lesser of the life of the new commercial project or 20 years; and

(C) a county of the fourth, fifth, or sixth class, the office shall authorize a tax credit of 50% of new state revenues from the new commercial project over the lesser of the life of the new commercial project or 20 years.

(iii) Notwithstanding any other provisions of this section, the office may not authorize a tax credit under this section for a new commercial project:

(A) to a business entity that has claimed a High Cost Infrastructure Development Tax Credit described in Section 79-6-603 related to the same new commercial project, if the new commercial project is located within a county of the first or second class; or

(B) in an amount more than the amount of the capital investment in the new commercial project.

(d) (i) A local government entity may by resolution assign a tax credit authorized by the office to a community reinvestment agency.

(ii) The local government entity shall provide a copy of the resolution described in Subsection (3)(d)(i) to the office.

## HB0333S01 compared with HB0333

(iii) If a local government entity assigns a tax credit to a community reinvestment agency, the written agreement described in Subsection (3)(a) shall:

(A) be between the office, the local government entity, and the community reinvestment agency;

(B) establish the obligations of the local government entity and the community reinvestment agency; and

(C) establish the extent to which any of the local government entity's obligations are transferred to the community reinvestment agency.

(iv) If a local government entity assigns a tax credit to a community reinvestment agency:

(A) the community reinvestment agency shall retain records as described in Subsection (4)(d); and

(B) a tax credit certificate issued in accordance with Section 63N-2-105 shall list the community reinvestment agency as the named applicant.

(4) The office shall ensure that the written agreement described in Subsection (3):

(a) specifies the requirements that the business entity or local government entity shall meet to qualify for a tax credit under this part;

(b) specifies the maximum amount of tax credit that the business entity or local government entity may be authorized for a taxable year and over the life of the new commercial project;

(c) establishes the length of time the business entity or local government entity may claim a tax credit;

(d) requires the business entity or local government entity to retain records supporting a claim for a tax credit for at least four years after the business entity or local government entity claims a tax credit under this part; and

(e) requires the business entity or local government entity to submit to audits for verification of the tax credit claimed.

(5) The office may attribute an incremental job or a high paying job to a new commercial project regardless of whether the job is performed in person, within the development zone or remotely from elsewhere in the state.

Section ~~{29. Section 53B-33-101 (Effective 07/01/22), which is renumbered from~~



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Section ~~63N-1b-101~~ (Effective 07/01/22) is renumbered and amended to read:

### ~~CHAPTER 33. TALENT, EDUCATION, AND INDUSTRY ALIGNMENT~~

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

#### ~~07/01/22). Definitions:~~

~~\_\_\_\_\_ As used in this chapter:~~

~~\_\_\_\_\_ (1) "Apprenticeship program" means a program that:~~

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

~~\_\_\_\_\_ (b) includes:~~

~~\_\_\_\_\_ (i) structured on-the-job learning for students under the supervision of a skilled employee;~~

~~\_\_\_\_\_ (ii) classroom instruction for students related to the on-the-job learning;~~

~~\_\_\_\_\_ (iii) ongoing student assessments using established competency and skills standards; and~~

~~\_\_\_\_\_ (iv) the student receiving an industry-recognized credential or degree upon completion of the program.~~

~~\_\_\_\_\_ (2) "Career and technical education region" means an economic service area created in Section 35A-2-101.~~

~~\_\_\_\_\_ (3) "Commission" means the Unified Economic Opportunity Commission created in Section 63N-1a-201.~~

~~\_\_\_\_\_ [(3)] (4) "High quality professional learning" means the professional learning standards for teachers and principals described in Section 53G-11-303.~~

~~\_\_\_\_\_ [(4)] (5) "Institution of higher education" means the University of Utah, Utah State University, Southern Utah University, Weber State University, Snow College, Utah Tech University, Utah Valley University, or Salt Lake Community College.~~

~~\_\_\_\_\_ [(5)] (6) "Local education agency" means a school district, a charter school, or the Utah Schools for the Deaf and the Blind.~~

~~\_\_\_\_\_ [(6)] (7) "Master plan" means the computer science education master plan described in Section [63N-1b-304] 53B-33-105.~~

~~\_\_\_\_\_ [(7)] (8) "Participating employer" means an employer that:~~

~~\_\_\_\_\_ (a) partners with an educational institution on a curriculum for an apprenticeship~~

## HB0333S01 compared with HB0333

~~program or work-based learning program; and~~

~~—— (b) provides an apprenticeship or work-based learning program for students.~~

~~—— [(8)] (9) "State board" means the State Board of Education.~~

~~—— [(9) "Talent program" means the Talent Ready Utah Program created in Section 63N-1b-302.]~~

~~—— (10) "Talent [subcommittee] board" means the Talent, Education, and Industry Alignment [Subcommittee] Board created in Section [63N-1b-301] 53B-33-102.~~

~~—— (11) "Talent program" means the Talent Ready Utah Program created in Section 53B-33-103.~~

~~—— (12) "Targeted industry" means an industry or group of industries targeted by the Governor's Office of Economic Opportunity for economic development in the state.~~

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

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

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

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

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

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

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

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

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

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

~~—— [63N-1b-301]. **53B-33-102. Talent, Education, and Industry Alignment Board -- Creation -- Membership -- Expenses -- Duties.**~~

## HB0333S01 compared with HB0333

- ~~—— (1) There is created [a subcommittee of the commission called] the Talent, Education, and Industry Alignment [Subcommittee] Board composed of the following members:~~
- ~~—— (a) the state superintendent of public instruction or the superintendent's designee;~~
- ~~—— (b) the commissioner [of higher education] or the [commissioner of higher education's] commissioner's designee;~~
- ~~—— (c) the chair of the State Board of Education or the chair's designee;~~
- ~~—— (d) the executive director of the Department of Workforce Services or the executive [director of the department's] director's designee;~~
- ~~—— (e) the executive director of the [GO Utah office] Governor's Office of Economic Opportunity or the executive director's designee;~~
- ~~—— (f) the director of the Division of Occupational and Professional Licensing or the director's designee;~~
- ~~—— (g) the governor's education advisor or the advisor's designee;~~
- ~~—— (h) one member of the Senate, appointed by the president of the Senate;~~
- ~~—— (i) one member of the House of Representatives, appointed by the speaker of the House of Representatives;~~
- ~~—— (j) the president of the Salt Lake Chamber or the president's designee;~~
- ~~—— (k) [three] six representatives of private industry chosen to represent targeted industries, appointed by the commission;~~
- ~~—— [(l) a representative of the technology industry chosen by the commission;]~~
- ~~—— [(m)] (l) the lieutenant governor or the lieutenant governor's designee; and~~
- ~~—— [(n)] (m) any additional individuals appointed by the commission who represent:~~
- ~~—— (i) one or more individual educational institutions; or~~
- ~~—— (ii) education or industry professionals;~~
- ~~—— (2) The [commission] talent board shall select a chair and vice chair from among the members of the talent [subcommittee] board.~~
- ~~—— (3) The talent [subcommittee] board shall meet at least quarterly.~~
- ~~—— (4) Attendance of a majority of the members of the talent [subcommittee] board constitutes a quorum for the transaction of official talent [subcommittee] board business.~~
- ~~—— (5) Formal action by the talent [subcommittee] board requires the majority vote of a quorum.~~

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- ~~—— (6) A member of the talent [subcommittee] board:~~
- ~~—— (a) may not receive compensation or benefits for the member's service; and~~
- ~~—— (b) who is not a legislator may receive per diem and travel expenses in accordance with:~~
- ~~—— (i) Section 63A-3-106;~~
- ~~—— (ii) Section 63A-3-107; and~~
- ~~—— (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.~~
- ~~—— (7) The talent [subcommittee] board shall:~~
- ~~—— (a) (i) review and develop metrics to measure the progress, performance, effectiveness, and scope of any state operation, activity, program, or service that primarily involves employment training or placement; and~~
- ~~—— (ii) ensure that the metrics described in Subsection (7)(a) are consistent and comparable for each state operation, activity, program, or service that primarily involves employment training or placement;~~
- ~~—— (b) make recommendations to the board and the commission regarding how to better align training and education in the state with industry demand;~~
- ~~—— (c) make recommendations to the board and the commission regarding how to better align technical education with current and future workforce needs; [and]~~
- ~~—— (d) coordinate with the [commission] talent program to meet the responsibilities described in Subsection [63N-1b-302(4).] 53B-33-103(4);~~
- ~~—— (e) develop a computer science education master plan in accordance with Section 53B-33-105;~~
- ~~—— (f) coordinate with the talent program to meet the responsibilities described in Section 53B-33-107; and~~
- ~~—— (g) administer the Utah Works Program in accordance with Section 53B-33-108;~~
- ~~—— (8) Nothing in this section prohibits an individual who, on June 30, 2022, is a member of a subcommittee within the Governor's Office of Economic Opportunity known as the Talent, Education, and Industry Alignment Subcommittee from serving as a member of the talent board;~~
- ~~—— Section 31. Section 53B-33-103, which is renumbered from Section 63N-1b-302 is~~

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renumbered and amended to read:

~~[63N-1b-302].~~ **53B-33-103. Talent Ready Utah Program:**

~~(1) There is created [within the office] the Talent Ready Utah Program administered by the commissioner.~~

~~(2) The [executive director] commissioner, with the approval of the board, shall appoint a director of the talent program.~~

~~(3) The director of the talent program may appoint staff with the approval of the [executive director] commissioner.~~

~~(4) The talent program shall coordinate with the talent [subcommittee] board to:~~

~~(a) further education and industry alignment in the state;~~

~~(b) coordinate the development of new education programs that align with industry demand;~~

~~(c) coordinate or partner with other state agencies to administer grant programs;~~

~~(d) promote the inclusion of industry partners in education;~~

~~(e) provide outreach and information to employers regarding workforce programs and initiatives;~~

~~(f) develop and analyze stackable credential programs;~~

~~(g) determine efficiencies among workforce providers;~~

~~(h) map available workforce programs focusing on programs that successfully create high-paying jobs; and~~

~~(i) support initiatives of the talent [subcommittee] board.~~

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

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

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

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

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

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

- ~~—— (1) includes a statement of the objectives and goals of the master plan;~~
- ~~—— (2) describes how the talent [subcommittee] board and the state board will administer the Computer Science for Utah Grant Program created in Section [63N-1b-305] 53B-33-106;~~
- ~~—— (3) provides guidance for local education agencies in implementing computer science education opportunities for students in high school, middle school, and elementary school;~~
- ~~—— (4) integrates recommendations and best practices from private and public entities that are seeking to improve and expand the opportunities for computer science education, including the Expanding Computer Education Pathways Alliance; and~~
- ~~—— (5) makes recommendations to assist a local education agency in creating a local education agency computer science plan described in Subsection [63N-1b-305(7)] 53B-33-106(6), including:~~
  - ~~—— (a) providing recommendations regarding course offerings in computer science;~~
  - ~~—— (b) providing recommendations regarding professional development opportunities in computer science for licensed teachers;~~
  - ~~—— (c) providing recommendations regarding curriculum software for computer science courses;~~
  - ~~—— (d) providing recommendations regarding assessment solutions to measure the learning outcomes of students in computer science courses; and~~
  - ~~—— (e) providing information regarding how a local education agency can receive technical support from the talent [subcommittee] board in providing computer science education opportunities for students.~~

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

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

- ~~—— (1) As used in this section, "grant program" means the Computer Science for Utah Grant Program created in Subsection (2).~~
- ~~—— (2) The Computer Science for Utah Grant Program is created to provide grants to eligible local education agencies for improving computer science learning outcomes and course offerings as demonstrated by:~~

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

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

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

~~—— [(4) The state board shall:]~~

~~—— [(a) solicit applications from local education agency boards to receive grant money under the grant program;]~~

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

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

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

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

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

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

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

~~—— (a) covers at least four years;~~

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

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

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

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

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

~~—— (g) commits to integrate computer science education into the curriculum of each elementary school within the local education agency; and~~

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

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

~~—— (a) how the grant money was used;~~

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

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

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

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

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

~~—— (i) the state board or the talent [subcommittee] board may provide recommendations to~~



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~~improve the progress of the local education agency in meeting the objectives of the written computer science plan;~~

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

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

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

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

~~—— (1) The talent program, in collaboration with the talent [subcommittee] board, may partner with one or more of the following to facilitate and encourage apprenticeship opportunities and work-based learning opportunities for Utah students:~~

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

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

~~—— (c) a participating employer in the state.~~

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

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

~~—— (a) the proposal shall include:~~

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

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

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

~~—— (ii) an estimate of:~~

~~—— (A) student enrollment in the program;~~

~~—— (B) what school credit, credentials, certifications, or other workforce attainments will~~

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~~be provided by the program; and~~

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

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

~~—— (iv) if the program would require state board approval under the provisions of Section 53B-16-102, evidence that the state board has approved the program; and~~

~~—— (v) the amount of funding requested for the program, including justification for the funding; and~~

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

~~—— (i) a description of a stackable credentialing pathway for participating students that will be created by the program between at least two of the following:~~

~~—— (A) a public high school;~~

~~—— (B) a technical college; and~~

~~—— (C) an institution of higher education; or~~

~~—— (ii) the potential for participating students to obtain full-time employment with the participating employer upon completion of the program.~~

~~—— (4) The talent [subcommittee] board shall review and prioritize each proposal received and determine whether the proposal should be funded, using the following criteria:~~

~~—— (a) the quality and completeness of the elements of the proposal described in Subsection (3)(a);~~

~~—— (b) the quality of the optional elements of the proposal described in Subsection (3)(b);~~

~~—— (c) to what extent the proposal would expand the capacity to meet state or regional workforce needs; and~~

~~—— (d) other relevant criteria as determined by the talent [subcommittee] board;~~

~~—— (5) A partnership that receives funding under this section:~~

~~—— (a) shall use the money to accomplish the proposed apprenticeship program or work-based learning program;~~

~~—— (b) may use the money to offset a participating employer's direct operational costs associated with employing students as part of an approved apprenticeship program or work-based learning program;~~

~~—— (c) except as provided in Subsection (5)(d), may not use the money for educational~~

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~~administration; and~~

~~—— (d) may use the money to support one full-time employee within a career and technical education region if:~~

~~—— (i) each participating local education agency, public high school, technical college, and institution of higher education agree on which entity will house the full-time employee;~~

~~—— (ii) the full-time employee spends all of the employee's time working exclusively to develop apprentice programs or work-based learning programs; and~~

~~—— (iii) the full-time employee is responsible for regular reporting to and receiving training from the director of the talent program.~~

~~—— (6) The talent program shall be responsible for the administration of apprenticeship programs and work-based learning programs described in this section, including:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(a) [partnering with the office,] the Department of Workforce Services[, and the Utah system of higher education];~~

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

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

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

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

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

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

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

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

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- ~~—— [(ii) provide training and education related to industry needs; and]~~
- ~~—— [(iii) provide students with certificates or other recognition after completion of training.]~~
- ~~—— [(b) The office shall include the following information in the annual written report described in Section 63N-1-301:]~~
- ~~—— [(i) the process by which the office determines which institutions of higher education shall receive financial grants; and]~~
- ~~—— [(ii) the formula for awarding financial grants.]~~
- ~~—— [(c) An institution of higher education that receives grant funds under this Subsection (3):]~~
- ~~—— [(i) may use grant funds for:]~~
- ~~—— [(A) costs associated with developing a new program; or]~~
- ~~—— [(B) costs associated with expanding an existing program; and]~~
- ~~—— [(ii) shall demonstrate industry needs and opportunities for partnership with industry.]~~
- ~~—— [(d) The office shall award grant funds on a rolling basis, until the earlier of funds being exhausted or June 30, 2022.]~~
- ~~—— [(e) The office shall conduct outreach, including education about career guidance, training, and workforce programs, to the targeted populations.]~~
- ~~—— (4) The [office] board, in consultation with the talent [subcommittee] board, may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, [and in accordance with the provisions of this section,] make rules regarding the development and administration of the Utah Works Program:~~
- ~~—— (5) The Utah Works Program shall annually report the following metrics to the [office for inclusion in the office's annual report described in Section 63N-1a-306] board:~~
- ~~—— (a) the number of participants in the program;~~
- ~~—— (b) how program participants learned about or were referred to the program[, including the number of participants who learned about or were referred to the program by:]<sub>1</sub>~~
- ~~—— [(i) the Department of Workforce Services;]~~
- ~~—— [(ii) marketing efforts of the office or talent subcommittee;]~~
- ~~—— [(iii) a school counselor; and]~~
- ~~—— [(iv) other methods;]~~

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~~\_\_\_\_\_ (c) the number of participants who have completed training offered by the program;  
and~~

~~\_\_\_\_\_ (d) the number of participants who have been hired by a business participating in the  
program.~~

~~\_\_\_\_\_ Section 37. Section **53B-33-109** is enacted to read:~~

~~\_\_\_\_\_ **53B-33-109. Grants for business entities offering employee return to work  
programs.**~~

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

~~\_\_\_\_\_ (2) Subject to appropriations from the Legislature, the talent program, in consultation  
with the talent board, may award grants to business entities to offer innovative return to work  
programs for employees.~~

~~\_\_\_\_\_ (3) A business entity that receives grant funds under this section may only use grant  
funds for:~~

~~\_\_\_\_\_ (a) costs associated with developing a new return to work program; or~~

~~\_\_\_\_\_ (b) costs associated with expanding an existing return to work program.~~

~~\_\_\_\_\_ (4) The talent program shall include the following information in the report described  
in Section 53B-33-104:~~

~~\_\_\_\_\_ (a) the process by which the talent program determines which business entities shall  
receive grants; and~~

~~\_\_\_\_\_ (b) the formula for awarding grants.~~

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

~~\_\_\_\_\_ Section 38. Section **63B-1b-202** is amended to read:~~

~~\_\_\_\_\_ **63B-1b-202. Custodial officer -- Powers and duties.**~~

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

~~\_\_\_\_\_ (i) owned or administered by the state or any of its agencies; and~~

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

~~\_\_\_\_\_ (b) Notwithstanding Subsection (1)(a), the officer described in Subsection (1)(a) is not  
responsible for the care, custody, safekeeping, collection, and accounting of a bond, note,~~

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~~contract, trust document, or other evidence of indebtedness relating to the:~~

- ~~—— (i) Agriculture Resource Development Fund, created in Section 4-18-106;~~
- ~~—— (ii) Utah Rural Rehabilitation Fund, created in Section 4-19-105;~~
- ~~—— (iii) Petroleum Storage Tank Trust Fund, created in Section 19-6-409;~~
- ~~—— (iv) Olene Walker Housing Loan Fund, created in Section 35A-8-502; [and]~~
- ~~—— (v) Brownfields Fund, created in Section 19-8-120[.]; and~~
- ~~—— (vi) Rural Opportunity Fund, created in Section 63N-4-805.~~

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

- ~~—— (i) owned or administered by the state or any of its agencies; and~~
- ~~—— (ii) except as provided in Subsection (1)(b), relating to revolving loan funds.~~
- ~~—— (b) This officer shall:~~

~~—— (i) establish systems, programs, and facilities for the care, custody, safekeeping, collection, and accounting for the bonds, notes, contracts, trust documents, and other evidences of indebtedness submitted to the officer under this Subsection (2); and~~

~~—— (ii) shall make available updated reports to each authorizing agency as to the status of loans under their authority.~~

~~—— (3) The officer described in Section 63B-1b-201 shall deliver to the officer described in Subsection (1)(a) for the care, custody, safekeeping, collection, and accounting by the officer described in Subsection (1)(a) of all bonds, notes, contracts, trust documents, and other evidences of indebtedness closed as provided in Subsection 63B-1b-201(2)(b).~~

~~—— Section 39. Section **63I-1-263** is amended to read:~~

~~—— **63I-1-263. Repeal dates, Titles 63A to 63N.**~~

~~—— (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:~~

- ~~—— (a) Section 63A-16-102 is repealed;~~
- ~~—— (b) Section 63A-16-201 is repealed; and~~
- ~~—— (c) Section 63A-16-202 is repealed.~~

~~—— (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement funding, is repealed July 1, 2024.~~

~~—— (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,~~

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~~2023.~~

~~—— (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee, are repealed July 1, 2023.~~

~~—— (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.~~

~~—— (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.~~

~~—— (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.~~

~~—— (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2023.~~

~~—— (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed July 1, 2023.~~

~~—— (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is repealed July 1, 2026.~~

~~—— (11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed July 1, 2025.~~

~~—— (12) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, 2026.~~

~~—— (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2025.~~

~~—— (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2024.~~

~~—— (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.~~

~~—— (16) Subsection 63J-1-602.1(17), Nurse Home Visiting Restricted Account is repealed July 1, 2026.~~

~~—— (17) (a) Subsection 63J-1-602.1(61), relating to the Utah Statewide Radio System Restricted Account, is repealed July 1, 2022.~~

~~—— (b) When repealing Subsection 63J-1-602.1(61), the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.~~



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- ~~———— (18) Subsection 63J-1-602.2(5), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.~~
- ~~———— (19) Subsection 63J-1-602.2(6), referring to the Trip Reduction Program, is repealed July 1, 2022.~~
- ~~———— (20) Subsection 63J-1-602.2(24), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.~~
- ~~———— (21) Title [63J, Chapter 4, Part 5] 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is repealed July 1, 2027.~~
- ~~———— (22) In relation to the advisory committee created in Subsection 63L-11-305(3), on July 1, 2022:~~
- ~~———— (a) Subsection 63L-11-305(1)(a), which defines "advisory committee," is repealed; and~~
- ~~———— (b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed.~~
- ~~———— (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2023:~~
- ~~———— (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;~~
- ~~———— (b) Section 63M-7-305, the language that states "council" is replaced with "commission";~~
- ~~———— (c) Subsection 63M-7-305(1) is repealed and replaced with:~~
- ~~———— "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and~~
- ~~———— (d) Subsection 63M-7-305(2) is repealed and replaced with:~~
- ~~———— "(2) The commission shall:~~
- ~~———— (a) provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act; and~~
- ~~———— (b) coordinate the implementation of Section 77-18-104 and related provisions in Subsections 77-18-103(2)(c) and (d)."~~
- ~~———— (24) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.~~
- ~~———— (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July 1, 2022.~~
- ~~———— (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.~~

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~~—— [(27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating Council, is repealed July 1, 2024.]~~

~~—— [(28)] [(27) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.]~~

~~—— [(29)] [(28) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July 1, 2028.]~~

~~—— [(30)] [(29) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed January 1, 2021.]~~

~~—— (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for calendar years beginning on or after January 1, 2021.~~

~~—— (c) Notwithstanding Subsection [(30)] [(29)](b), an entity may carry forward a tax credit in accordance with Section 59-9-107 if:~~

~~—— (i) the person is entitled to a tax credit under Section 59-9-107 on or before December 31, 2020; and~~

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

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

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

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

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

~~—— (b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion Program, is repealed;~~

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

~~—— (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;~~

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

~~—— (c) Subsection 63N-7-101(1), which defines "board," is repealed;~~

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

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

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

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

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

~~(1) As used in this section:~~

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

~~(i) national monument;~~

~~(ii) national conservation area;~~

~~(iii) wilderness area or wilderness study area;~~

~~(iv) area of critical environmental concern;~~

~~(v) research natural area; or~~

~~(vi) national recreation area.~~

~~(b) (i) "Governmental entity" means:~~

~~(A) a state-funded institution of higher education or public education;~~

~~(B) a political subdivision of the state;~~

~~(C) an office, agency, board, bureau, committee, department, advisory board, or commission that the government funds or establishes to carry out the public's business, regardless of whether the office, agency board, bureau, committee, department, advisory board, or commission is composed entirely of public officials or employees;~~

~~(D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative undertaking as defined in Section 11-13-103;~~

~~(E) a governmental nonprofit corporation as defined in Section 11-13a-102; or~~

~~(F) an association as defined in Section 53G-7-1101.~~

~~(ii) "Governmental entity" does not mean:~~

~~(A) the School and Institutional Trust Lands Administration created in Section 53C-1-201;~~

~~(B) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202;~~

~~(C) the Office of the Governor;~~

~~(D) the Governor's Office of Planning and Budget created in Section 63J-4-201;~~

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~~—— (E) the Public Lands Policy Coordinating Office created in Section 63L-11-201;~~

~~—— (F) the Office of Energy Development created in Section 79-6-401; or~~

~~—— (G) the Governor's Office of Economic Opportunity created in Section 63N-1a-301]; including the Talent, Education, and Industry Alignment Subcommittee created in Section 63N-1b-301].~~

~~—— (2) (a) A governmental entity, or a person a governmental entity employs and designates as a representative, may investigate the possibility of a federal designation within the state:~~

~~—— (b) A governmental entity that intends to advocate for a federal designation within the state shall:~~

~~—— (i) notify the chairs of the following committees before the introduction of federal legislation:~~

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

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

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

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

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

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

~~—— Section 41. Section 63N-1a-102 is amended to read:~~

~~—— **63N-1a-102. Definitions.**~~

~~—— As used in this title:~~

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

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

~~—— (3) "Commission" means the Unified Economic Opportunity Commission created in~~

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~~Section 63N-1a-201.~~

- ~~(4) "Economic opportunity agency" includes:~~
  - ~~(a) the Department of Workforce Services;~~
  - ~~(b) the Department of Cultural and Community Engagement;~~
  - ~~(c) the Department of Commerce;~~
  - ~~(d) the Department of Natural Resources;~~
  - ~~(e) the Office of Energy Development;~~
  - ~~(f) the State Board of Education;~~
  - ~~(g) institutions of higher education;~~
  - ~~(h) the Utah Multicultural Commission;~~
  - ~~(i) the World Trade Center Utah;~~
  - ~~(j) local government entities;~~
  - ~~(k) associations of governments;~~
  - ~~(l) the Utah League of Cities and Towns;~~
  - ~~(m) the Utah Association of Counties;~~
  - ~~(n) the Economic Development Corporation of Utah;~~
  - ~~(o) the Small Business Administration;~~
  - ~~(p) chambers of commerce;~~
  - ~~(q) industry associations;~~
  - ~~(r) small business development centers; and~~
  - ~~(s) other entities identified by the commission or the executive director.~~
- ~~(5) "Executive director" means the executive director of the office.~~
- ~~(6) "Full-time employee" means an employment position that is filled by an employee who works at least 30 hours per week and:~~
  - ~~(a) may include an employment position filled by more than one employee, if each employee who works less than 30 hours per week is provided benefits comparable to a full-time employee; and~~
  - ~~(b) may not include an employment position that is shifted from one jurisdiction in the state to another jurisdiction in the state.~~
- ~~(7) "GO Utah board" means the [Business and Economic Development Subcommittee] Board of Economic Opportunity created in Section [63N-1b-202] 63N-1a-401.~~

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~~—— (8) "High paying job" means a newly created full-time employee position where the aggregate average annual gross wage of the employment position, not including health care or other paid or unpaid benefits, is:~~

~~—— (a) at least 110% of the average wage of the county in which the employment position exists; or~~

~~—— (b) for an employment position related to a project described in Chapter 2, Part 1, Economic Development Tax Increment Financing, and that is located within the boundary of a county of the third, fourth, fifth, or sixth class, or located within a municipality in a county of the second class and where the municipality has a population of 10,000 or less:~~

~~—— (i) at least 100% of the average wage of the county in which the employment position exists; or~~

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

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

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

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

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

~~—— (i) directly by a business entity; or~~

~~—— (ii) by a professional employer organization, as defined in Section 31A-40-102, on behalf of a business entity.~~

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

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

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

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

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

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

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

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

~~—— (13) "State strategic goals" means the strategic goals listed in Section 63N-1a-103.~~

~~—— (14) "Statewide economic development strategy" means the economic development strategy developed by the commission in accordance with Section 63N-1a-202.~~

~~—— (15) "Talent board" means the Talent, Education, and Industry Alignment Board created in Section 53B-33-102.~~

~~—— Section 42. Section 63N-1a-201 is amended to read:~~

~~—— **63N-1a-201. Creation of commission.**~~

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

~~—— (2) The commission consists of:~~

~~—— (a) the following voting members:~~

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

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

~~—— (iii) the executive director of the Department of Workforce Services;~~

~~—— (iv) the executive director of the Department of Transportation;~~

~~—— (v) the executive director of the Department of Natural Resources;~~

~~—— (vi) the executive director of the Department of Commerce;~~

~~—— (vii) the commissioner of the Department of Agriculture and Food;~~

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

~~—— (ix) the commissioner of higher education;~~

~~—— (x) the state superintendent of public instruction;~~

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

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

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

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

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

~~—— (b) the following non-voting members:~~

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

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

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

~~—— (3) A majority of commission members constitutes a quorum for the purposes of conducting commission business and the action of a majority of a quorum constitutes the action of the commission.~~

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

~~—— (5) The office shall provide:~~

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

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

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

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

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

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

~~—— Section 43. Section **63N-1a-202** is amended to read:~~

~~—— **63N-1a-202. Commission duties.**~~

~~—— (1) The commission shall:~~

~~—— (a) develop, coordinate, and lead a comprehensive statewide economic development strategy that:~~



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- ~~—— (i) unifies and coordinates economic development efforts in the state;~~
- ~~—— (ii) includes key performance indicators for long-term progress toward the state strategic goals;~~
- ~~—— (iii) establishes reporting and accountability processes for the key performance indicators; and~~
- ~~—— (iv) ensures the success of the statewide economic development strategy is shared among the urban and rural areas of the state;~~
- ~~—— (b) receive feedback, input, and reports from economic opportunity agencies regarding programs related to the statewide economic development strategy;~~
- ~~—— (c) develop the statewide economic strategy in view of the state water policy described in Section 73-1-21, including the state's commitment to appropriate conservation, efficient and optimal use of water resources, infrastructure development and improvement, optimal agricultural use, water quality, reasonable access to recreational activities, effective wastewater treatment, and protecting and restoring healthy ecosystems;~~
- ~~—— (d) direct and facilitate changes to or recommend elimination of economic development programs to ensure alignment with the mission and vision described in Section 63N-1a-103;~~
- ~~—— (e) at least once every five years, identify industry clusters on which the commission recommends the state focus recruiting and expansion efforts;~~
- ~~—— (f) establish strategies for the recruitment and retention of targeted industry clusters while respecting the different needs of rural and urban areas throughout the state;~~
- ~~—— (g) establish strategies for supporting entrepreneurship and small business development in the state;~~
- ~~—— (h) analyze the state's projected long-term population and economic growth and plan for the anticipated impacts of the projected growth in a manner that improves quality of life and is consistent with the statewide economic development strategy and state strategic goals;~~
- ~~—— (i) identify gaps and potential solutions related to improving infrastructure, especially as related to the state's projected long-term population growth;~~
- ~~—— (j) support the development of a prepared workforce that can support critical industries and industry clusters identified by the commission;~~
- ~~—— (k) coordinate and develop strategies that assist education providers and industry to~~

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~~cooperate in supporting students in developing market relevant skills to meet industry needs;~~

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

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

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

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

~~—— (p) facilitate coordination among public, private, and nonprofit economic opportunity agencies; and~~

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

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

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

~~—— (a) the statewide economic development strategy;~~

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

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

~~—— (d) any legislative recommendations.~~

~~—— Section 44. Section **63N-1a-303** is amended to read:~~

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

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

~~—— (2) The executive director may consolidate personnel and service functions for efficiency and economy in the office.~~

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- ~~—— (3) The executive director, with the approval of the governor:~~
- ~~—— (a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in federal programs;~~
- ~~—— (b) may enter into a lawful contract or agreement with another state, a chamber of commerce organization, a service club, or a private entity; and~~
- ~~—— (c) shall annually prepare and submit to the governor a budget of the office's financial requirements.~~
- ~~—— (4) With the governor's approval, if a federal program requires the expenditure of state funds as a condition for the state to participate in a fund, property, or service, the executive director may expend necessary funds from money provided by the Legislature for the use of the office.~~
- ~~—— (5) The executive director shall coordinate with the executive directors of the Department of Workforce Services and the Governor's Office of Planning and Budget to review data and metrics to be reported to the Legislature as described in Subsection 63N-1a-306(2)(b):~~
- ~~—— (6) Unless otherwise provided in this title, the executive director may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary for the administration of programs established under this title.~~
- ~~—— Section 45. Section **63N-1a-306** is amended to read:~~
- ~~—— **63N-1a-306. Annual report -- Content -- Format.**~~
- ~~—— (1) The office shall prepare and submit to the governor and the Legislature, by October 1 of each year, an annual written report of the operations, activities, programs, and services of the office, including the divisions, sections, boards, commissions, councils, and committees established under this title, for the preceding fiscal year.~~
- ~~—— (2) For each operation, activity, program, or service provided by the office, the annual report shall include:~~
- ~~—— (a) a description of the operation, activity, program, or service;~~
- ~~—— (b) data and metrics:~~
- ~~—— (i) selected and used by the office to measure progress, performance, effectiveness, and scope of the operation, activity, program, or service, including summary data; and~~
- ~~—— (ii) that are consistent and comparable for each state operation, activity, program, or~~

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~~service that primarily involves employment training or placement as determined by the executive directors of the office, the Department of Workforce Services, and the Governor's Office of Planning and Budget;~~

~~—— (c) budget data, including the amount and source of funding, expenses, and allocation of full-time employees for the operation, activity, program, or service;~~

~~—— (d) historical data from previous years for comparison with data reported under Subsections (2)(b) and (c);~~

~~—— (e) goals, challenges, and achievements related to the operation, activity, program, or service;~~

~~—— (f) relevant federal and state statutory references and requirements;~~

~~—— (g) contact information of officials knowledgeable and responsible for each operation, activity, program, or service; and~~

~~—— (h) other information determined by the office that:~~

~~—— (i) may be needed, useful, or of historical significance; or~~

~~—— (ii) promotes accountability and transparency for each operation, activity, program, or service with the public and elected officials.~~

~~—— (3) The annual report shall be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature.~~

~~—— (4) The office shall:~~

~~—— (a) submit the annual report in accordance with Section 68-3-14;~~

~~—— (b) make the annual report, and previous annual reports, accessible to the public by placing a link to the reports on the office's website; and~~

~~—— (c) provide the data and metrics described in Subsection (2)(b) to the [Talent, Education, and Industry Alignment Subcommittee created in Section 63N-1b-301] talent board.~~

~~—— Section 46. Section **63N-1a-307** is enacted to read:~~

~~—— **63N-1a-307. Restrictions on pass through funding.**~~

~~—— (1) As used in this section, "pass through funding" means the same as that term is defined in Section 63J-1-220.~~

~~—— (2) In addition to the requirements of Section 63J-1-220, the office may not distribute pass through funding to an entity or organization unless the item of appropriation for the pass through funding describes the type of entity or organization the Legislature intends to receive~~

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~~the pass through funding:~~

~~—— (3) If an item of appropriation to the office for pass through funding does not describe the type of entity or organization the Legislature intends to receive the pass through funding, the funds shall lapse to the source fund at the end of the fiscal year, regardless of whether those funds are designated by law as nonlapsing:~~

~~—— Section 47. Section ~~63N-1a-401~~, which is renumbered from Section 63N-1b-201 is renumbered and amended to read:~~

### **Part 4. Creation of Board of Economic Opportunity**

~~—— [63N-1b-201]. —— ~~63N-1a-401. Creation of Board of Economic Opportunity.~~~~

~~—— (1) (a) There is created [a subcommittee of the commission, called the Business and Economic Development Subcommittee] within the office the Board of Economic Opportunity, consisting of 15 members appointed by the chair of the commission, in consultation with the executive director, to four-year terms of office with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies, including:~~

~~—— (i) a representative from a rural association of governments;~~

~~—— (ii) a rural representative of agriculture;~~

~~—— (iii) a rural representative of the travel industry;~~

~~—— (iv) a representative of rural utilities; and~~

~~—— (v) a representative from the oil, gas, or mineral extraction industry.~~

~~—— (b) Notwithstanding the requirements of Subsection (1)(a), the chair of the commission shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the [subcommittee] board is appointed every two years:~~

~~—— (c) The members may not serve more than two full consecutive terms except where the chair of the commission determines that an additional term is in the best interest of the state:~~

~~—— (2) In appointing members of the [committee] board, the chair of the commission shall ensure that:~~

~~—— (a) no more than eight members of the [subcommittee] board are from one political party; and~~

~~—— (b) members represent a variety of geographic areas and economic interests of the state.~~

~~—— (3) When a vacancy occurs in the membership for any reason, the replacement shall be~~

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~~appointed for the unexpired term in accordance with Title 63G, Chapter 24, Part 2, Vacancies:~~

~~—— (4) Eight members of the [subcommittee] board constitute a quorum for conducting board business and exercising board power.~~

~~—— (5) The chair of the commission shall select one [subcommittee] board member as the [subcommittee's] board's chair and one member as the [subcommittee's] board's vice chair.~~

~~—— (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:~~

~~—— (a) Section 63A-3-106;~~

~~—— (b) Section 63A-3-107; and~~

~~—— (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.~~

~~—— (7) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.~~

~~—— [(8) Nothing in this section prohibits an individual who, on May 4, 2021, is a member of a board within the office known as the Board of Business and Economic Development from serving as a member of the GO Utah board.]~~

~~—— Section 48. Section ~~63N-1a-402~~, which is renumbered from Section 63N-1b-202 is renumbered and amended to read:~~

~~—— [~~63N-1b-202~~]. 63N-1a-402. Board of Economic Opportunity duties and powers.~~

~~—— (1) The [Business and Economic Development Subcommittee] GO Utah board shall advise and assist the commission to:~~

~~—— (a) promote and encourage the economic, commercial, financial, industrial, agricultural, and civic welfare of the state;~~

~~—— (b) promote and encourage the development, attraction, expansion, and retention of businesses, industries, and commerce in the state;~~

~~—— (c) support the efforts of local government and regional nonprofit economic development organizations to encourage expansion or retention of businesses, industries, and commerce in the state;~~

~~—— (d) act to enhance the state's economy;~~

~~—— [(e) work in conjunction with companies and individuals located or doing business in the state to secure favorable rates, fares, tolls, charges, and classification for transportation of~~

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~~persons or property by:]~~

~~—— [(i) railroad;]~~

~~—— [(ii) motor carrier; or]~~

~~—— [(iii) other common carriers;]~~

~~—— [(f)] (e) develop policies, priorities, and objectives regarding the assistance, retention, or recruitment of business, industries, and commerce in the state;~~

~~—— [(g)] (f) administer programs for the assistance, retention, or recruitment of businesses, industries, and commerce in the state;~~

~~—— [(h)] (g) ensure that economic development programs are available to all areas of the state in accordance with federal and state law;~~

~~—— [(i)] (h) identify local, regional, and statewide rural economic development and planning priorities;~~

~~—— [(j)] (i) understand, through study and input, issues relating to local, regional, and statewide rural economic development, including challenges, opportunities, best practices, policy, planning, and collaboration; and~~

~~—— [(k)] (j) maintain ethical and conflict of interest standards consistent with those imposed on a public officer under Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.~~

~~—— (2) The [subcommittee] GO Utah board shall:~~

~~—— (a) serve as an advisory board to the commission on rural economic development issues; and~~

~~—— [(b) prepare an annual strategic plan that:]~~

~~—— [(i) identifies rural economic development, planning, and leadership training challenges, opportunities, priorities, and objectives; and]~~

~~—— [(ii) includes a work plan for accomplishing the objectives referred to in Subsection (1)(b)(i); and]~~

~~—— [(c) oversee the Rural County Grant Program created in Section 17-54-103.]~~

~~—— [(3) The subcommittee may:]~~

~~—— [(a) in accordance with Subsection (1)(c), appear as a party litigant on behalf of an individual or a company located or doing business in the state in a proceeding before a regulatory commission of the state, another state, or the federal government; and]~~

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~~— (b) in consultation with the executive director, make, amend, or repeal rules for the conduct of its business consistent with this part and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~

~~— (b) make recommendations to the executive director regarding applications for loans, grants, or other financial assistance from the Industrial Assistance Account as provided in Section 63N-3-105.~~

~~— (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the GO Utah board may, in consultation with the executive director, make rules for the conduct of the GO Utah board's business.~~

~~— Section 49}~~50. Section **63N-2-511** is amended to read:

### **63N-2-511. Stay Another Day and Bounce Back Fund.**

(1) As used in this section:

(a) "Bounce back fund" means the Stay Another Day and Bounce Back Fund, created in Subsection (2).

(b) "Tourism board" means the Board of Tourism Development created in Section ~~[63N-7-101]~~ 63N-7-201.

(2) There is created an expendable special revenue fund known as the Stay Another Day and Bounce Back Fund.

(3) The bounce back fund shall:

(a) be administered by the tourism board;

(b) earn interest; and

(c) be funded by:

(i) annual payments under Section 17-31-9 from the county in which a qualified hotel is located;

(ii) money transferred to the bounce back fund under Section 63N-2-503.5 or 63N-2-512; and

(iii) any money that the Legislature chooses to appropriate to the bounce back fund.

(4) Interest earned by the bounce back fund shall be deposited into the bounce back fund.

(5) The tourism board may use money in the bounce back fund to pay for a tourism program of advertising, marketing, and branding of the state, taking into consideration the



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long-term strategic plan, economic trends, and opportunities for tourism development on a statewide basis.

Section ~~{50}~~51. Section **63N-2-810** is amended to read:

### **63N-2-810. Reports on tax credit certificates.**

The office shall include the following information in the annual written report described in Section [~~63N-4-106~~] 63N-1a-306:

- (1) the total amount listed on tax credit certificates the office issues under this part;
- (2) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax credit applicants under this part; and
- (3) the economic impact on the state related to providing tax credits under this part.

Section ~~{51}~~52. Section **63N-3-105** is amended to read:

### **63N-3-105. Qualification for assistance.**

(1) (a) Except as provided in Section 63N-3-109, the administrator, in consultation with the GO Utah board, shall determine which industries, companies, and individuals qualify to receive money from the Industrial Assistance Account.

(b) Except as provided by Subsection (2), to qualify for financial assistance from the restricted account, an applicant shall:

(i) demonstrate to the satisfaction of the administrator that the applicant will expend funds in the state with employees, vendors, subcontractors, or other businesses in an amount proportional with money provided from the restricted account at a minimum ratio of one to one per year or other more stringent requirements as established on a per project basis by the administrator;

(ii) demonstrate to the satisfaction of the administrator the applicant's ability to sustain economic activity in the state sufficient to repay, by means of cash or appropriate credits, the loan provided by the restricted account; and

(iii) satisfy other criteria the administrator considers appropriate.

(2) (a) The administrator may exempt an applicant from the requirements of Subsection (1)(a) or (b) if:

- (i) the applicant is part of a targeted industry;
- (ii) the applicant is a quasi-public corporation organized under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, or Title 63E, Chapter 2, Independent Corporations

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Act, and its operations, as demonstrated to the satisfaction of the administrator, will provide significant economic stimulus to the growth of commerce and industry in the state; or

(iii) the applicant is an entity offering an economic opportunity under Section 63N-3-109.

(b) The administrator may not exempt the applicant from the requirement under Subsection 63N-3-106(2)(b) that the loan be structured so that the repayment or return to the state equals at least the amount of the assistance together with an annual interest charge.

(3) The GO Utah board shall make recommendations to the administrator regarding applications for loans, grants, or other financial assistance from the Industrial Assistance Account.

~~[(3)]~~ (4) The administrator shall:

(a) for applicants not described in Subsection (2)(a):

(i) make findings as to whether or not each applicant has satisfied each of the conditions set forth in Subsection (1); and

(ii) monitor the continued compliance by each applicant with each of the conditions set forth in Subsection (1) for five years;

(b) consider the GO Utah board's recommendations with respect to each application;

~~[(b)]~~ (c) monitor the compliance by each applicant with the provisions of any contract or agreement entered into between the applicant and the state as provided in Section 63N-3-107; and

~~[(c)]~~ (d) make funding decisions based upon appropriate findings and compliance.

Section ~~{52}~~53. Section **63N-3-109** is amended to read:

**63N-3-109. Financial assistance to entities offering economic opportunities.**

(1) Subject to the duties and powers of the GO Utah board under Section ~~[63N-1b-202]~~ 63N-1a-402, the administrator may provide money from the Industrial Assistance Account to an entity offering an economic opportunity if that entity:

(a) applies to the administrator in a form approved by the administrator; and

(b) meets the qualifications of Subsection (2).

(2) As part of an application for receiving money under this section, an applicant shall:

(a) demonstrate to the satisfaction of the administrator the nature of the economic opportunity and the related benefit to the economic well-being of the state by providing

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evidence documenting the logical and compelling linkage, either direct or indirect, between the expenditure of money necessitated by the economic opportunity and the likelihood that the state's tax base, regions of the state's tax base, or specific components of the state's tax base will not be reduced but will be maintained or enlarged;

(b) demonstrate how the funding request will act in concert with other state, federal, or local agencies to achieve the economic benefit;

(c) demonstrate how the funding request will act in concert with free market principles; and

(d) satisfy other criteria the administrator considers appropriate.

(3) Before awarding any money under this section, the administrator shall:

(a) make findings as to whether an applicant has satisfied the requirements of Subsection (2);

(b) establish benchmarks and timeframes in which progress toward the completion of the agreed upon activity is to occur;

(c) monitor compliance by an applicant with any contract or agreement entered into by the applicant and the state as provided by Section 63N-3-107; and

(d) make funding decisions based upon appropriate findings and compliance.

Section ~~53~~54. Section **63N-3-112** is amended to read:

### **63N-3-112. Talent development grants.**

(1) A for-profit business that is creating new incremental high paying jobs in the state, may apply to receive a talent development grant from the restricted account.

(2) In accordance with the provisions of this section and in consultation with the GO Utah board, the administrator may award up to \$10,000 per new job created.

(3) The administrator shall designate an application process for a business to apply for the grant.

(4) A business may apply to receive a grant only after each employee has been employed at qualifying wage levels for at least 12 consecutive months.

(5) Money granted for a talent development grant under this section shall be deducted from any other money or incentive awarded by the office to the business.

(6) Grants awarded under this section are only to reimburse a business for the costs incurred to recruit, hire, train, and otherwise employ an employee in a newly created job.

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(7) A business shall submit a hiring and training plan detailing what the grant money will be used for as part of the application process.

(8) The administrator may only grant an award up to an amount that is no more than 25% of the estimated costs to be incurred by the business for the costs in the hiring and training plan.

Section ~~{54}~~55. Section **63N-3-204** is amended to read:

### **63N-3-204. Administration -- Grants and loans.**

(1) The office shall administer this part.

(2) (a) (i) The office may award Utah Technology [~~Commercialization and~~] Innovation Funding Program grants or issue loans under this part to [~~an applicant that is:~~] small businesses.

~~[(A) an institution of higher education;]~~

~~[(B) a licensee; or]~~

~~[(C) a small business.]~~

(ii) If loans are issued under Subsection (2)(a)(i), the Division of Finance may set up a fund or account as necessary for the proper accounting of the loans.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules [~~for a process to determine whether an institution of higher education that receives a grant under this part must return the grant proceeds or a portion of the grant proceeds if the technology that is developed with the grant proceeds is licensed to a licensee that:~~] establishing procedures for applying for and issuing grants or loans under this part.

~~[(i) does not maintain a manufacturing or service location in the state from which the licensee or a sublicensee exploits the technology; or]~~

~~[(ii) initially maintains a manufacturing or service location in the state from which the licensee or a sublicensee exploits the technology, but within five years after issuance of the license the licensee or sublicensee transfers the manufacturing or service location for the technology to a location out of the state.]~~

~~[(c) A repayment by an institution of higher education of grant proceeds or a portion of the grant proceeds may only come from the proceeds of the license established between the licensee and the institution of higher education.]~~

~~[(d)]~~ (c) (i) An applicant that [~~is a licensee or small business that~~] receives a grant or

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loan under this part shall return the grant or loan proceeds or a portion of the grant or loan proceeds to the office if the applicant:

(A) does not maintain [~~a manufacturing or service location in the state from which the applicant exploits the technology~~] the applicant's principal place of business in the state; or

(B) initially maintains [~~a manufacturing or service location in the state from which the applicant exploits the technology~~] the applicant's principal place of business in the state, but within five years after issuance of the grant or loan, the applicant transfers the [~~manufacturing or service location for the technology~~] applicant's principal place of business to an out-of-state location.

(ii) A repayment by an applicant shall be prorated based on the number of full years the applicant operated in the state from the date of the awarded grant or loan.

~~[(iii) A repayment by a licensee that receives a grant may only come from the proceeds of the license to that licensee.]~~

~~[(3)(a) Funding allocations shall be made by the office with the advice of the GO Utah board.]~~

~~[(b) Each proposal shall receive the best available outside review.]~~

~~[(4)(a)]~~ (3) In considering each proposal, the office shall weigh technical merit, the level of matching funds from private and federal sources, and the potential for [~~job creation and economic development~~] commercialization and broad impact.

~~[(b) Proposals or consortia that combine and coordinate related research at two or more institutions of higher education shall be encouraged.]~~

~~[(5)]~~ (4) The office shall review the activities and progress of grant or loan recipients on a regular basis and, as part of the office's annual written report described in Section 63N-1a-306, report on the accomplishments [~~and~~], direction, and usefulness of the Utah Technology [~~Commercialization and~~] Innovation Funding Program[-], including recommendations on:

(a) whether the program is beneficial to the state and should continue; and

(b) whether other office programs or programs in other agencies could provide similar state benefits more effectively or at a lower cost.

~~[(6)(a) On or before August 1, 2018, the office shall provide a written analysis and recommendations concerning the usefulness of the Technology Commercialization and~~

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Innovation Program described in this part, including whether:]

~~[(i) the program is beneficial to the state and should continue; and]~~

~~[(ii) other office programs or programs in other agencies could provide similar benefits to the state more effectively or at a lower cost.]~~

~~[(b) The written analysis and recommendations described in this Subsection (6) shall be provided to:]~~

~~[(i) the Business, Economic Development, and Labor Appropriations Subcommittee;]~~

~~[(ii) the Economic Development and Workforce Services Interim Committee;]~~

~~[(iii) the Business and Labor Interim Committee; and]~~

~~[(iv) the governor.]~~

Section ~~{55}~~56. Section 63N-3-801 is enacted to read:

### **Part 8. Economic Assistance Grant Program**

#### **63N-3-801. Definitions.**

As used in this part:

(1) "Business entity" means a for-profit or nonprofit entity.

(2) "Grant" means a grant awarded as part of the Economic Assistance Grant Program created in Section 63N-3-802.

(3) "Grant program" means the Economic Assistance Grant Program created in Section 63N-3-802.

Section ~~{56}~~57. Section 63N-3-802 is enacted to read:

#### **63N-3-802. Creation of Economic Assistance Grant Program -- Requirements --**

##### **Rulemaking -- Annual report.**

(1) There is created the Economic Assistance Grant Program administered by the office.

(2) Subject to appropriations from the Legislature, the office may award one or more grants to a business entity to provide funding for projects that:

(a) promote and support economic opportunities in the state; and

(b) provide a service in the state related to industry, education, community development, or infrastructure.

(3) In awarding grants, the office may prioritize projects:

(a) that create new jobs in the state;

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(b) that develop targeted industries in the state;

(c) where an applicant identifies clear metrics to measure the progress, effectiveness, and scope of the project;

(d) where an applicant secures funding from other sources to help finance the project;

(e) where an applicant demonstrates comprehensive planning of the project; and

(f) that require one-time funds.

(4) Before a business entity may receive a grant, the business entity shall enter into a written agreement with the office that specifies:

(a) the amount of the grant;

(b) the time period for distributing the grant;

(c) the terms and conditions that the business entity shall meet to receive the grant;

(d) the structure of the grant; and

(e) the expenses for which the business entity may expend the grant.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules to administer the grant program.

(6) The office shall include in the annual written report described in Section 63N-1a-306 a report on the grant program, including a description and the amount of any grants awarded.

Section ~~57~~58. Section **63N-4-104** is amended to read:

### **63N-4-104. Duties.**

(1) The Center for Rural Development shall:

(a) work to enhance the capacity of the office to address rural economic development, planning, and leadership training challenges and opportunities by establishing partnerships and positive working relationships with appropriate public and private sector entities, individuals, and institutions;

(b) work with the GO Utah board to coordinate and focus available resources in ways that address the economic development, planning, and leadership training challenges and priorities in rural Utah;

(c) assist in administering the Rural [~~County Grant Program created in Section 17-54-103, including, as described in Subsection 17-54-103(10), compiling reported information regarding the program for inclusion in the office's annual written report described~~

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~~in Section 63N-1a-306]~~ Opportunity Program created in Section 63N-4-802; and

(d) in accordance with economic development and planning policies set by state government, coordinate relations between:

- (i) the state;
- (ii) rural governments;
- (iii) other public and private groups engaged in rural economic planning and development; and
- (iv) federal agencies.

(2) (a) The Center for Rural Development may:

(i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules necessary to carry out its duties;

(ii) accept gifts, grants, devises, and property, in cash or in kind, for the benefit of rural Utah citizens; and

(iii) use those gifts, grants, devises, and property received under Subsection (2)(a)(ii) for the use and benefit of rural citizens within the state.

(b) All resources received under Subsection (2)(a)(ii) shall be deposited in the General Fund as dedicated credits to be used as directed in Subsection (2)(a)(iii).

Section ~~{58}~~59. Section **63N-4-402** is amended to read:

### **63N-4-402. Definitions.**

As used in this part:

(1) (a) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

(b) "Business entity" does not include a business primarily engaged in the following:

- (i) construction;
- (ii) staffing;
- (iii) retail trade; or
- (iv) public utility activities.

(2) "Grant" means a grant awarded as part of the Rural Employment Expansion Grant Program created in Section 63N-4-403.

(3) "Grant program" means the Rural Employment Expansion Grant Program created



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in Section 63N-4-403.

(4) "Mining company" means an entity whose primary business is the exploration for or extraction of minerals from the earth.

(5) "Mining services company" means an entity whose primary business is providing support services for a mining company, including drilling or geological modeling.

~~[(2)]~~ (6) (a) "Owner or officer" means an individual who owns an ownership interest in an entity or holds a position where the person has authority to manage, direct, control, or make decisions for:

- (i) the entity or a portion of the entity; or
- (ii) an employee, agent, or independent contractor of the entity.

(b) "Owner or officer" includes:

- (i) a member of a board of directors or other governing body of an entity; or
- (ii) a partner in any type of partnership.

~~[(3) "Rural employment expansion grant" means a grant available under this part.]~~

(7) "Rural county" means a county of the third, fourth, fifth, or sixth class.

Section ~~{59}~~60. Section **63N-4-403** is amended to read:

**63N-4-403. Creation of Rural Employment Expansion Grant Program -- Duties of the office.**

(1) There is created the Rural Employment Expansion Grant Program administered by the office.

~~[(1)]~~ (2) The office shall:

(a) review a business entity's application for a ~~[rural employment expansion grant under this part]~~ grant in the order in which the application is received by the office;

(b) ensure that a ~~[rural employment expansion]~~ grant is only awarded to a business entity that meets the requirements of this part; and

(c) as part of the annual written report described in Section 63N-1a-306, prepare an annual evaluation that provides:

(i) the identity of each business entity that was provided a ~~[rural employment expansion]~~ grant by the office during the year of the annual report;

(ii) the total amount awarded in ~~[rural employment expansion]~~ grants for each county; and

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(iii) an evaluation of the effectiveness of the [~~rural employment expansion~~] grant in bringing significant new employment to rural communities.

~~[(2)]~~ (3) The office may:

(a) authorize a [~~rural employment expansion~~] grant for a business entity under this part;

(b) audit a business entity to ensure:

(i) eligibility for a [~~rural employment expansion~~] grant; and

(ii) compliance with this part; and

(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in accordance with the provisions of this part, make rules regarding the:

(i) form and content of an application for a [~~rural employment expansion~~] grant;

(ii) documentation or other requirements for a business entity to receive a [~~rural employment expansion~~] grant; and

(iii) administration of [~~rural employment expansion~~] grants, including an appeal process and relevant timelines and deadlines.

Section ~~{60}~~61. Section **63N-4-404** is amended to read:

### **63N-4-404. Grant application process.**

(1) For a fiscal year beginning on or after July 1, 2018, a business entity seeking to receive a [~~rural employment expansion grant as provided in this part~~] grant shall provide the office with an application [~~for a rural employment expansion grant~~] in a form approved by the office that includes:

(a) a certification, by an officer of the business entity, of each signature on the application;

(b) a document that specifies the projected number and anticipated wage level of the new full-time employee positions that the business entity plans to create as the basis for qualifying for a [~~rural employment expansion~~] grant; and

(c) any additional information required by the office.

(2) (a) If, after review of an application provided by a business entity as described in Subsection (1), the office determines that the application is inadequate to provide a reasonable justification for authorizing the [~~rural employment expansion~~] grant, the office shall:

(i) deny the application; or

(ii) inform the business entity that the application is inadequate and ask the business

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entity to submit additional documentation.

(b) (i) If the office denies an application, the business entity may appeal the denial to the office.

(ii) The office shall review any appeal within 10 business days and make a final determination of the business entity's eligibility for a grant [~~under this part~~].

(3) If, after review of an application provided by a business entity as described in Subsection (1), the office determines that the application provides reasonable justification for authorizing a [~~rural employment expansion~~] grant and if there are available funds for the grant, the office shall enter into a written agreement with the business entity that:

(a) indicates the maximum [~~rural employment expansion~~] grant amount the business entity is authorized to receive;

(b) includes a document signed by an officer of the business entity that expressly directs and authorizes the State Tax Commission to disclose to the office the business entity's tax returns and other information that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code;

(c) describes the documentation required to demonstrate that the business entity has created the new full-time employee positions described in the application provided under Subsection (1); and

(d) specifies the deadlines to provide the documentation described in Subsection (3)(c).

(4) (a) Subject to available funds, the office may award a [~~rural employment expansion~~] grant to a business entity as follows:

(i) \$4,000 for each new full-time employee position in a county where the average county wage is equal to or greater than the state average wage;

(ii) \$5,000 for each new full-time employee position in a county where the average county wage is between 85% and 99% of the state average wage; and

(iii) \$6,000 for each new full-time employee position in a county where the average county wage is less than 85% of the state average wage.

(b) A business entity may qualify for no more than \$250,000 in [~~rural employment expansion~~] grants in any fiscal year.

(5) (a) Subject to available funds, the office shall award a business entity a grant in the amount allowed under this part if the business entity provides documentation to the office:

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(i) in a form prescribed by the office under Subsection (3)(c);  
(ii) before the deadline described in Subsection (3)(d); and  
(iii) that demonstrates that the business applicant has created new full-time employee positions.

(b) If a business entity does not provide the documentation described in Subsection (3)(c) before the deadline described in Subsection (3)(d), the business entity is ineligible to receive a [~~rural employment expansion~~] grant unless the business entity submits a new application to be reviewed by the office in accordance with Subsection (1).

(6) Nothing in this part prevents a business entity that has received a [~~rural employment expansion~~] grant from concurrently applying for or receiving another grant or incentive administered by the office.

~~[(7)(a) As used in this Subsection (7):]~~

~~[(i) "Mining company" means an entity whose primary business is the exploration for or extraction of minerals from the earth.]~~

~~[(ii) "Mining services company" means an entity whose primary business is providing support services for a mining company, including drilling or geological modeling.]~~

~~[(b) (7) If an applicant for a [~~rural employment expansion~~] grant is a mining company or mining services company having business operations within five miles of a rural county, the applicant shall be treated as if the applicant were located within the adjacent rural county in determining whether the applicant qualifies for the [~~rural employment expansion~~] grant program.~~

Section ~~{61}~~62. Section **63N-4-801** is enacted to read:

### **Part 8. Rural Opportunity Act**

#### **63N-4-801. Definitions.**

As used in this part:

(1) "Advisory committee" means the Rural Opportunity Advisory Committee created in Section 63N-4-804.

(2) (a) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

(b) "Business entity" does not include a business primarily engaged in the following:

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(i) construction;

(ii) staffing;

(iii) retail trade; or

(iv) public utility activities.

(3) "CEO board" means a County Economic Opportunity Advisory Board as described in Section 63N-4-803.

(4) "Fund" means the Rural Opportunity Fund created in Section 63N-4-805.

(5) "Qualified asset" means a physical asset that provides or supports an essential public service.

(6) " Qualified project" means a project to build or improve one or more qualified assets for a rural community, including:

(a) telecom and high-speed Internet infrastructure;

(b) power and energy infrastructure;

(c) water and sewerage infrastructure;

(d) healthcare infrastructure; or

(e) other infrastructure as defined by rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(7) "Rural community" means a rural county or rural municipality.

(8) "Rural county" means a county of the third, fourth, fifth, or sixth class.

(9) "Rural municipality" means a city, town, or metro township located within the boundaries of ~~§~~ a rural county.

§

(a) a county of the third, fourth, fifth, or sixth class; or

(b) a county of the second class, if the municipality has a population of 10,000 or less.

(10) "Rural Opportunity Program" or "program" means the Rural Opportunity Program created in Section 63N-4-802.

Section ~~{62}~~ 63. Section **63N-4-802** is enacted to read:

**63N-4-802. Creation of Rural Opportunity Program -- Awarding of grants and loans -- Rulemaking -- Reporting.**

(1) There is created the Rural Opportunity Program.

(2) The program shall be overseen by the advisory committee and administered by the

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office.

(3) (a) In overseeing the program, the advisory committee shall make recommendations to the office on the awarding of grants and loans under this section.

(b) After reviewing the recommendations of the advisory committee, and subject to appropriations from the Legislature, the office shall:

(i) award grants to rural communities and business entities in accordance with Subsection (4) and rules made by the center under Subsection (6); and

(ii) award loans to rural communities in accordance with Subsection (5) and rules made by the center under Subsection (6).

(4) (a) The office shall annually distribute an equal amount of grant money to all rural counties that have created a CEO board, in an amount up to and including \$200,000 annually per county.

(b) In addition to the grant money distributed to rural counties under Subsection (4)(a), the office may use program funds to:

(i) award grants to rural communities that demonstrate a funding match, in an amount established by rule under Subsection (6); and

(ii) award grants to business entities that create new jobs within rural communities.

(c) The office shall award grants under this Subsection (4) to address the economic development needs of rural communities, which needs may include:

(i) business recruitment, development, and expansion;

(ii) workforce training and development; and

(iii) infrastructure, industrial building development, and capital facilities improvements for business development.

(d) In awarding grants under this Subsection (4), the office:

(i) shall prioritize applications in accordance with rules made by the office under Subsection (6); and

(ii) may not award more than \$800,000 annually to a rural community or business entity.

(5) (a) In addition to the awarding of grants under Subsection (4), the office may use program funds to award loans to rural communities to provide financing for qualified projects.

(b) (i) A rural community may not receive a loan from the program **for a qualified**

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project unless:

(A) the rural community demonstrates to the office that the rural community has exhausted all other means of securing funding from the state for the qualified project; and

(B) the rural community enters into a loan contract with the office.

(ii) A loan contract under Subsection (5)(b)(i)(B):

(A) shall be secured by legally issued bonds, notes, or other evidence of indebtedness validly issued under state law, including pledging all or any portion of a revenue source controlled by the rural community to the repayment of the loan; and

(B) may provide that a portion of the proceeds of the loan may be applied to fund a reserve fund to secure the repayment of the loan.

(c) A loan under this Subsection (5) shall bear interest at a rate:

(i) not less than bond market interest rates available to the state; and

(ii) not more than .5% above bond market interest rates available to the state.

(d) Before a rural community may receive a loan from the office, the rural community shall:

(i) publish the rural community's intention to obtain the loan at least once in accordance with the publication and notice requirements described in Section 11-14-316; and

(ii) adopt an ordinance or resolution authorizing the loan.

(e) (i) If a rural community that receives a loan from the office fails to comply with the terms of the loan contract, the office may seek any legal or equitable remedy to obtain compliance or payment of damages.

(ii) If a rural community fails to make loan payments when due, the state shall, at the request of the office, withhold an amount of money due to the rural community and deposit the withheld money into the fund to pay the amount due under the contract.

(iii) The office may elect when to take any action or request the withholding of money under this Subsection (5)(e).

(f) All loan contracts, bonds, notes, or other evidence of indebtedness securing any loans shall be collected and accounted for in accordance with Section 63B-1b-202.

(6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the advisory committee, the office shall make rules to administer the program.

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(b) The rules under Subsection (6)(a) shall establish:

(i) eligibility criteria for a rural community or business entity to receive a grant or loan under the program;

(ii) application requirements;

(iii) funding match requirements for a rural community to receive a grant under Subsection (4)(b);

(iv) a process for prioritizing grant and loan applications; and

(v) reporting requirements.

(7) The office shall include the following information in the annual written report described in Section 63N-1a-306:

(a) the total amount of grants and loans the office awarded to rural communities and business entities under the program;

(b) a description of the projects for which the office awarded a grant or loan under the program;

(c) the total amount of outstanding debt service that is being repaid by a grant or loan awarded under the program;

(d) whether the grants and loans awarded under the program have resulted in economic development within rural communities; and

(e) the office's recommendations regarding the effectiveness of the program and any suggestions for legislation.

Section ~~{63}~~64. Section **63N-4-803**, which is renumbered from Section 17-54-104 is renumbered and amended to read:

~~[17-54-104].~~        **63N-4-803. County Economic Opportunity Advisory Board.**

(1) (a) Each rural county that seeks to obtain a grant from the office under [~~this chapter~~] Subsection 63N-4-802(4)(a), shall create a [~~CEED~~] CEO board composed of at least the following members appointed by the county legislative body:

(i) a county representative;

(ii) a representative of a municipality in the county;

(iii) a workforce development representative;

(iv) a private-sector representative; and

(v) a member of the public who lives in the county.



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(b) The county legislative body may also appoint additional members with experience or expertise in economic development matters.

(c) In appointing members of the ~~[CED]~~ CEO board, the county legislative body may consider gender and socioeconomic diversity.

(2) Each ~~[CED]~~ CEO board shall assist and advise the county legislative body on:

(a) applying for a grant under ~~[this chapter]~~ Subsection 63N-4-802(4)(a);

(b) what projects should be funded by grant money provided to a rural county under ~~[this chapter]~~ Subsection 63N-4-802(4)(a); and

(c) preparing reporting requirements for grant money received by a rural county under ~~[this chapter]~~ Subsection 63N-4-802(4)(a).

Section ~~{64}~~65. Section **63N-4-804** is enacted to read:

### **63N-4-804. Rural Opportunity Advisory Committee.**

(1) There is created within the office the Rural Opportunity Advisory Committee.

(2) The advisory committee shall be composed of seven members appointed by the executive director, at least five of whom shall reside in a rural county.

(3) The advisory committee shall advise and make recommendations to the office regarding the awarding of grants and loans under the Rural Opportunity Program.

(4) (a) Subject to Subsection (4)(b), each member of the advisory committee shall be appointed for a four-year term unless a member is appointed to complete an unexpired term.

(b) The executive director may adjust the length of term at the time of appointment or reappointment so that approximately half of the advisory committee is appointed every two years.

(5) The advisory committee shall annually elect a chair from among the advisory committee's members.

(6) A majority of the advisory committee constitutes a quorum for the purpose of conducting advisory committee business and the action of a majority of a quorum constitutes the action of the advisory committee.

(7) The office shall provide staff support for the advisory committee.

(8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

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(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section ~~65~~66. Section **63N-4-805** is enacted to read:

### **63N-4-805. Rural Opportunity Fund.**

(1) There is created ~~fa restricted account within the General Fund~~an enterprise fund known as the "Rural Opportunity Fund".

(2) The fund shall be administered by the office for the purposes described in Subsection (5).

(3) The fund consists of:

(a) money appropriated by the Legislature;

(b) donations or grants from public or private entities; and

(c) all money collected from the repayment of fund money used for a loan issued under the Rural Opportunity Program.

(4) (a) The fund shall earn interest.

(b) All interest earned on money in the fund shall be deposited into the fund.

(5) Money in the fund may only be used by the office to:

(a) award grants and loans under the Rural Opportunity Program;

(b) award grants under the Rural Employment Expansion Program created in Section 63N-4-403;

(c) award grants under the Rural Coworking and Innovation Center Grant Program created in Section 63N-4-503; and

(d) pay for administrative costs related to this chapter.

(6) The office may establish separate accounts in the fund for separate programs, administrative and operating expenses, or any other purpose to implement this chapter.

(7) Money in the fund shall be invested by the state treasurer as provided in Title 51, Chapter 7, State Money Management Act, and the earnings from the investments shall be credited to the fund.

(8) The office shall include a report of how money from the fund was used in the annual written report described in Section 63N-1a-306.

Section ~~66~~67. Section **63N-6-301** is amended to read:

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### **63N-6-301. Utah Capital Investment Corporation -- Powers and purposes -- Reporting requirements.**

(1) (a) There is created an independent quasi-public nonprofit corporation known as the Utah Capital Investment Corporation.

(b) The corporation:

(i) may exercise all powers conferred on independent corporations under Section 63E-2-106;

(ii) is subject to the prohibited participation provisions of Section 63E-2-107; and

(iii) is subject to the other provisions of Title 63E, Chapter 2, Independent Corporations Act, except as otherwise provided in this part.

(c) The corporation shall file with the Division of Corporations and Commercial Code:

(i) articles of incorporation; and

(ii) any amendment to its articles of incorporation.

(d) In addition to the articles of incorporation, the corporation may adopt bylaws and operational policies that are consistent with this chapter.

(e) Except as otherwise provided in this part, this part does not exempt the corporation from the requirements under state law which apply to other corporations organized under Title 63E, Chapter 2, Independent Corporations Act.

(2) The purposes of the corporation are to:

(a) organize the Utah fund of funds;

(b) select an investment fund allocation manager to make venture capital and private equity fund investments by the Utah fund of funds;

(c) negotiate the terms of a contract with the investment fund allocation manager;

(d) execute the contract with the selected investment fund manager on behalf of the Utah fund of funds;

(e) receive funds paid by designated investors for the issuance of certificates by the board for private investment in the Utah fund of funds;

(f) receive investment returns from the Utah fund of funds; and

(g) establish the redemption reserve to be used by the corporation to:

(i) redeem certificates; and

(ii) provide money for the state as directed by statute.

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(3) The corporation may not:

(a) exercise governmental functions;

(b) have members;

(c) pledge the credit or taxing power of the state or any political subdivision of the state; or

(d) make its debts payable out of any money except money of the corporation.

(4) The obligations of the corporation are not obligations of the state or any political subdivision of the state within the meaning of any constitutional or statutory debt limitations, but are obligations of the corporation payable solely and only from the corporation's funds.

(5) The corporation may:

(a) engage consultants and legal counsel;

(b) expend funds;

(c) invest funds;

(d) issue debt and equity, and borrow funds;

(e) enter into contracts;

(f) insure against loss;

(g) hire employees; and

(h) perform any other act necessary to carry out its purposes.

(6) (a) The corporation shall, in consultation with the board, publish on or before September 1 an annual report of the activities conducted by the Utah fund of funds and submit, in accordance with Section 68-3-14, the written report to:

(i) the governor;

(ii) the Business, Economic Development, and Labor Appropriations Subcommittee;

(iii) the Business and Labor Interim Committee; and

(iv) the Retirement and Independent Entities Interim Committee.

(b) The annual report shall:

(i) be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature;

(ii) include a copy of the audit of the Utah fund of funds described in Section 63N-6-405;

(iii) include a detailed balance sheet, revenue and expenses statement, and cash flow

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statement;

(iv) include detailed information regarding new fund commitments made during the year, including the amount of money committed;

(v) include the net rate of return of the Utah fund of funds from the inception of the Utah fund of funds, after accounting for all expenses, including administrative and financing costs;

(vi) include detailed information regarding:

(A) realized gains from investments and any realized losses; and

(B) unrealized gains and any unrealized losses based on the net present value of ongoing investments;

(vii) include detailed information regarding all yearly expenditures, including:

(A) administrative, operating, and financing costs;

(B) aggregate compensation information for full- and part-time employees, including benefit and travel expenses; and

(C) expenses related to the allocation manager;

(viii) include detailed information regarding all funding sources for administrative, operations, and financing expenses, including expenses charged by or to the Utah fund of funds, including management and placement fees;

(ix) review the progress of the investment fund allocation manager in implementing its investment plan and provide a general description of the investment plan;

(x) for each individual fund that the Utah fund of funds is invested in that represents at least 5% of the net assets of the Utah fund of funds, include the name of the fund, the total value of the fund, the fair market value of the Utah fund of funds' investment in the fund, and the percentage of the total value of the fund held by the Utah fund of funds;

(xi) include the number of companies in Utah where an investment was made from a fund that the Utah fund of funds is invested in, and provide an aggregate count of new full-time employees in the state added by all companies where investments were made by funds that the Utah fund of funds is invested in;

(xii) include an aggregate total value for all funds the Utah fund of funds is invested in, and an aggregate total amount of money invested in the state by the funds the Utah fund of funds is invested in;

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(xiii) describe any redemption or transfer of a certificate issued under this part;

(xiv) include actual and estimated potential appropriations the Legislature will be required to provide as a result of redeemed certificates or tax credits during the following five years;

(xv) include an evaluation of the state's progress in accomplishing the purposes stated in Section 63N-6-102; and

(xvi) be directly accessible to the public via a link from the main page of the Utah fund of fund's website.

(c) The annual report may not identify a specific designated investor who has redeemed or transferred a certificate.

(7) (a) On or before December 1, 2021, the corporation shall provide a written report to the president of the Senate and the speaker of the House of Representatives that includes a detailed plan, time line, and recommendations for the future of the corporation.

(b) The plan shall include recommendations describing:

(i) the divestment of the state from any future liability of the corporation and a time line for realizing gains and winding down all investments from the current Utah fund of funds;

(ii) any plans that the corporation has to raise capital for a fund similar to the current Utah fund of funds that does not require certificates, contingent tax credits, or other guarantees from the state to be provided to equity investors;

(iii) whether the corporation should continue as an independent quasi-public nonprofit corporation under Title 63E, Chapter 2, Independent Corporations Act;

(iv) if the corporation recommends continuing as an independent quasi-public nonprofit corporation, why the corporation should continue, and what benefits the corporation will provide to the state in terms of economic development, job growth, or other benefits;

(v) whether the corporation should be liquidated or dissolved under Section ~~63N-3-306~~ 63N-6-306;

(vi) if the corporation recommends that the corporation be liquidated or dissolved, a detailed plan and time line for dissolution that includes recommendations regarding how assets and realized gains of the corporation should be distributed;

(vii) whether the corporation should be privatized in accordance with Title 63E, Chapter 1, Part 4, Privatization of Independent Entities; and

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(viii) if the corporation recommends that the corporation be privatized, a detailed plan and time line for privatization that includes recommendations regarding the distribution of assets and realized gains of the corporation.

(8) In relation to the written report described in Subsection (7), the corporation:

(a) may seek potential commitments through letters of intent or other means to demonstrate the viability of raising capital for a new fund as described in Subsection (7)(b)(ii); and

(b) may not enter into any binding commitments related to a new fund as described in Subsection (7)(b)(ii), unless the corporation receives specific authorization through legislation passed by the Legislature after the report described in Subsection (7) is provided.

Section ~~{67}~~68. Section 63N-7-101 is repealed and reenacted to read:

### CHAPTER 7. UTAH OFFICE OF TOURISM

#### Part 1. General Provisions

##### **63N-7-101. Definitions.**

As used in this chapter:

(1) "Board" means the Board of Tourism Development created in Section 63N-7-201.

(2) "Managing director" means the managing director of the Utah Office of Tourism.

(3) "Sports organization" means an organization that:

(a) is exempt from federal income taxation in accordance with Section 501(c)(3),

Internal Revenue Code;

(b) maintains the organization's principal location in the state;

(c) has a minimum of 15 years experience in the state hosting, fostering, and attracting major summer and winter sporting events statewide; and

(d) was created to foster state, regional, national, and international sports competitions in the state, to drive the state's Olympic and sports legacy, including competitions related to Olympic sports, and to promote and encourage sports tourism throughout the state, including advertising, marketing, branding, and promoting the state for the purpose of attracting sporting events in the state.

(4) "Tourism office" means the Utah Office of Tourism created in Section 63N-7-102.

Section ~~{68}~~69. Section 63N-7-102 is repealed and reenacted to read:

**63N-7-102. Utah Office of Tourism created -- Appointment of managing director**

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### -- Responsibilities of tourism office.

- (1) There is created within the GO Utah office the Utah Office of Tourism.
- (2) (a) The executive director shall appoint a managing director of the tourism office.
  - (b) The managing director may, with the approval of the executive director, appoint staff.
- (3) The tourism office shall:
  - (a) be the tourism development authority of the state;
  - (b) develop a tourism advertising, marketing, branding, destination development, and destination management program for the state;
  - (c) receive approval from the board under Subsection 63N-7-202(1)(a) before implementing the program described in Subsection (3)(b);
  - (d) develop a plan to increase the economic contribution by tourists visiting the state;
  - (e) plan and conduct a program of information, advertising, and publicity relating to the recreational, scenic, historic, cultural, and culinary tourist ~~{advantages and }~~ attractions, amenities, and advantages of the state at large;
  - (f) encourage and assist in the coordination of the activities of persons, firms, associations, corporations, travel regions, counties, and governmental agencies engaged in publicizing, developing, and promoting the ~~{scenic}~~ tourist attractions, amenities, and ~~{tourist}~~ advantages of the state;
  - (g) conduct a regular and ongoing research program to identify statewide economic trends and conditions in the tourism sector of the economy; and
  - (h) ensure that any plan or program developed under this Subsection (3) addresses, but not be limited to, the following policies:
    - (i) enhancing the state's image;
    - (ii) promoting the state as a year-round destination;
    - (iii) encouraging expenditures by visitors to the state; and
    - (iv) expanding the markets where the state is promoted.

Section ~~{69}~~70. Section **63N-7-103** is repealed and reenacted to read:

#### **63N-7-103. Annual report.**

The executive director shall include, in the annual written report described in Section 63N-1a-306, a report from the managing director on the activities of the tourism office,



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including information regarding the economic efficiency and results of the tourism advertising and branding campaigns conducted, marketing, branding, destination development, and destination management program developed under Section 63N-7-102.

Section ~~{70}~~71. Section 63N-7-104 is enacted to read:

### **63N-7-104. Agreements with other governmental entities.**

The tourism office may enter into agreements with state or federal agencies to accept services, quarters, or facilities as a contribution in carrying out the duties and functions of the tourism office.

Section ~~{71}~~72. Section 63N-7-201 is repealed and reenacted to read:

### **Part 2. Board of Tourism Development**

#### **63N-7-201. Board of Tourism created -- Members -- Meetings -- Expenses.**

(1) There is created within the tourism office the Board of Tourism Development.

(2) (a) The board shall consist of 15 members appointed by the governor to four-year terms with the advice and consent of the Senate.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(3) The members may not serve more than two full consecutive terms unless the governor determines that an additional term is in the best interest of the state.

(4) Not more than eight members of the board may be from the same political party.

(5) (a) The members shall be representative of:

(i) all areas of the state with six being appointed from separate geographical areas as provided in Subsection (5)(b); and

(ii) a diverse mix of business ownership or executive management of tourism related industries.

(b) The geographical representatives shall be appointed as follows:

(i) one member from Salt Lake, Tooele, or Morgan County;

(ii) one member from Davis, Weber, Box Elder, Cache, or Rich County;

(iii) one member from Utah, Summit, Juab, or Wasatch County;

(iv) one member from Carbon, Emery, Grand, Duchesne, Daggett, or Uintah County;

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(v) one member from San Juan, Piute, Wayne, Garfield, or Kane County; and

(vi) one member from Washington, Iron, Beaver, Sanpete, Sevier, or Millard County.

(c) The tourism industry representatives of ownership or executive management shall be appointed as follows:

(i) one member from ownership or executive management of the lodging industry, as recommended by the ~~lodging~~tourism industry for the governor's consideration;

(ii) one member from ownership or executive management of the restaurant industry, as recommended by the restaurant industry for the governor's consideration;

(iii) one member from ownership or executive management of the ski industry, as recommended by the ski industry for the governor's consideration; and

(iv) one member from ownership or executive management of a tourism-related transportation provider, as recommended by the tourism industry for the governor's consideration.

(d) One member shall be appointed at large from ownership or executive management of business, finance, economic policy, or the academic media marketing community.

(e) One member shall be appointed from the Utah Tourism Industry Association, as recommended by the association for the governor's consideration.

(f) One member shall be appointed to represent the state's counties, as recommended by the Utah Association of Counties for the governor's consideration.

(g) One member shall be appointed from an arts and cultural organization, as recommended by the arts and cultural community for the governor's consideration.

(h) One member shall be appointed to represent the outdoor recreation industry, as recommended by the outdoor recreation industry for the governor's consideration.

(i) (i) The governor may choose to disregard a recommendation made for the board members described in Subsections (5)(c), (e), and (f) through (h).

(ii) The governor shall request additional recommendations if recommendations are disregarded under Subsection (5)(i)(i).

(6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term from the same geographic area or industry representation as the member whose office was vacated.

(7) Eight members of the board constitute a quorum for conducting board business and

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exercising board powers.

(8) The governor shall select one of the board members as chair and one of the board members as vice chair, each for a four-year term as recommended by the board for the governor's consideration.

(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(10) The board shall meet monthly or as often as the board determines to be necessary at various locations throughout the state.

(11) Members who may have a potential conflict of interest in consideration of fund allocation decisions shall identify the potential conflict prior to voting on the issue.

(12) (a) The board shall determine attendance requirements for maintaining a designated board seat.

(b) If a board member fails to attend according to the requirements established pursuant to Subsection (12)(a), the board member shall be replaced upon written certification from the board chair or vice chair to the governor.

(c) A replacement appointed by the governor under Subsection (12)(b) shall serve for the remainder of the board member's unexpired term.

(13) (a) The board's office shall be in Salt Lake City.

(b) The tourism office shall provide staff support to the board.

Section ~~{72}~~73. Section **63N-7-202** is repealed and reenacted to read:

### **63N-7-202. Board duties.**

(1) The board shall:

(a) approve a tourism program of out-of-state advertising, marketing, and branding, taking into account the long-term strategic plan, economic trends, and opportunities for tourism development on a statewide basis, as a condition of the distribution of funds to the tourism office from:

(i) the Tourism Marketing Performance Account created in Section 63N-7-301; and

(ii) the Stay Another Day and Bounce Back Account created in Section 63N-2-511;

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(b) review tourism office programs to coordinate and integrate advertising and branding themes, which may include recreational, scenic, historic, ~~cultural~~, and ~~culinary~~ tourist attractions, ~~amenities, and advantages~~ of the state, to be used in tourism office programs;

(c) encourage and assist in coordinating activities of persons, firms, associations, corporations, civic groups, and governmental agencies that are engaged in publicizing, developing, and promoting the ~~scenic~~ tourist attractions, ~~amenities~~, and ~~tourist~~ advantages of the state;

(d) advise the tourism office in establishing a cooperative program using funds from the Tourism Marketing Performance Account created in Section 63N-7-301; and

(e) advise the tourism office on the tourism office's planning, policies, and strategies and on trends and opportunities for tourism development that may exist in the various areas of the state.

(2) The board may:

(a) solicit and accept contributions of money, services, and facilities from any other sources, whether public or private, and shall use these funds for promoting the general interest of the state in tourism; and

(b) establish subcommittees for the purpose of assisting the board in an advisory role.

(3) The board may not, except as otherwise provided under Subsection (1)(a), make policy related to the management or operation of the tourism office.

Section ~~73~~74. Section 63N-7-301 is amended to read:

### **63N-7-301. Tourism Marketing Performance Account.**

(1) There is created within the General Fund a restricted account known as the Tourism Marketing Performance Account.

(2) The account shall be administered by ~~[GOED]~~ the tourism office for the purposes listed in ~~[Subsection (5)]~~ Subsections (6) through (8).

(3) (a) The account shall earn interest.

(b) All interest earned on account money shall be deposited into the account.

(4) The account shall be funded by appropriations made to the account by the Legislature in accordance with this section.

(5) The ~~[executive]~~ managing director ~~[of GOED's Office of Tourism]~~ shall use account money appropriated to ~~[GOED]~~ the tourism office to pay for the statewide advertising,

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marketing, and branding campaign for promotion of the state as conducted by ~~[GOED]~~ the tourism office.

(6) (a) For each fiscal year ~~[beginning on or after July 1, 2007, GOED]~~, the tourism office shall annually allocate 10% of the account money appropriated to ~~[GOED]~~ the tourism office to a sports organization for advertising, marketing, branding, and promoting Utah in attracting sporting events into the state.

(b) The sports organization shall:

(i) provide an annual written report to ~~[GOED]~~ the tourism office that gives an accounting of the use of funds the sports organization receives under this Subsection (6); and

(ii) promote the state and encourage economic growth in the state.

~~[(c) For purposes of this Subsection (6), "sports organization" means an organization that:]~~

~~[(i) is exempt from federal income taxation in accordance with Section 501(c)(3), Internal Revenue Code;]~~

~~[(ii) maintains its principal location in the state;]~~

~~[(iii) has a minimum of 15 years experience in the state hosting, fostering, and attracting major summer and winter sporting events statewide; and]~~

~~[(iv) was created to foster state, regional, national, and international sports competitions in the state, to drive the state's Olympic and sports legacy, including competitions related to Olympic sports, and to promote and encourage sports tourism throughout the state, including advertising, marketing, branding, and promoting the state for the purpose of attracting sporting events in the state.]]~~

(7) Money deposited into the account shall include a legislative appropriation from the cumulative sales and use tax revenue increases described in Subsection (8), plus any additional appropriation made by the Legislature.

(8) (a) In fiscal years 2006 through 2019, a portion of the state sales and use tax revenues determined under this Subsection (8) shall be certified by the State Tax Commission as a set-aside for the account, and the State Tax Commission shall report the amount of the set-aside to the office, the Office of Legislative Fiscal Analyst, and the Division of Finance, which shall set aside the certified amount for appropriation to the account.

(b) For fiscal years 2016 through 2019, the State Tax Commission shall calculate the

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set-aside under this Subsection (8) in each fiscal year by applying one of the following formulas: if the annual percentage change in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the fiscal year two years before the fiscal year in which the set-aside is to be made is:

(i) greater than 3%, and if the annual percentage change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made to the fiscal year two years before the fiscal year in which the set-aside is to be made is greater than the annual percentage change in the Consumer Price Index for the fiscal year two years before the fiscal year in which the set-aside is to be made, then the difference between the annual percentage change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services and the annual percentage change in the Consumer Price Index shall be multiplied by an amount equal to the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made; or

(ii) 3% or less, and if the annual percentage change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made to the fiscal year two years before the fiscal year in which the set-aside is to be made is greater than 3%, then the difference between the annual percentage change in the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services and 3% shall be multiplied by an amount equal to the state sales and use tax revenues attributable to the retail sales of tourist-oriented goods and services from the fiscal year three years before the fiscal year in which the set-aside is to be made.

(c) The total money appropriated to the account in a fiscal year under Subsections (8)(a) and (b) may not exceed the amount appropriated to the account in the preceding fiscal year by more than \$3,000,000.

(d) As used in this Subsection (8), "state sales and use tax revenues" are revenues collected under Subsections 59-12-103(2)(a)(i)(A) and 59-12-103(2)(c)(i).

(e) As used in this Subsection (8), "retail sales of tourist-oriented goods and services" are calculated by adding the following percentages of sales from each business registered with

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the State Tax Commission under one of the following codes of the 2012 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget:

(i) 80% of the sales from each business under NAICS Codes:

(A) 532111 Passenger Car Rental;

(B) 53212 Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing;

(C) 5615 Travel Arrangement and Reservation Services;

(D) 7211 Traveler Accommodation; and

(E) 7212 RV (Recreational Vehicle) Parks and Recreational Camps;

(ii) 25% of the sales from each business under NAICS Codes:

(A) 51213 Motion Picture and Video Exhibition;

(B) 532292 Recreational Goods Rental;

(C) 711 Performing Arts, Spectator Sports, and Related Industries;

(D) 712 Museums, Historical Sites, and Similar Institutions; and

(E) 713 Amusement, Gambling, and Recreation Industries;

(iii) 20% of the sales from each business under NAICS Code 722 Food Services and Drinking Places;

(iv) 18% of the sales from each business under NAICS Codes:

(A) 447 Gasoline Stations; and

(B) 81293 Parking Lots and Garages;

(v) 14% of the sales from each business under NAICS Code 8111 Automotive Repair and Maintenance; and

(vi) 5% of the sales from each business under NAICS Codes:

(A) 445 Food and Beverage Stores;

(B) 446 Health and Personal Care Stores;

(C) 448 Clothing and Clothing Accessories Stores;

(D) 451 Sporting Goods, Hobby, Musical Instrument, and Book Stores;

(E) 452 General Merchandise Stores; and

(F) 453 Miscellaneous Store Retailers.

(9) (a) For each fiscal year, the tourism office shall allocate 20% of the funds appropriated to the Tourism Marketing and Performance Account to the cooperative program

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described in this Subsection (9).

(b) Money allocated to the cooperative program may be awarded to cities, counties, nonprofit destination marketing organizations, and similar public entities for the purpose of supplementing money committed by these entities for advertising and promoting sites and events in the state.

(c) The tourism office shall establish:

(i) an application and approval process for an entity to receive a cooperative program award, including an application deadline;

(ii) the criteria for awarding a cooperative program award, which shall emphasize attracting out-of-state visitors, and may include attracting in-state visitors, to sites and events in the state; and

(iii) eligibility, advertising, timing, and reporting requirements of an entity that receives a cooperative program award.

(d) Money allocated to the cooperative program that is not used in each fiscal year shall be returned to the Tourism Marketing Performance Account.

Section ~~{74}~~75. Section **63N-19-101** is enacted to read:

### **CHAPTER 19. CENTER FOR INTERNATIONAL BUSINESS AND DIPLOMACY**

#### **63N-19-101. Definitions.**

As used in this chapter, "center" means the Center for International Business and Diplomacy created in Section 63N-19-103.

Section ~~{75}~~76. Section **63N-19-102** is enacted to read:

#### **63N-19-102. Purpose.**

The Legislature finds and declares that fostering and developing international economic and diplomatic opportunities is a state public purpose necessary to assure the welfare of Utah's citizens, the growth of Utah's economy, and adequate employment for Utah's citizens.

Section ~~{76}~~77. Section **63N-19-103** is enacted to read:

#### **63N-19-103. Creation of Center for International Business and Diplomacy -- Duties -- Rulemaking.**

(1) There is created within the office the Center for International Business and Diplomacy.

(2) The center shall:



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(a) foster and support efforts to enhance international economic and diplomatic opportunities in the state;

(b) provide outreach and information to businesses that could benefit from international partnerships and business opportunities;

(c) coordinate with the Legislature to accommodate diplomatic visits to the state; and

(d) enter into agreements with appropriate public and private sector entities, individuals, and institutions to support the center's diplomacy efforts.

(3) The center may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules necessary to carry out the center's responsibilities under this chapter.

Section ~~{77}~~78. Section **63N-19-104** is enacted to read:

### **63N-19-104. Annual report.**

The center shall include in the annual written report described in Section 63N-1a-306, a report of the center's operations, including:

(1) the number of businesses that received assistance in utilizing international services;

(2) a description of diplomatic visits to the state; and

(3) recommendations regarding changes that would improve the center.

Section ~~{78. Section 72-17-101, which is renumbered from Section 63N-17-102 is renumbered and amended to read:~~

## ~~CHAPTER 17. UTAH BROADBAND CENTER AND ACCESS ACT~~

### ~~Part 1. General Provisions~~

~~———— [63N-17-102]. ———— 72-17-101. Definitions.~~

~~———— As used in this chapter:~~

~~———— (1) "Broadband center" means the Utah Broadband Center created in Section [63N-17-201] 72-17-201.~~

~~———— (2) "Eligible applicant" means:~~

~~———— (a) a telecommunications provider or an Internet service provider;~~

~~———— (b) a local government entity and one or more private entities, collectively, who are parties to a public-private partnership established for the purpose of expanding affordable broadband access in the state; or~~

~~———— (c) a tribal government.~~

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~~—— (3) "Public-private partnership" means an arrangement or agreement between a government entity and one or more private persons to fund and provide for a public need through the development or operation of a public project in which the private person or persons share with the government entity the responsibility or risk of developing, owning, maintaining, financing, or operating the project.~~

~~—— (4) "Underserved area" means an area of the state that is underserved in terms of the area's access to broadband service, as further defined by rule made by the broadband center.~~

~~—— (5) "Unserved area" means an area of the state that is rural and unserved in terms of the area's access to broadband service, as further defined by rule made by the broadband center.~~

~~—— Section 79. Section 72-17-201, which is renumbered from Section 63N-17-201 is renumbered and amended to read:~~

### ~~Part 2. Utah Broadband Center~~

~~—— [63N-17-201]. 72-17-201. Utah Broadband Center -- Creation -- Director --~~

#### ~~Duties:~~

~~—— (1) There is created within the [office] department the Utah Broadband Center.~~

~~—— (2) The executive director shall appoint a director of the broadband center to oversee the operations of the broadband center.~~

~~—— (3) The broadband center shall:~~

~~—— (a) ensure that publicly funded broadband projects continue to be publicly accessible and provide a public benefit;~~

~~—— (b) develop a statewide digital connectivity plan;~~

~~—— (c) carry out the duties described in Section [63N-17-202] 72-17-202; and~~

~~—— (d) administer the Broadband Access Grant Program in accordance with Part 3, Broadband Access Grant Program.~~

~~—— Section 80. Section 72-17-202, which is renumbered from Section 63N-17-202 is renumbered and amended to read:~~

~~—— [63N-17-202]. 72-17-202. Infrastructure and broadband coordination.~~

~~—— (1) The broadband center shall partner with the Utah Geospatial Resource Center created in Section 63A-16-505 to collect and maintain a database and interactive map that displays economic development data statewide, including:~~

~~—— (a) voluntarily submitted broadband availability, speeds, and other broadband data;~~

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- ~~—— (b) voluntarily submitted public utility data;~~
- ~~—— (c) workforce data, including information regarding:~~
  - ~~—— (i) enterprise zones designated by the Governor's Office of Economic Opportunity under Section 63N-2-206;~~
  - ~~—— (ii) public institutions of higher education; and~~
  - ~~—— (iii) procurement technical assistance centers;~~
  - ~~—— (d) transportation data, which may include information regarding railway routes, commuter rail routes, airport locations, and major highways;~~
  - ~~—— (e) lifestyle data, which may include information regarding state parks, national parks and monuments, United States Forest Service boundaries, ski areas, golf courses, and hospitals; and~~
  - ~~—— (f) other relevant economic development data as determined by the [office] department, including data provided by partner organizations.~~
- ~~—— (2) The broadband center may:~~
  - ~~—— (a) make recommendations to state and federal agencies, local governments, the governor, and the Legislature regarding policies and initiatives that promote the development of broadband-related infrastructure in the state and help implement those policies and initiatives;~~
  - ~~—— (b) facilitate coordination between broadband providers and public and private entities;~~
  - ~~—— (c) collect and analyze data on broadband availability and usage in the state, including Internet speed, capacity, the number of unique visitors, and the availability of broadband infrastructure throughout the state;~~
  - ~~—— (d) create a voluntary broadband advisory committee, which shall include broadband providers and other public and private stakeholders, to solicit input on broadband-related policy guidance, best practices, and adoption strategies;~~
  - ~~—— (e) work with broadband providers, state and local governments, and other public and private stakeholders to facilitate and encourage the expansion and maintenance of broadband infrastructure throughout the state; and~~
  - ~~—— (f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, and in accordance with federal requirements:~~
    - ~~—— (i) apply for federal grants;~~

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~~—— (ii) participate in federal programs; and~~

~~—— (iii) administer federally funded broadband-related programs.~~

~~—— Section 81. Section ~~72-17-301~~, which is renumbered from Section 63N-17-301 is renumbered and amended to read:~~

### ~~Part 3. Broadband Access Grant Program~~

~~—— [63N-17-301]. 72-17-301. Creation of Broadband Access Grant Program.~~

~~—— (1) There is established a grant program known as the Broadband Access Grant Program that is administered by the broadband center in accordance with this part.~~

~~—— (2) (a) The broadband center may award a grant under this part to an eligible applicant who submits to the broadband center an application that includes a proposed project to extend broadband service to individuals and businesses in an unserved area or an underserved area by providing last-mile connections to end users.~~

~~—— (b) Subsection (2)(a) does not prohibit the broadband center from awarding a grant for a proposed project that also includes middle-mile elements that are necessary for the last-mile connections.~~

~~—— (3) In awarding grants under this part, the broadband center shall:~~

~~—— (a) based on the following criteria and in the order provided, prioritize proposed projects:~~

~~—— (i) located in unserved areas;~~

~~—— (ii) located in underserved areas;~~

~~—— (iii) (A) that the eligible applicant developed after meaningful engagement with the impacted community to identify the community's needs and innovative means of providing a public benefit that addresses the community's needs; and~~

~~—— (B) that include, as a component of the proposed project, a long-term public benefit to the impacted community developed in response to the eligible applicant's engagement with the community;~~

~~—— (iv) located in an economically distressed area of the state, as measured by indices of unemployment, poverty, or population loss;~~

~~—— (v) that make the greatest investment in last-mile connections;~~

~~—— (vi) that provide higher speed broadband access to end users; and~~

~~—— (vii) for which the eligible applicant provides at least 25% of the money needed for the~~

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~~proposed project, with higher priority to proposed projects for which the eligible applicant provides a greater percentage of the money needed for the proposed project, and~~

~~—— (b) consider the impact of available funding for the proposed project from other sources, including money from matching federal grant programs:~~

~~—— (4) The broadband center may not award a grant under this part that exceeds \$7,500,000.~~

~~—— (5) For a project that the eligible applicant cannot complete in a single fiscal year, the broadband center may distribute grant proceeds for the project over the course of the project's construction:~~

~~—— (6) In awarding grants under this part, the broadband center shall ensure that grant funds are not used in a manner that causes competition among projects that are substantially supported by state funds, as determined in accordance with rule made by the broadband center:~~

~~—— (7) As provided in and subject to the requirements of Title 63G, Chapter 2, Government Records Access and Management Act, a record submitted to the broadband center that contains a trade secret or confidential commercial information described in Subsection 63G-2-305(2) is a protected record.~~

~~—— Section 82. Section ~~72-17-302~~, which is renumbered from Section 63N-17-302 is renumbered and amended to read:~~

~~—— ~~[63N-17-302].~~ 72-17-302. Duties of the broadband center.~~

~~—— (1) The broadband center shall:~~

~~—— (a) establish an application process by which an eligible applicant may apply for a grant under this part, which application shall include:~~

~~—— (i) a declaration, signed under penalty of perjury, that the application is complete, true, and correct, and~~

~~—— (ii) an acknowledgment that the eligible applicant is subject to audit;~~

~~—— (b) establish a method for the broadband center to determine which eligible applicants qualify to receive a grant;~~

~~—— (c) establish a formula to award grant funds; and~~

~~—— (d) report the information described in Subsections (1)(a) through (c) to the director of the Division of Finance:~~

~~—— (2) Subject to appropriation, the broadband center shall:~~

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- ~~— (a) collect applications for grant funds from eligible applicants;~~
- ~~— (b) determine which applicants qualify for receiving a grant; and~~
- ~~— (c) award the grant funds in accordance with the process established under Subsection (1) and in accordance with Section [63N-17-301] 72-17-301.~~
- ~~— (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the broadband center may make rules to administer the grant program.~~

### ~~Section 83}~~ 79. **Repealer.**

This bill repeals:

Section 17-54-101, Title.

Section 17-54-102, Definitions.

Section 17-54-103, Rural County Grant Program.

Section 53B-1-114, Coordination for education.

Section 53B-1-407, Industry advisory council.

Section 63N-4-201, Title.

Section 63N-4-202, Definitions.

Section 63N-4-203, Board authority to award a grant or loan to an eligible county -- Interest on a loan -- Eligible county proposal process -- Process for awarding a grant or loan.

Section 63N-4-204, Agreement between the executive director and an eligible county -- Failure to meet or violation of a term or condition of an agreement.

Section 63N-4-205, Report on amount of grants and loans, projects, and outstanding debt.

Section 63N-4-601, Title.

Section 63N-4-602, Definitions.

Section 63N-4-603, Creation and purpose of the Rural Rapid Manufacturing Grant Program.

Section 63N-4-604, Requirements for awarding a grant.

Section 63N-4-701, Title.

Section 63N-4-702, Definitions.

Section 63N-4-703, Creation and purpose of the Rural Speculative Industrial Building Program.

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Section 63N-4-704, Requirements for entering into a lease.

Section 63N-10-101, Title.

~~{~~ ~~Section 63N-17-101, Title.~~

~~}~~ Section ~~{84}~~ 80. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

### ITEM 1

To Governor's Office of Economic Opportunity - Rural Coworking and Innovation Center Grant Program

From General Fund (\$750,000)

Schedule of Programs:

Rural Coworking and Innovation Center

Grant Program (\$750,000)

### ITEM 2

To Governor's Office of Economic Opportunity - Rural Employment Expansion Program

From General Fund (\$1,500,000)

Schedule of Programs:

Rural Employment Expansion Program (\$1,500,000)

### ITEM 3

To ~~{GFR}~~ ~~Governor's Office of Economic Opportunity~~ - Rural Opportunity Fund

From General Fund \$2,250,000

Schedule of Programs:

Rural Opportunity Fund \$2,250,000

Section ~~{85}~~ 81. **Effective date.**

This bill takes effect on July 1, 2022.

**Section 82. Coordinating H.B. 333 with H.B. 35 -- Substantive amendment.**

**If this H.B. 333 and H.B. 35, Economic Development Modifications, both pass and**

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become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel on July 1, 2022, prepare the Utah Code database for publication by amending Subsection 63N-2-104.1(2)(b) in H.B. 35 to read:

"(b) the business entity has not claimed a High Cost Infrastructure Development Tax Credit under Section 79-6-603 for the same new commercial project, if the new commercial project is located within a county of the first or second class."

### Section 83. Coordinating H.B. 333 with S.B. 91 -- Superseding amendment.

If this H.B. 333 and S.B. 91, Revisor's Technical Corrections to Utah Code, both pass and become law, on July 1, 2022, it is the intent of the Legislature that the amendments to Section 63N-7-301 in this bill supersede the amendments to Section 63N-7-301 in S.B. 91 when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.