

## SB0084S02 compared with SB0084

~~deleted text~~ shows text that was in SB0084 but was deleted in SB0084S02.

inserted text shows text that was not in SB0084 but was inserted into SB0084S02.

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

Senator Kirk A. Cullimore proposes the following substitute bill:

### GOVERNOR'S OFFICE OF ECONOMIC OPPORTUNITY

#### AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor:** ~~{}~~ Kirk A. Cullimore

House Sponsor: ~~{}~~ \_\_\_\_\_

---

---

#### LONG TITLE

##### General Description:

This bill modifies provisions related to the Governor's Office of Economic Opportunity.

##### Highlighted Provisions:

This bill:

- ▶ revises definitions;
- ▶ replaces the term "Go Utah" with the term "GOEO";
- ▶ modifies the membership of the Governor's Office of Economic Opportunity board;
- ▶ modifies ~~{the membership and duties of}~~ provisions regarding the Unified Economic Opportunity Commission;
- ▶ modifies provisions about the purpose of the Economic Opportunity Act;

## **SB0084S02 compared with SB0084**

- ▶ modifies terms describing the Industrial Assistance Account;
- ▶ creates a procurement exception for the Office of Tourism;
- ▶ aligns reporting dates;
- ▶ modifies grant programs related to broadband services access;
- ▶ creates the Broadband Equity Access and Deployment Grant Program;
- ▶ creates the Innovation in Artificial Intelligence Grant Pilot Program; and
- ▶ makes technical and conforming changes.

### **Money Appropriated in this Bill:**

None

### **Other Special Clauses:**

None

### **Utah Code Sections Affected:**

#### **AMENDS:**

**53B-7-702**, as last amended by Laws of Utah 2021, Chapters 282, 351 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 187

**53B-7-704**, as last amended by Laws of Utah 2021, Chapter 282

**53B-10-201**, as last amended by Laws of Utah 2022, Chapter 370

**53B-10-203**, as last amended by Laws of Utah 2021, Chapter 282

**59-1-403**, as last amended by Laws of Utah 2023, Chapters 21, 52, 86, 259, and 329

**63G-6a-804**, as last amended by Laws of Utah 2020, Chapter 257

**63I-1-263**, as last amended by Laws of Utah 2023, Chapters 33, 47, 104, 109, 139, 155, 212, 218, 249, 270, 448, 489, and 534

**63N-1a-102**, as last amended by Laws of Utah 2022, Chapters 200, 362

**63N-1a-103**, as enacted by Laws of Utah 2021, Chapter 282

**63N-1a-201**, as last amended by Laws of Utah 2023, Chapter 499

**63N-1a-202**, as last amended by Laws of Utah 2022, Chapters 200, 362

**63N-1a-301**, as last amended by Laws of Utah 2022, Chapters 200, 307

**63N-1a-401**, as renumbered and amended by Laws of Utah 2022, Chapter 362

**63N-1a-402**, as renumbered and amended by Laws of Utah 2022, Chapter 362

**63N-1b-404**, as last amended by Laws of Utah 2023, Chapter 499

**63N-2-104.2**, as enacted by Laws of Utah 2022, Chapter 200

## **SB0084S02 compared with SB0084**

63N-2-107, as last amended by Laws of Utah 2022, Chapter 200  
63N-2-504, as last amended by Laws of Utah 2021, Chapter 282  
63N-2-512, as last amended by Laws of Utah 2023, Chapter 471  
63N-2-808, as last amended by Laws of Utah 2021, Chapter 282  
63N-3-102, as last amended by Laws of Utah 2023, Chapter 499  
63N-3-105, as last amended by Laws of Utah 2023, Chapter 499  
63N-3-106, as last amended by Laws of Utah 2023, Chapter 499  
63N-3-107, as last amended by Laws of Utah 2023, Chapter 499  
63N-3-111, as last amended by Laws of Utah 2023, Chapter 499  
63N-3-112, as last amended by Laws of Utah 2022, Chapter 362  
63N-3-1101, as enacted by Laws of Utah 2022, Chapter 296  
63N-3-1102, as enacted by Laws of Utah 2022, Chapter 296  
63N-4-103, as last amended by Laws of Utah 2022, Chapter 274  
63N-4-104, as last amended by Laws of Utah 2022, Chapter 362  
63N-4-105, as last amended by Laws of Utah 2021, Chapter 282  
63N-7-102, as repealed and reenacted by Laws of Utah 2022, Chapter 362  
63N-8-102, as last amended by Laws of Utah 2023, Chapter 499  
63N-8-103, as last amended by Laws of Utah 2023, Chapter 499  
63N-8-104, as last amended by Laws of Utah 2021, Chapter 282  
63N-13-305, as last amended by Laws of Utah 2022, Chapter 240  
63N-16-301, as enacted by Laws of Utah 2021, Chapter 373  
63N-17-102, as enacted by Laws of Utah 2021, Chapter 282  
63N-17-201, as last amended by Laws of Utah 2022, Chapter 458  
63N-17-202, as last amended by Laws of Utah 2023, Chapter 499  
63N-17-203, as enacted by Laws of Utah 2022, Chapter 458  
63N-17-301, as enacted by Laws of Utah 2021, Chapter 282

### ENACTS:

63N-3-1301, Utah Code Annotated 1953

63N-3-1302, Utah Code Annotated 1953

63N-17-401, Utah Code Annotated 1953

### REPEALS:

## SB0084S02 compared with SB0084

63N-1a-101, as renumbered and amended by Laws of Utah 2021, Chapter 282

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

---

---

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

Section 1. Section **53B-7-702** is amended to read:

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

As used in this part:

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

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

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

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

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

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

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

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

(9) "Performance" means total performance across the metrics described in [~~Sections 53B-7-706 and 53B-7-707~~] Section 53B-7-706.

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

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

(12) "Technical college" means:

## SB0084S02 compared with SB0084

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

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

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

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

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

Section 2. Section **53B-7-704** is amended to read:

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

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

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

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

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

(A) projected number of openings; and

(B) projected rate of growth;

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

(iv) requires postsecondary training.

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

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

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

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

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

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

(3) Based on the targeted jobs described in Subsection (2), the Department of

## SB0084S02 compared with SB0084

Workforce Services shall annually determine the estimated revenue growth from targeted jobs by:

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

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

(ii) using the best available information;

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

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

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

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

(b) the Division of Finance.

Section 3. Section **53B-10-201** is amended to read:

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

As used in this part:

(1) "Award" means a monetary grant awarded in accordance with Section 53B-10-202.

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

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

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

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

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

## SB0084S02 compared with SB0084

(7) "Qualifying job" means a job:

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

(b) (i) that was [~~selected~~] identified in accordance with Section 53B-10-203 at the time a recipient received an award; and

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

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

(C) in which the recipient is working.

(8) "Recipient" means an individual who receives an award.

Section 4. Section **53B-10-203** is amended to read:

### **53B-10-203. Identification of qualifying jobs and qualifying degrees.**

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

(a) five qualifying jobs that:

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

(ii) offer high wages; and

(b) the qualifying degrees for each qualifying job.

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

(a) ensure that each qualifying job:

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

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

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

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

Section 5. Section **59-1-403** is amended to read:

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

(1) As used in this section:

(a) "Distributed tax, fee, or charge" means a tax, fee, or charge:

(i) the commission administers under:

(A) this title, other than a tax under Chapter 12, Part 2, Local Sales and Use Tax Act;

(B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

(C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

## SB0084S02 compared with SB0084

(D) Section 19-6-805;

(E) Section 63H-1-205; or

(F) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges;

and

(ii) with respect to which the commission distributes the revenue collected from the tax, fee, or charge to a qualifying jurisdiction.

(b) "Qualifying jurisdiction" means:

(i) a county, city, town, or metro township;

(ii) the military installation development authority created in Section 63H-1-201; or

(iii) the Utah Inland Port Authority created in Section 11-58-201.

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

(i) a tax commissioner;

(ii) an agent, clerk, or other officer or employee of the commission; or

(iii) a representative, agent, clerk, or other officer or employee of any county, city, or town.

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

(i) in accordance with judicial order;

(ii) on behalf of the commission in any action or proceeding under:

(A) this title; or

(B) other law under which persons are required to file returns with the commission;

(iii) on behalf of the commission in any action or proceeding to which the commission is a party; or

(iv) on behalf of any party to any action or proceeding under this title if the report or facts shown by the return are directly involved in the action or proceeding.

(c) Notwithstanding Subsection (2)(b), a court may require the production of, and may admit in evidence, any portion of a return or of the facts shown by the return, as are specifically pertinent to the action or proceeding.

(3) This section does not prohibit:



## **SB0084S02 compared with SB0084**

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

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

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

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

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

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

(4) (a) Notwithstanding Subsection (2) and for purposes of administration, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for a reciprocal exchange of information with:

(i) the United States Internal Revenue Service; or

(ii) the revenue service of any other state.

(b) Notwithstanding Subsection (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and other written statements with the federal government, any other state, any of the political subdivisions of another state, or any political subdivision of this state, except as limited by Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal government grant substantially similar privileges to this state.

(c) Notwithstanding Subsection (2) and for all taxes except individual income tax and corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for the issuance of information concerning the identity and other information of taxpayers who have failed to file tax returns or to pay any tax due.

(d) Notwithstanding Subsection (2), the commission shall provide to the director of the Division of Environmental Response and Remediation, as defined in Section 19-6-402, as requested by the director of the Division of Environmental Response and Remediation, any records, returns, or other information filed with the commission under Chapter 13, Motor and

## **SB0084S02 compared with SB0084**

Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program participation fee.

(e) Notwithstanding Subsection (2), at the request of any person the commission shall provide that person sales and purchase volume data reported to the commission on a report, return, or other information filed with the commission under:

- (i) Chapter 13, Part 2, Motor Fuel; or
- (ii) Chapter 13, Part 4, Aviation Fuel.

(f) Notwithstanding Subsection (2), upon request from a tobacco product manufacturer, as defined in Section 59-22-202, the commission shall report to the manufacturer:

(i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer and reported to the commission for the previous calendar year under Section 59-14-407; and

(ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the manufacturer for which a tax refund was granted during the previous calendar year under Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

(g) Notwithstanding Subsection (2), the commission shall notify manufacturers, distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

(h) Notwithstanding Subsection (2), the commission may:

(i) provide to the Division of Consumer Protection within the Department of Commerce and the attorney general data:

- (A) reported to the commission under Section 59-14-212; or
- (B) related to a violation under Section 59-14-211; and

(ii) upon request, provide to any person data reported to the commission under Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

(i) Notwithstanding Subsection (2), the commission shall, at the request of a committee of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of Planning and Budget, provide to the committee or office the total amount of revenues collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the time period specified by the committee or office.

(j) Notwithstanding Subsection (2), the commission shall make the directory required

## SB0084S02 compared with SB0084

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

(k) Notwithstanding Subsection (2), the commission may share information with federal, state, or local agencies as provided in Subsection 59-14-606(3).

(l) (i) Notwithstanding Subsection (2), the commission shall provide the Office of Recovery Services within the Department of Health and Human Services any relevant information obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer who has become obligated to the Office of Recovery Services.

(ii) The information described in Subsection (4)(l)(i) may be provided by the Office of Recovery Services to any other state's child support collection agency involved in enforcing that support obligation.

(m) (i) Notwithstanding Subsection (2), upon request from the state court administrator, the commission shall provide to the state court administrator, the name, address, telephone number, county of residence, and social security number on resident returns filed under Chapter 10, Individual Income Tax Act.

(ii) The state court administrator may use the information described in Subsection (4)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

(n) (i) As used in this Subsection (4)(n):

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

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

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

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

(ii) (A) Notwithstanding Subsection (2) and except as provided in Subsection (4)(n)(ii)(B) or (C), the commission shall at the request of [~~the GO Utah office~~] GOEO provide to [~~the GO Utah office~~] GOEO all income tax information.

(B) For purposes of a request for income tax information made under Subsection

## SB0084S02 compared with SB0084

(4)(n)(ii)(A), [~~the GO Utah office~~] GOEO may not request and the commission may not provide to [~~the GO Utah office~~] GOEO a person's address, name, social security number, or taxpayer identification number.

(C) In providing income tax information to [~~the GO Utah office~~] GOEO, the commission shall in all instances protect the privacy of a person as required by Subsection (4)(n)(ii)(B).

(iii) (A) Notwithstanding Subsection (2) and except as provided in Subsection (4)(n)(iii)(B), the commission shall at the request of [~~the GO Utah office~~] GOEO provide to [~~the GO Utah office~~] GOEO other tax information.

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

(iv) [~~The GO Utah office~~] GOEO may provide tax information received from the commission in accordance with this Subsection (4)(n) only:

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

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

(v) (A) A person may not request tax information from [~~the GO Utah office~~] GOEO under Title 63G, Chapter 2, Government Records Access and Management Act, or this section, if [~~the GO Utah office~~] GOEO received the tax information from the commission in accordance with this Subsection (4)(n).

(B) [~~The GO Utah office~~] GOEO may not provide to a person that requests tax information in accordance with Subsection (4)(n)(v)(A) any tax information other than the tax information [~~the GO Utah office~~] GOEO provides in accordance with Subsection (4)(n)(iv).

(o) Notwithstanding Subsection (2), the commission may provide to the governing board of the agreement or a taxing official of another state, the District of Columbia, the United States, or a territory of the United States:

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

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

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

(C) a schedule related to Subsection (4)(o)(i)(A) or (B); or

## **SB0084S02 compared with SB0084**

(D) a document filed with the commission; or

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

(p) Notwithstanding Subsection (2), the commission may provide information concerning a taxpayer's state income tax return or state income tax withholding information to the Driver License Division if the Driver License Division:

(i) requests the information; and

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

(q) Notwithstanding Subsection (2), the commission shall provide to the Utah Communications Authority, or a division of the Utah Communications Authority, the information requested by the authority under Sections 63H-7a-302, 63H-7a-402, and 63H-7a-502.

(r) Notwithstanding Subsection (2), the commission shall provide to the Utah Educational Savings Plan information related to a resident or nonresident individual's contribution to a Utah Educational Savings Plan account as designated on the resident or nonresident's individual income tax return as provided under Section 59-10-1313.

(s) Notwithstanding Subsection (2), for the purpose of verifying eligibility under Sections 26B-3-106 and 26B-3-903, the commission shall provide an eligibility worker with the Department of Health and Human Services or its designee with the adjusted gross income of an individual if:

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

(ii) the eligibility worker has complied with the identity verification and consent provisions of Sections 26B-3-106 and 26B-3-903.

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

(u) Notwithstanding Subsection (2), the commission shall provide a report regarding any access line provider that is over 90 days delinquent in payment to the commission of

## **SB0084S02 compared with SB0084**

amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges, to the board of the Utah Communications Authority created in Section 63H-7a-201.

(v) Notwithstanding Subsection (2), the commission shall provide the Department of Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the previous calendar year under Section 59-24-103.5.

(w) Notwithstanding Subsection (2), the commission may, upon request, provide to the Department of Workforce Services any information received under Chapter 10, Part 4, Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

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

(y) (i) Notwithstanding Subsection (2), the commission shall provide to each qualifying jurisdiction the collection data necessary to verify the revenue collected by the commission for a distributed tax, fee, or charge collected within the qualifying jurisdiction.

(ii) In addition to the information provided under Subsection (4)(y)(i), the commission shall provide a qualifying jurisdiction with copies of returns and other information relating to a distributed tax, fee, or charge collected within the qualifying jurisdiction.

(iii) (A) To obtain the information described in Subsection (4)(y)(ii), the chief executive officer or the chief executive officer's designee of the qualifying jurisdiction shall submit a written request to the commission that states the specific information sought and how the qualifying jurisdiction intends to use the information.

(B) The information described in Subsection (4)(y)(ii) is available only in official matters of the qualifying jurisdiction.

(iv) Information that a qualifying jurisdiction receives in response to a request under this subsection is:

(A) classified as a private record under Title 63G, Chapter 2, Government Records Access and Management Act; and

(B) subject to the confidentiality requirements of this section.

(z) Notwithstanding Subsection (2), the commission shall provide the Alcoholic

## SB0084S02 compared with SB0084

Beverage Services Commission, upon request, with taxpayer status information related to state tax obligations necessary to comply with the requirements described in Section 32B-1-203.

(aa) Notwithstanding Subsection (2), the commission shall inform the Department of Workforce Services, as soon as practicable, whether an individual claimed and is entitled to claim a federal earned income tax credit for the year requested by the Department of Workforce Services if:

(i) the Department of Workforce Services requests this information; and

(ii) the commission has received the information release described in Section 35A-9-604.

(bb) (i) As used in this Subsection (4)(bb), "unclaimed property administrator" means the administrator or the administrator's agent, as those terms are defined in Section 67-4a-102.

(ii) (A) Notwithstanding Subsection (2), upon request from the unclaimed property administrator and to the extent allowed under federal law, the commission shall provide the unclaimed property administrator the name, address, telephone number, county of residence, and social security number or federal employer identification number on any return filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

(B) The unclaimed property administrator may use the information described in Subsection (4)(aa)(ii)(A) only for the purpose of returning unclaimed property to the property's owner in accordance with Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act.

(iii) The unclaimed property administrator is subject to the confidentiality provisions of this section with respect to any information the unclaimed property administrator receives under this Subsection (4)(aa).

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

(b) After the three-year period provided in Subsection (5)(a) the commission may destroy a report or return.

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

(b) If the individual described in Subsection (6)(a) is an officer or employee of the state, the individual shall be dismissed from office and be disqualified from holding public office in this state for a period of five years thereafter.

(c) Notwithstanding Subsection (6)(a) or (b), [~~the GO Utah office~~] GOEO, when requesting information in accordance with Subsection (4)(n)(iii), or an individual who requests

## SB0084S02 compared with SB0084

information in accordance with Subsection (4)(n)(v):

- (i) is not guilty of a class A misdemeanor; and
- (ii) is not subject to:
  - (A) dismissal from office in accordance with Subsection (6)(b); or
  - (B) disqualification from holding public office in accordance with Subsection (6)(b).
- (d) Notwithstanding Subsection (6)(a) or (b), for a disclosure of information to the

Office of the Legislative Auditor General in accordance with Title 36, Chapter 12, Legislative Organization, an individual described in Subsection (2):

- (i) is not guilty of a class A misdemeanor; and
- (ii) is not subject to:
  - (A) dismissal from office in accordance with Subsection (6)(b); or
  - (B) disqualification from holding public office in accordance with Subsection (6)(b).
- (7) Except as provided in Section 59-1-404, this part does not apply to the property tax.

Section 6. Section **63G-6a-804** is amended to read:

### **63G-6a-804. Purchase of prison industry goods.**

(1) As used in this section:

(a) "Applicable procurement unit" means a procurement unit that is not:

- (i) a political subdivision of the state; [or]
- (ii) the Utah Schools for the Deaf and the Blind; or
- (iii) the Utah Office of Tourism.

(b) "Correctional industries division" means the Division of Correctional Industries, created in Section 64-13a-4.

(c) "Correctional industries director" means the director of the correctional industries division, appointed under Section 64-13a-4.

(2) (a) An applicable procurement unit shall purchase goods and services produced by the correctional industries division as provided in this section.

(b) A procurement unit that is not an applicable procurement unit may, and is encouraged to, purchase goods and services under this section.

(c) A procurement unit is not required to use a standard procurement process to purchase goods or services under this section.

(3) On or before July 1 of each year, the correctional industries director shall:



## SB0084S02 compared with SB0084

(a) publish and distribute to all procurement units and other interested public entities a catalog of goods and services produced by the correctional industries division, including a description and price of each item offered for sale; and

(b) update and revise the catalog described in Subsection (3)(a) during the year as the correctional industries director considers necessary.

(4) (a) An applicable procurement unit may not purchase any goods or services provided by the correctional industries division from any other source unless the correctional industries director and the procurement official or, in the case of institutions of higher education, the institutional procurement officer, determine in writing that purchase from the correctional industries division is not feasible due to one of the following circumstances:

(i) the good or service offered by the correctional industries division does not meet the reasonable requirements of the procurement unit;

(ii) the good or service cannot be supplied within a reasonable time by the correctional industries division; or

(iii) the cost of the good or service, including basic price, transportation costs, and other expenses of acquisition, is not competitive with the cost of procuring the item from another source.

(b) In cases of disagreement under Subsection (4)(a):

(i) the decision may be appealed to a board consisting of:

(A) the director of the Department of Corrections;

(B) the director of Administrative Services; and

(C) a neutral third party agreed upon by the other two members of the board;

(ii) in the case of an institution of higher education of the state, the president of the institution, or the president's designee, shall make the final decision; or

(iii) in the case of any of the following entities, a person designated by the rulemaking authority shall make the final decision:

(A) a legislative procurement unit;

(B) a judicial procurement unit; or

(C) a public transit district.

Section 7. Section **63I-1-263** is amended to read:

**63I-1-263. Repeal dates: Titles 63A to 63N.**

## **SB0084S02 compared with SB0084**

- (1) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement funding, is repealed July 1, 2024.
- (2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1, 2023.
- (3) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee, are repealed July 1, 2023.
- (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.
- (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.
- (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.
- (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2023.
- (8) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed December 31, 2026.
- (9) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is repealed July 1, 2026.
- (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- (12) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed December 31, 2024.
- (13) Title 63C, Chapter 31, State Employee Benefits Advisory Commission, is repealed on July 1, 2028.
- (14) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, 2026.
- (15) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2028.
- (16) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2024.
- (17) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

## **SB0084S02 compared with SB0084**

(18) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.

(19) Section 63L-11-204, creating a canyon resource management plan to Provo Canyon, is repealed July 1, 2025.

(20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating Committee, is repealed July 1, 2027.

(21) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2033:

(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)(a) 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)."

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

(23) Title 63M, Chapter 7, Part 8, Sex Offense Management Board, is repealed July 1, 2026.

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

(25) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is repealed January 1, 2025.

(26) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

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

(28) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is repealed

## SB0084S02 compared with SB0084

July 1, 2027.

(29) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is repealed July 1, 2025.

(30) In relation to the Rural Employment Expansion Program, on July 1, 2028:

(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.

(32) Subsection [~~63N-8-103(3)(c)~~] 63N-8-103(3)(b), which allows the Governor's Office of Economic Opportunity to issue an amount of tax credit certificates only for rural productions, is repealed on July 1, 2024.

Section 8. 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~~] GOEO 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~~] GOEO board.

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

## SB0084S02 compared with SB0084

(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"~~] "GOEO board" means the Board of Economic Opportunity created in Section 63N-1a-401.

(8) "High paying job" means a newly created full-time employee position where the

## SB0084S02 compared with SB0084

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"~~] "GOEO" 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

## SB0084S02 compared with SB0084

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~~{}priorities" means the economic development ~~{}strategy~~{}priorities 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-34-102.

(16) "Targeted industry" means an industry or group of industries targeted by the commission under Section 63N-1a-202, for economic development in the state.

Section 9. Section **63N-1a-103** is amended to read:

### **63N-1a-103. Purpose.**

(1) The ~~[mission]~~ purpose of the Economic Opportunity Act and the entities established ~~[herein]~~ in the act is to catalyze strategic economic opportunities for all residents of the state with a vision of creating economically thriving communities, businesses, and families throughout the state.

(2) The ~~[mission and vision are]~~ purpose is realized through targeted efforts that demonstrably improve quality of life, measured by the extent to which the efforts accomplish the following strategic goals:

(a) catalyzing targeted industry growth;

(b) supporting economically thriving communities;

(c) empowering students and workers with market-relevant skills;

(d) stimulating economic growth in rural and multicultural communities through household level efforts; and

(e) securing healthy and resilient ecosystems for current and future generations.

Section 10. 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]~~ purpose described in Section 63N-1a-103 and direct the

## SB0084S02 compared with SB0084

office and other appropriate entities in fulfilling the 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;

(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;
- (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; and

(iv) the chief executive officer of one of the following entities, appointed by the chair of the commission:

- (A) the Utah Inland Port Authority created in Section 11-58-201;
- (B) the Point of the Mountain State Land Authority created in Section 11-59-201; or
- (C) the Military Installation Development Authority created in Section 63H-1-201.



## SB0084S02 compared with SB0084

(3) (a) A majority of commission members, not including a vacancy, constitutes a quorum for the [~~purposes~~] purpose of conducting commission business [~~and the~~].

(b) 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 11. Section **63N-1a-202** is amended to read:

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

(1) The commission shall:

(a) develop, coordinate, and ~~ff~~lead a comprehensive statewide economic development strategy that ~~ff~~ pursue statewide economic development priorities by:

~~\_\_\_\_\_ (i) setting statewide economic development priorities at least once every three years;~~

~~\_\_\_\_\_ (ii) establishing a temporary working group, staffed by GOEO, as needed to identify statewide economic development priorities;~~

~~\_\_\_\_\_ (iii) developing policy, funding, or administrative recommendations related to the statewide economic development priorities; and~~

~~\_\_\_\_\_ (iv) coordinating with and communicating the recommendations to stakeholders, including state legislators and state agencies;~~

~~\_\_\_\_\_ (b) ensure that the statewide economic development priorities consider state water policy described in Section 73-1-21, including the state's commitment to appropriate~~

## SB0084S02 compared with SB0084

~~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 protection and restoration of health ecosystems;~~

~~— (c) receive feedback, input, and reports from economic opportunity agencies about programs related to the statewide development economic priorities;~~

~~— (b):~~

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

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

~~(b)(iii) establishes reporting and accountability processes for the key performance indicators; and (b)~~

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

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

~~(b)(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; (b)~~

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

~~(e) at least once every five years, identify which industries or groups of industries shall be targeted for economic development in the state;~~

~~(f) establish strategies for the recruitment and retention of targeted industries 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~~

## SB0084S02 compared with SB0084

and is consistent with the statewide economic development ~~{}~~strategy~~{}~~ priorities 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 targeted industries 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]~~ GOEO board, the talent board, and any working groups established under Subsection ~~{(2)}~~ (3).

(2) Meetings of the temporary working group established in Subsection (1)(a)(ii) are not subject to Title 52, Chapter 4, Open and Public Meetings Act.

(3) 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.

~~{(3)}~~ (4) 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 activity to achieve the statewide economic development ~~{}~~strategy~~{}~~ priorities;

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

## SB0084S02 compared with SB0084

~~ff~~(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 ~~ff~~

~~ff~~(d) ~~ff~~(e) any legislative recommendations.

Section 12. Section **63N-1a-301** is amended to read:

### **63N-1a-301. Creation of office -- Responsibilities.**

(1) There is created the Governor's Office of Economic Opportunity.

(2) The office is:

(a) responsible for implementing the statewide economic development ~~ff~~strategy~~ff~~ ~~ff~~priorities~~ff~~ developed by the commission; and

(b) the industrial and business promotion authority of the state.

(3) The office shall:

(a) consistent with the statewide economic development strategy, coordinate and align into a single effort the activities of the economic opportunity agencies in the field of economic development;

(b) provide support and direction to economic opportunity agencies in establishing goals, metrics, and activities that align with the statewide economic development strategy;

(c) administer and coordinate state and federal economic development grant programs;

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

(e) promote and encourage the employment of workers in the state and the purchase of goods and services produced in the state by local businesses;

(f) act to create, develop, attract, and retain business, industry, and commerce in the state~~ff~~;

(i) in accordance with the statewide economic development ~~ff~~plan~~ff~~ ~~ff~~priorities~~ff~~ and commission directives; and

(ii) subject to the restrictions in Section 11-41-103;

(g) act to enhance the state's economy;

(h) act to assist strategic industries that are likely to drive future economic growth;

(i) assist communities in the state in developing economic development capacity and coordination with other communities;

(j) identify areas of education and workforce development in the state that can be

## SB0084S02 compared with SB0084

improved to support economic and business development;

(k) consistent with direction from the commission, develop core strategic priorities for the office, which may include:

(i) enhancing statewide access to entrepreneurship opportunities and small business support;

(ii) focusing industry recruitment and expansion of targeted industries;

(iii) ensuring that in awarding competitive economic development incentives the office accurately measures the benefits and costs of the incentives; and

(iv) assisting communities with technical support to aid those communities in improving economic development opportunities;

(l) submit an annual written report as described in Section 63N-1a-306; and

(m) perform other duties as provided by the Legislature.

(4) [~~In order to perform its~~] To perform the office's duties under this title, the office may:

(a) enter into a contract or agreement with, or make a grant to, a public or private entity, including a municipality, if the contract or agreement is not in violation of state statute or other applicable law;

(b) except as provided in Subsection (4)(c), receive and expend funds from a public or private source for any lawful purpose that is in the state's best interest; and

(c) solicit and accept a contribution of money, services, or facilities from a public or private donor, but may not use the contribution for publicizing the exclusive interest of the donor.

(5) Money received under Subsection (4)(c) shall be deposited into the General Fund as dedicated credits of the office.

(6) (a) The office shall:

(i) obtain the advice of the [~~GO Utah~~] GOEO board before implementing a change to a policy, priority, or objective under which the office operates; and

(ii) provide periodic updates to the commission regarding the office's efforts under Subsections (3)(a) and (b).

(b) Subsection (6)(a)(i) does not apply to the routine administration by the office of money or services related to the assistance, retention, or recruitment of business, industry, or

## SB0084S02 compared with SB0084

commerce in the state.

Section 13. Section **63N-1a-401** is amended to read:

### **63N-1a-401. Creation of Board of Economic Opportunity.**

(1) (a) There is created within the office the Board of Economic Opportunity, consisting of [~~15~~] nine 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[~~7~~].

(b) The nine members described in Subsection (1)(a) shall include:

(i) one member associated with the state's rural communities;

(ii) one member associated with direct entrepreneurship in the state; ~~and~~

~~— (iii) at least five [7]~~

(iii) one member associated with higher education in the state;

(iv) [at least five] of whom reside in a county of the third, fourth, fifth, or sixth class;

five members, other than the members described in Subsections (1)(b)(i) ~~and~~ through

~~(iii)~~ iii, that are associated with a targeted industry; ~~and~~ and

(v) one at-large member.

~~[(b)]~~ (c) 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 board is appointed every two years.

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

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

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

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

~~[(3)]~~ (2) 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[~~7~~].

## SB0084S02 compared with SB0084

~~[(4) Eight members of the board constitute]~~

(3) A majority of board members, not including a vacancy, constitutes a quorum for conducting board business and exercising board power. ~~{}~~

~~[(5) (344)]~~ The chair of the commission shall select one board member as the board's chair and one member as the board's vice chair.

~~[(6) (445)]~~ 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) (546)]~~ A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Section 14. Section **63N-1a-402** is amended to read:

### **63N-1a-402. Board of Economic Opportunity duties and powers.**

(1) The ~~[GO Utah]~~ GOEO board shall advise and assist the 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) develop policies, priorities, and objectives regarding the assistance, retention, or recruitment of business, industries, and commerce in the state;
- (f) administer programs for the assistance, retention, or recruitment of businesses, industries, and commerce in the state;
- (g) ensure that economic development programs are available to all areas of the state in accordance with federal and state law;
- (h) identify local, regional, and statewide rural economic development and planning priorities;

## SB0084S02 compared with SB0084

(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

~~[(j) make recommendations regarding loans, grants, or other assistance from the Industrial Assistance Account as provided in Section 63N-3-105; and]~~

~~[(k)]~~ (i) 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) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the ~~[GO Utah]~~ GOEO board may, in consultation with the executive director, make rules for the conduct of the ~~[GO Utah]~~ GOEO board's business.

Section 15. Section **63N-1b-404** is amended to read:

### **63N-1b-404. Annual report.**

(1) The subcommittee shall annually prepare a report for inclusion in the commission's report to the office under Subsection ~~[63N-1a-202(3)]~~ 63N-1a-202(4).

(2) The report described in Subsection (1) shall:

(a) describe how the subcommittee fulfilled the subcommittee's statutory purposes and duties during the year; and

(b) contain recommendations on how the state should act to address issues relating to women in the economy.

Section 16. Section **63N-2-104.2** is amended to read:

### **63N-2-104.2. Written agreement -- Contents -- Grounds for amendment or termination.**

(1) If the office determines that a business entity is eligible for a tax credit under Section 63N-2-104.1, the office may enter into a written agreement with the business entity that:

(a) establishes performance benchmarks for the business entity to claim a tax credit, including any minimum wage requirements;

(b) specifies the maximum amount of tax credit that the business entity may be authorized for a taxable year and over the life of the new commercial project, subject to the limitations in Section 63N-2-104.3;



## **SB0084S02 compared with SB0084**

- (c) establishes the length of time the business entity may claim a tax credit;
  - (d) requires the business entity to retain records supporting a claim for a tax credit for at least four years after the business entity claims the tax credit;
  - (e) requires the business entity to submit to audits for verification of any tax credit claimed; and
  - (f) requires the business entity, in order to claim a tax credit, to meet the requirements of Section 63N-2-105.
- (2) In establishing the terms of a written agreement, including the duration and amount of tax credit that the business entity may be authorized to receive, the office shall:
- (a) authorize the tax credit in a manner that provides the most effective incentive for the new commercial project;
  - (b) consider the following factors:
    - (i) whether the new commercial project provides vital or specialized support to supply chains;
    - (ii) whether the new commercial project provides an innovative product, technology, or service;
    - (iii) the number and wages of new incremental jobs associated with the new commercial project;
    - (iv) the amount of financial support provided by local government entities for the new commercial project;
    - (v) the amount of capital expenditures associated with the new commercial project;
    - (vi) whether the new commercial project returns jobs transferred overseas;
    - (vii) the rate of unemployment in the county in which the new commercial project is located;
    - (viii) whether the new commercial project creates a remote work opportunity;
    - (ix) whether the new commercial project is located in a development zone created by a local government entity as described in Subsection 63N-2-104(2);
    - (x) whether the business entity commits to hiring Utah workers for the new commercial project;
    - (xi) whether the business entity adopts a corporate citizenry plan or supports initiatives in the state that advance education, gender equality, diversity and inclusion, work-life balance,

## SB0084S02 compared with SB0084

environmental or social good, or other similar causes;

(xii) whether the business entity's headquarters are located within the state;

(xiii) the likelihood of other business entities relocating to another state as a result of the new commercial project;

(xiv) the necessity of the tax credit for the business entity's expansion in the state or relocation from another state; and

(xv) the location and impact of the new commercial project on existing and planned transportation facilities, existing and planned housing, including affordable housing, and public infrastructure; and

(c) consult with the ~~[GO Utah]~~ GOEO board.

(3) ~~[(a)]~~ In determining the amount of tax credit that a business entity may be authorized to receive under a written agreement, the office may:

~~[(i)]~~ (a) authorize a higher or optimized amount of tax credit for a new commercial project located within a development zone created by a local government entity as described in Subsection 63N-2-104(2); and

~~[(ii)]~~ (b) establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process by which the office closely approximates the amount of taxes the business entity paid under Title 59, Chapter 12, Sales and Use Tax Act, for a capital project.

~~[(b) The office may apply a process described in Subsection (3)(a)(ii) to a business entity only with respect to a new or amended written agreement that takes effect on or after January 1, 2022.]~~

(4) If the office identifies any of the following events after entering into a written agreement with a business entity, the office and the business entity shall amend, or the office may terminate, the written agreement:

(a) a change in the business entity's organization resulting from a merger with or acquisition of another entity located in the state;

(b) a material increase in the business entity's retail operations that results in new state revenue not subject to the incentive; or

(c) an increase in the business entity's operations that:

(i) is outside the scope of the written agreement or outside the boundaries of a

## SB0084S02 compared with SB0084

development zone; and

(ii) results in new state revenue not subject to the incentive.

Section 17. Section **63N-2-107** is amended to read:

### **63N-2-107. Reports of new state revenue, partial rebates, and tax credits.**

(1) Before October 1 of each year, the office shall submit a report to the Governor's Office of Planning and Budget, the Office of the Legislative Fiscal Analyst, and the Division of Finance identifying:

(a) (i) the total estimated amount of new state [~~revenues~~] revenue created from new commercial projects;

(ii) the estimated amount of new state [~~revenues~~] revenue from new commercial projects that will be generated from:

(A) sales tax;

(B) income tax; and

(C) corporate franchise and income tax; and

(iii) the minimum number of new incremental jobs and high paying jobs that will be created before any tax credit is awarded; and

(b) the total estimated amount of tax credits that the office projects that business entities will qualify to claim under this part.

(2) By the first business day of each month, the office shall submit a report to the Governor's Office of Planning and Budget, the Office of the Legislative Fiscal Analyst, and the Division of Finance identifying:

(a) each new written agreement that the office entered into since the last report;

(b) the estimated amount of new state [~~revenues~~] revenue that will be generated under each written agreement described in Subsection (2)(a);

(c) the estimated maximum amount of tax credits that a business entity could qualify for under each written agreement described in Subsection (2)(a); and

(d) the minimum number of new incremental jobs and high paying jobs that will be created before any tax credit is awarded.

(3) At the reasonable request of the Governor's Office of Planning and Budget, the Office of the Legislative Fiscal Analyst, or the Division of Finance, the office shall provide additional information about the tax credit, new incremental jobs and high paying jobs, costs,



## SB0084S02 compared with SB0084

(g) one member appointed by the [~~GO Utah~~] GOEEO board.

(3) (a) A member serves an indeterminate term and may be removed from the review committee by the appointing authority at any time.

(b) A vacancy may be filled in the same manner as an appointment under Subsection (2).

(4) A member of the review committee may not be paid for serving on the review committee and may not receive per diem or expense reimbursement.

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

Section 19. Section **63N-2-512** is amended to read:

### **63N-2-512. Hotel Impact Mitigation Fund.**

(1) As used in this section:

(a) "Affected hotel" means a hotel built in the state before July 1, 2014.

(b) "Direct losses" means affected hotels' losses of hotel guest business attributable to the qualified hotel room supply being added to the market in the state.

(c) "Mitigation fund" means the Hotel Impact Mitigation Fund, created in Subsection (2).

(2) There is created an expendable special revenue fund known as the Hotel Impact Mitigation Fund.

(3) The mitigation fund shall:

(a) be administered by [~~the GO Utah board~~] GOEEO;

(b) earn interest; and

(c) be funded by:

(i) payments required to be deposited into the mitigation fund by the Division of Finance under Subsection 59-12-103(10);

(ii) money required to be deposited into the mitigation fund under Subsection 17-31-9(2) by the county in which a qualified hotel is located; and

(iii) any money deposited into the mitigation fund under Subsection (6).

(4) Interest earned by the mitigation fund shall be deposited into the mitigation fund.

(5) (a) In accordance with office rules, [~~the GO Utah board~~] GOEEO shall annually pay up to \$2,100,000 of money in the mitigation fund:

(i) to affected hotels;

## SB0084S02 compared with SB0084

(ii) for four consecutive years, beginning 12 months after the date of initial occupancy of the qualified hotel occurs; and

(iii) to mitigate direct losses.

(b) (i) If the amount [~~the GO Utah board~~] GOEO pays under Subsection (5)(a) in any year is less than \$2,100,000, [~~the GO Utah board~~] GOEO shall pay to the Stay Another Day and Bounce Back Fund, created in Section 63N-2-511, the difference between \$2,100,000 and the amount paid under Subsection (5)(a).

(ii) [~~The GO Utah board~~] GOEO shall make any required payment under Subsection (5)(b)(i) within 90 days after the end of the year for which a determination is made of how much [~~the GO Utah board~~] GOEO is required to pay to affected hotels under Subsection (5)(a).

(6) A host local government or qualified hotel owner may make payments to the Division of Finance for deposit into the mitigation fund.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall, in consultation with [~~the Utah Hotel and Lodging Association~~] a nonprofit tourism organization and the county in which the qualified hotel is located, make rules establishing procedures and criteria governing payments under Subsection (5)(a) to affected hotels.

Section 20. Section **63N-2-808** is amended to read:

**63N-2-808. Agreements between office and tax credit applicant and life science establishment -- Tax credit certificate.**

(1) (a) The office, with advice from the [~~GO Utah~~] GOEO board, may enter into an agreement to grant a tax credit certificate to a tax credit applicant selected in accordance with this part, if the tax credit applicant meets the conditions established in the agreement and under this part.

(b) The agreement described in Subsection (1)(a) shall:

(i) detail the requirements that the tax credit applicant shall meet prior to receiving a tax credit certificate;

(ii) require the tax credit certificate recipient to retain records supporting a claim for a tax credit for at least four years after the tax credit certificate recipient claims a tax credit under this part; and

(iii) require the tax credit certificate recipient to submit to audits for verification of the tax credit claimed, including audits by the office and by the State Tax Commission.

## SB0084S02 compared with SB0084

(2) (a) The office, with advice from the [~~GO Utah~~] GOEO board, shall enter into an agreement with the life science establishment in which the tax credit applicant invested for purposes of claiming a tax credit.

(b) The agreement described in Subsection (2)(a):

(i) shall provide the office with a document that expressly and directly authorizes the State Tax Commission to disclose to the office the life science establishment's tax returns and other information that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code;

(ii) shall authorize the Department of Workforce Services to disclose to the office the employment data that the life science establishment submits to the Department of Workforce Services;

(iii) shall require the life science establishment to provide the office with the life science establishment's current capitalization tables; and

(iv) may require the life science establishment to provide the office with other data that:

(A) ensure compliance with the requirements of this chapter; and

(B) demonstrate the economic impact of the tax credit applicant's investment in the life science establishment.

Section 21. Section 63N-3-102 is amended to read:

### **63N-3-102. Definitions.**

As used in this part:

(1) "Administrator" means the executive director or the executive director's designee.

(2) "Applicant" means an individual, for profit business entity, nonprofit, corporation, partnership, unincorporated association, government entity, executive branch department or division of a department, a political subdivision, a state institution of higher education, or any other administrative unit of the state.

[(2)] (3) "Economic opportunities" means business situations or community circumstances which lend themselves to the furtherance of the economic interests of the state by providing a catalyst or stimulus to the growth or retention, or both, of commerce and industry in the state, including retention of companies whose relocation outside the state would have a significant detrimental economic impact on the state as a whole, regions of the state, or

## SB0084S02 compared with SB0084

specific components of the state.

~~[(3)]~~ [(4)] "Restricted Account" means the restricted account known as the Industrial Assistance Account created in Section 63N-3-103.

~~[(4)]~~ [(5)] "Talent development grant" means a grant awarded under Section 63N-3-112.

Section ~~{21}~~ 22. Section **63N-3-105** is amended to read:

### **63N-3-105. Qualification for assistance -- Application requirements.**

(1) Subject to the requirements of this part, the administrator may provide loans, grants, or other financial assistance from the restricted 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 financial assistance under this part, an applicant shall demonstrate the following to the satisfaction of the administrator:

(a) the nature of the economic opportunity and the related benefit to the economic well-being of the state by providing evidence documenting the expenditure of money necessitated by the economic opportunity;

(b) how the economic opportunity will act in concert with other state, federal, or local agencies to achieve the economic benefit;

(c) 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;

(d) for an application for a loan, 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

(e) any other criteria the administrator considers appropriate.

(3) (a) The administrator may exempt an applicant from any of the requirements of Subsection (2) 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



## SB0084S02 compared with SB0084

Act, and the applicant's 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 ~~{}~~ GO Utah board] GOEO ~~{ board}~~~~ recommends awarding a grant to the applicant.

(b) The administrator may not exempt the applicant from the requirement under Subsection 63N-3-106(1)(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.

~~[(4) The ~~{}~~ GO Utah ~~{}~~ GOEO board shall make recommendations to the administrator regarding applications for loans, grants, or other financial assistance from the Industrial Assistance Account.]~~

~~[(5)]~~ (4) Before awarding any money under this part, 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 ~~{22}~~ 23. Section **63N-3-106** is amended to read:

**63N-3-106. Structure of loans, grants, and assistance -- Repayment -- Earned credits.**

(1) (a) Subject to Subsection (1)(b), the administrator has authority to determine the structure, amount, and nature of any loan, grant, or other financial assistance from the restricted account.

(b) Loans made under this part shall be structured so the intended repayment or return to the state, including cash or credit, equals at least the amount of the assistance together with an annual interest charge as negotiated by the administrator.

(c) Payments resulting from grants awarded from the restricted account shall be made only after the administrator has determined that the company has satisfied the conditions upon which the payment or earned credit was based.

(2) (a) The administrator may provide for a system of earned credits that may be used

## SB0084S02 compared with SB0084

to support grant payments or in lieu of cash repayment of a restricted account loan obligation.

(b) The value of the credits described in Subsection (2)(a) shall be based on factors determined by the administrator, including:

- (i) the number of Utah jobs created;
- (ii) the increased economic activity in Utah; or
- (iii) other events and activities that occur as a result of the restricted account assistance.

(3) (a) A cash loan repayment or other cash recovery from a company receiving assistance under this section, including interest, shall be deposited into the restricted account.

(b) The administrator and the Division of Finance shall determine the manner of recognizing and accounting for the earned credits used in lieu of loan repayments or to support grant payments as provided in Subsection (2).

(4) (a) (i) At the end of each fiscal year, the Division of Finance shall ~~[set aside]~~ transfer the balance of the General Fund revenue surplus as defined in Section 63J-1-312 after the transfers of General Fund revenue surplus described in Subsection (4)(b) to the Industrial Assistance Account in an amount equal to any credit that has accrued under this part[-];

(ii) ~~[The set aside]~~ the transfer under Subsection (4)(a)(i) ~~[shall be]~~ is capped at \$50,000,000[-, at which time no subsequent contributions may be made and any interest accrued above the \$50,000,000 cap shall be deposited];and

(iii) the Division of Finance shall deposit any interest accrued above the \$50,000,000 cap into the General Fund.

(b) The ~~[set aside]~~ Division of Finance shall make the transfer required by Subsection (4)(a) ~~[shall be made]~~ after the ~~[transfer of surplus]~~ Division of Finance transfers the General Fund revenue surplus ~~[is made]~~:

(i) to the Medicaid Growth Reduction and Budget Stabilization Restricted Account, as provided in Section 63J-1-315;

(ii) to the General Fund Budget Reserve Account, as provided in Section 63J-1-312;  
and

(iii) to the Wildland Fire Suppression Fund or State Disaster Recovery Restricted Account, as provided in Section 63J-1-314.

(c) These credit amounts may not be used for purposes of the restricted account as provided in this part until appropriated by the Legislature.

## SB0084S02 compared with SB0084

### Section 24. Section 63N-3-107 is amended to read:

#### **63N-3-107. Agreements.**

The administrator shall enter into agreements with each successful applicant that have specific terms and conditions for each loan, grant, or financial assistance under this part, including:

- (1) for a loan:
  - (a) repayment schedules;
  - (b) interest rates;
  - (c) specific economic activity required to qualify for the loan or for repayment credits;
  - (d) collateral or security, if any; and
  - (e) other terms and conditions considered appropriate by the administrator; and
- (2) for a grant or other financial assistance:
  - (a) requirements for compliance monitoring ~~for a period of five years~~;
  - (b) repayment for nonperformance or departure from the state;
  - (c) collateral or security, if any; and
  - (d) other terms and conditions considered appropriate by the administrator.

Section ~~{23}~~25. Section 63N-3-111 is amended to read:

#### **63N-3-111. Annual policy considerations.**

(1) (a) The office shall make recommendations to state and federal agencies, local governments, the governor, and the Legislature regarding policies and initiatives that promote the economic development of targeted industries.

(b) The office may create one or more voluntary advisory committees that may include public and private stakeholders to solicit input on policy guidance and best practices in encouraging the economic development of targeted industries.

~~[(2) In evaluating the economic impact of applications for assistance, the {G} GO Utah {G} GOEO board shall use an econometric cost-benefit model.]~~

~~[(3)]~~[(2)] The [GO Utah] GOEO board may establish:

(a) minimum interest rates to be applied to loans granted that reflect a fair social rate of return to the state comparable to prevailing market-based rates such as the prime rate, U.S. Government T-bill rate, or bond coupon rate as paid by the state, adjusted by social indicators such as the rate of unemployment; and

## SB0084S02 compared with SB0084

(b) minimum applicant expense ratios, as long as they are at least equal to those required under Subsection 63N-3-105(2).

Section ~~{24}~~26. 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] GOEO 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~~] The office shall deduct money granted for a talent development grant under this section [~~shall be deducted~~] from any other money or incentive awarded by the office to the business.

(6) Grants awarded under this section are only to reimburse a business for the costs incurred to recruit, hire, train, and otherwise employ an employee in a newly created job.

(7) ~~{As}~~[A] As part of the application process, a business shall submit a hiring and training plan detailing [~~what~~] how the grant money will be used [~~for as part of the application process~~].

(8) The administrator may [~~only~~] grant an award only 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 ~~{25}~~27. Section **63N-3-1101** is amended to read:

### **63N-3-1101. Definitions.**

As used in this part:

(1) "Grant" means a grant awarded under Section 63N-3-1102.

(2) "Program" means the Manufacturing Modernization Grant Program created in Section 63N-3-1102.

(3) "Targeted industry" means an industry or group of industries targeted by the [~~GO~~ Utah] GOEO board under Section 63N-3-111 for economic development in the state.

## SB0084S02 compared with SB0084

Section ~~26~~28. Section 63N-3-1102 is amended to read:

### **63N-3-1102. Manufacturing Modernization Grant Program -- Creation -- Purpose -- Requirements -- Rulemaking -- Report.**

(1) (a) There is created the Manufacturing Modernization Grant Program to be administered by the office.

(b) The purpose of the program is to award grants to existing Utah businesses to establish, relocate, retain, or develop manufacturing industry in the state and lessen dependence on manufacturing overseas.

(2) (a) An entity that submits a proposal for a grant to the office shall include details in the proposal regarding:

(i) ~~[how the entity plans]~~ the entity's plan to use the grant to fulfill the purpose described in Subsection (1)(b);

(ii) any plan to use funding sources in addition to a grant for the proposal; and

(iii) any existing or planned partnerships between the entity and another individual or entity to implement the proposal.

(b) In evaluating a proposal for a grant, the office shall consider:

(i) the likelihood the proposal will accomplish the purpose described in Subsection (1)(b);

(ii) the extent to which any additional funding sources or existing or planned partnerships will benefit the proposal; and

(iii) the viability and sustainability of the proposal.

(c) In determining a grant award, the office:

(i) ~~[shall]~~ may consult with the ~~[GO Utah]~~ GOEO board; and

(ii) may prioritize a targeted industry or an entity with fewer than 250 employees.

(3) Before receiving the grant, a grant recipient shall enter into a written agreement with the office that specifies:

(a) the grant amount;

(b) the time period and structure for distribution of the grant, including any terms and conditions the recipient is required to meet to receive a distribution; and

(c) the expenses for which the recipient may use the grant, including:

(i) ~~[to acquire]~~ acquisition of manufacturing equipment;

## SB0084S02 compared with SB0084

- (ii) production, design, or engineering costs;
- (iii) specialized employee training;
- (iv) technology upgrades; or
- (v) ~~[to provide]~~ provision of a grant to another individual or entity for the expenses described in Subsections (3)(c)(i) through (iv) or to otherwise fulfill the recipient's proposal.

(4) Subject to Subsection (2), the office may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to establish:

- (a) the form and process for submitting a proposal to the office for a grant;
- (b) ~~[which]~~ the entities that are eligible to apply for a grant;
- (c) the method and formula for determining a grant amount; and
- (d) the reporting requirements for a grant recipient.

(5) On or before ~~[November 30]~~ October 1 of each year, the office shall provide a written report to the Economic Development and Workforce Services Interim Committee regarding:

- (a) each grant awarded; and
- (b) the economic impact of each grant.

Section ~~{27}~~29. Section ~~{63N-4-103}~~63N-3-1301 is ~~{amended to read:~~  
enacted to read:

### Part 13. Innovation in Artificial Intelligence Grant Pilot Program

#### 63N-3-1301. Definitions.

As used in this part:

- (1) "Business entity" means a for-profit or nonprofit organization.
- (2) "Pilot program" means the Innovation in Artificial Intelligence Grant Pilot Program created in Section 63N-3-1302.
- (3) "Student" means a child enrolled in a public or private school, grades kindergarten through twelfth grade.

Section 30. Section 63N-3-1302 is enacted to read:

#### 63N-3-1302. Innovation in Artificial Intelligence Grant Pilot Program created -- Purpose -- Requirements -- Report.

- (1) There is created the Innovation in Artificial Intelligence Grant Pilot Program, to be administered subject to the availability of funds by the office as described in this section.

## **SB0084S02 compared with SB0084**

(2) (a) The purpose of the pilot program is to award a grant to a business entity to develop a program, material, and curriculum to:

(i) teach a course on artificial intelligence to students, with an emphasis on practical training; and

(ii) prepare students for career opportunities in technology.

(b) A business entity that is awarded a grant under this section shall work in partnership with a public or private school.

(3) A business entity that submits an application for a grant to the office shall include the following details in the application:

(a) how the business entity proposes to fulfill the purpose described in Subsection

(2)(a);

(b) how the business entity proposes to work with a public or private school, as described in Subsection (2)(b); and

(c) any existing or planned partnership between the business entity and another individual or business entity to implement the proposal in the application.

(4) In evaluating an application for a grant, the office shall consider:

(a) the likelihood that the business entity's proposal will accomplish the purpose described in Subsection (2)(a); and

(b) the overall viability of the proposal.

(5) Before a business entity that has an approved application for a grant may receive grant funds, the business entity shall enter into a written agreement with the office that specifies:

(a) the grant amount; and

(b) the time period and structure for distribution of grant funds, including any terms and conditions the office requires.

(6) The office may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the pilot program, including:

(a) establishing criteria and procedures for applying for and awarding a grant under this section; and

(b) reporting requirements from a business entity after a grant is awarded.

(7) The office shall include an annual written update on the pilot program in the report

## SB0084S02 compared with SB0084

described in Section 63N-1a-306.

Section 31. Section 63N-4-103 is amended to read:

### **63N-4-103. Purpose of the Center for Rural Development.**

The Center for Rural Development is established to:

- (1) foster and support economic development programs and activities for the benefit of rural counties and communities;
- (2) foster and support community, county, and resource management planning programs and activities for the benefit of rural counties and communities;
- (3) foster and support leadership training programs and activities for the benefit of:
  - (a) rural leaders in both the public and private sectors;
  - (b) economic development and planning personnel; and
  - (c) rural government officials;
- (4) foster and support efforts to coordinate and focus the technical and other resources of appropriate institutions of higher education, local governments, private sector interests, associations, nonprofit organizations, federal agencies, and others, in ways that address the economic development, planning, and leadership challenges;
- (5) work to enhance the capacity of [~~the GO Utah office~~] GOEO 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; and
- (6) foster government-to-government collaboration and good working relations between state and rural government regarding economic development and planning issues.

Section ~~{28}~~32. 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~~] GOEO board to coordinate and focus available resources in ways that address the economic development, planning, and leadership training challenges



## SB0084S02 compared with SB0084

and priorities in rural Utah;

(c) assist in administering the Rural 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 ~~{29}~~33. Section 63N-4-105 is amended to read:

### **63N-4-105. Program manager.**

(1) The executive director ~~[shall]~~ may appoint a director for the Center for Rural Development with the approval of the governor.

(2) The director of the Center for Rural Development shall be a person knowledgeable in the field of rural economic development and planning and experienced in administration.

(3) Upon change of the executive director, the director of the Center for Rural Development may not be dismissed without cause for at least 180 days.

Section ~~{30}~~34. Section 63N-7-102 is amended to read:

### **63N-7-102. Utah Office of Tourism created -- Appointment of managing director -- Responsibilities of tourism office.**

(1) There is created within ~~[the GO Utah office]~~ GOEO the Utah Office of Tourism.

## SB0084S02 compared with SB0084

- (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 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 tourist attractions, amenities, and 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 ~~31~~35. Section **63N-8-102** is amended to read:

### **63N-8-102. Definitions.**

As used in this chapter:

- (1) "Digital media company" means a company engaged in the production of a digital media project.
- (2) "Digital media project" means all or part of a production of interactive

## SB0084S02 compared with SB0084

entertainment or animated production that is produced for distribution in commercial or educational markets, which shall include projects intended for Internet or wireless distribution.

(3) "Dollars left in the state" means expenditures made in the state for a state-approved production, including:

(a) an expenditure that is subject to:

(i) a corporate franchise or income tax under Title 59, Chapter 7, Corporate Franchise and Income Taxes;

(ii) an individual income tax under Title 59, Chapter 10, Individual Income Tax Act;  
[and]

(iii) a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act, notwithstanding any sales and use tax exemption allowed by law; or

(iv) a combination of Subsections (3)(a)(i), (ii), and (iii);

(b) payments made to a nonresident only to the extent of the income tax paid to the state on the payments, the amount of per diems paid in the state, and other direct reimbursements transacted in the state; and

(c) payments made to a payroll company or loan-out corporation that is registered to do business in the state, only to the extent of the amount of withholding under Section 59-10-402.

(4) "Loan-out corporation" means a corporation owned by one or more artists that provides services of the artists to a third party production company.

(5) "Motion picture company" means a company engaged in the production of:

(a) motion pictures;

(b) television series; or

(c) made-for-television movies.

(6) "Motion picture incentive" means either a cash rebate from the Motion Picture Incentive Account or a refundable tax credit under Section 59-7-614.5 or 59-10-1108.

(7) "New state ~~revenues~~ revenue" means:

(a) incremental new state sales and use tax ~~revenues~~ revenue generated as a result of a digital media project that a digital media company pays under Title 59, Chapter 12, Sales and Use Tax Act;

(b) incremental new state tax ~~revenues~~ revenue that a digital media company pays as a result of a digital media project under:

## SB0084S02 compared with SB0084

- (i) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
- (ii) Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information;
- (iii) Title 59, Chapter 10, Part 2, Trusts and Estates;
- (iv) Title 59, Chapter 10, Part 4, Withholding of Tax; or
- (v) a combination of Subsections (7)(b)(i), (ii), (iii), and (iv);
- (c) incremental new state ~~[revenues]~~ revenue generated as individual income taxes under Title 59, Chapter 10, Part 1, Determination and Reporting of Tax Liability and Information, paid by employees of the new digital media project as evidenced by payroll records from the digital media company; or
- (d) a combination of Subsections (7)(a), (b), and (c).
- (8) "Payroll company" means a business entity that handles the payroll and becomes the employer of record for the staff, cast, and crew of a motion picture production.
- (9) "Refundable tax credit" means a refundable motion picture tax credit authorized under Section 63N-8-103 and claimed under Section 59-7-614.5 or 59-10-1108.
- (10) "Restricted account" means the Motion Picture Incentive Account created in Section 63N-8-103.
- (11) "Rural production" means a state-approved production in which at least 75% of the total number of production days occur within:
  - (a) a county of the third, fourth, fifth, or sixth class; or
  - (b) a county of the second class that has a national park within or partially within the county's boundaries.
- (12) "State-approved production" means a production under Subsections (2) and (5) that is:
  - (a) approved by the office and ratified by the ~~[GO Utah]~~ ~~[GOEO]~~ board Board of Tourism Development created in Section 63N-7-201; and
  - (b) produced in the state by a motion picture company.
- (13) "Tax credit amount" means the amount the office lists as a tax credit on a tax credit certificate for a taxable year.
- (14) "Tax credit certificate" means a certificate issued by the office that:
  - (a) lists the name of the applicant;

## SB0084S02 compared with SB0084

- (b) lists the applicant's taxpayer identification number;
- (c) lists the amount of tax credit that the office awards the applicant for the taxable year; and
- (d) may include other information as determined by the office.

Section ~~32~~36. Section **63N-8-103** is amended to read:

### **63N-8-103. Motion Picture Incentive Account created -- Cash rebate incentives -- Refundable tax credit incentives.**

(1) (a) There is created within the General Fund a restricted account known as the Motion Picture Incentive Account, which the office shall use to provide cash rebate incentives for state-approved productions by a motion picture company.

(b) All interest generated from investment of money in the restricted account shall be deposited in the restricted account.

(c) The restricted account shall consist of an annual appropriation by the Legislature.

(d) The office shall:

(i) with the advice of the [~~GO Utah~~ GOEO] board Board of Tourism Development created in Section 63N-7-201, administer the restricted account; and

(ii) make payments from the restricted account as required under this section.

(e) The cost of administering the restricted account shall be paid from money in the restricted account.

(2) (a) A motion picture company or digital media company seeking disbursement of an incentive allowed under an agreement with the office shall follow the procedures and requirements of this Subsection (2).

(b) The motion picture company or digital media company shall provide the office with an incentive request form, provided by the office, identifying and documenting the dollars left in the state and new state [~~revenues~~] revenue generated by the motion picture company or digital media company for state-approved production, including any related tax returns by the motion picture company, payroll company, digital media company, or loan-out corporation under Subsection (2)(d).

(c) For a motion picture company, an independent certified public accountant shall:

(i) review the incentive request form submitted by the motion picture company; and

(ii) provide a report on the accuracy and validity of the incentive request form,

## SB0084S02 compared with SB0084

including the amount of dollars left in the state, in accordance with the agreed upon procedures established by the office by rule.

(d) The motion picture company, digital media company, payroll company, or loan-out corporation shall provide the office with a document that expressly directs and authorizes the State Tax Commission to disclose the entity's tax returns and other information concerning the entity that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code, to the office.

(e) The office shall submit the document described in Subsection (2)(d) to the State Tax Commission.

(f) Upon receipt of the document described in Subsection (2)(d), the State Tax Commission shall provide the office with the information requested by the office that the motion picture company, digital media company, payroll company, or loan-out corporation directed or authorized the State Tax Commission to provide to the office in the document described in Subsection (2)(d).

(g) Subject to Subsection (3), for a motion picture company the office shall:

(i) review the incentive request form from the motion picture company described in Subsection (2)(b) and verify that the incentive request form was reviewed by an independent certified public accountant as described in Subsection (2)(c); and

(ii) based upon the independent certified public accountant's report under Subsection (2)(c), determine the amount of the incentive that the motion picture company is entitled to under the motion picture company's agreement with the office.

(h) Subject to Subsection (3), for a digital media company, the office shall:

(i) ensure the digital media project results in new state ~~[revenues]~~ revenue; and

(ii) based upon review of new state ~~[revenues]~~ revenue, determine the amount of the incentive that a digital media company is entitled to under the digital media company's agreement with the office.

(i) Subject to Subsection (3), if the incentive is in the form of a cash rebate, the office shall pay the incentive from the restricted account to the motion picture company, notwithstanding Subsections 51-5-3(23)(b) and 63J-1-105(6).

(j) If the incentive is in the form of a refundable tax credit under Section 59-7-614.5 or 59-10-1108, the office shall:

## SB0084S02 compared with SB0084

(i) issue a tax credit certificate to the motion picture company or digital media company; and

(ii) provide a digital record of the tax credit certificate to the State Tax Commission.

(k) A motion picture company or digital media company may not claim a motion picture tax credit under Section 59-7-614.5 or 59-10-1108 unless the motion picture company or digital media company has received a tax credit certificate for the claim issued by the office under Subsection (2)(j)(i).

(l) A motion picture company or digital media company may claim a motion picture tax credit on the motion picture company's or the digital media company's tax return for the amount listed on the tax credit certificate issued by the office.

(m) A motion picture company or digital media company that claims a tax credit under Subsection (2)(l) shall retain the tax credit certificate and all supporting documentation in accordance with Subsection 63N-8-104(6).

(3) (a) Subject to this Subsection (3), the office may issue \$6,793,700 in tax credit certificates under this part in each fiscal year.

~~[(b) For the fiscal year ending June 30, 2022, the office may issue \$8,393,700 in tax credit certificates under this part.]~~

~~[(c)]~~ (b) For fiscal years 2023 and 2024, in addition to the amount of tax credit certificates authorized under Subsection (3)(a), the office may issue \$12,000,000 in tax credit certificates under this part only for rural productions.

~~[(d)]~~ (c) If the office does not issue tax credit certificates in a fiscal year totaling the amount authorized under this Subsection (3), the office may carry over that amount for issuance in subsequent fiscal years.

Section ~~33~~37. Section **63N-8-104** is amended to read:

**63N-8-104. Motion picture incentives -- Standards to qualify for an incentive -- Limitations -- Content of agreement between office and motion picture company or digital media company.**

(1) In addition to the requirements for receiving a motion picture incentive as set forth in this part, the office, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall make rules establishing:

(a) the standards that a motion picture company or digital media company must meet to

## SB0084S02 compared with SB0084

qualify for the motion picture incentive; and

(b) criteria for determining the amount of the incentive.

(2) The office shall ensure that those standards include the following:

(a) an incentive may only be issued for a state-approved production by a motion picture company or digital media company;

(b) financing has been obtained and is in place for the production; and

(c) the economic impact of the production on the state represents new incremental economic activity in the state as opposed to existing economic activity.

(3) With respect to a digital media project, the office shall consider economic modeling, including the costs and benefits of the digital media project to state and local governments in determining the motion picture incentive amount.

(4) The office may also consider giving preference to a production that stimulates economic activity in rural areas of the state or that has Utah content, such as recognizing that the production was made in the state or uses Utah as Utah in the production.

(5) (a) The office, with advice from the [~~GO Utah~~ ~~(GOEO)~~ board] Board of Tourism Development created in Section 63N-7-201, may enter into an agreement with a motion picture company or digital media company that meets the standards established under this section and satisfies the other qualification requirements under this part.

(b) Subject to Subsection 63N-8-103(3), the office may commit or authorize a motion picture incentive:

(i) to a motion picture company of up to 20% of the dollars left in the state by the motion picture company, and a motion picture company can receive an additional 5%, not to exceed 25% of the dollars left in the state by the motion picture company if the company fulfills certain requirements determined by the office including:

(A) employing a significant percentage of cast and crew from Utah;

(B) highlighting the state of Utah and the Utah Film Commission in the motion picture credits; or

(C) other promotion opportunities as agreed upon by the office and the motion picture company; and

(ii) to a digital media company, if the incentive does not exceed 100% of the new state revenue less the considerations under Subsection (3), but not to exceed 20% of the dollars left



## SB0084S02 compared with SB0084

in the state by the digital media company.

(c) The office may not give a cash rebate incentive from the Motion Picture Incentive Restricted Account for a digital media project.

(6) The office shall ensure that the agreement entered into with a motion picture company or digital media company under Subsection (5)(a):

(a) details the requirements that the motion picture company or digital media company must meet to qualify for an incentive under this part;

(b) specifies:

(i) the nature of the incentive; and

(ii) the maximum amount of the motion picture incentive that the motion picture company or digital media company may earn for a taxable year and over the life of the production;

(c) establishes the length of time over which the motion picture company or digital media company may claim the motion picture incentive;

(d) requires the motion picture company or digital media company to retain records supporting its claim for a motion picture incentive for at least four years after the motion picture company or digital media company claims the incentive under this part; and

(e) requires the motion picture company or digital media company to submit to audits for verification of the claimed motion picture incentive.

Section ~~{34}~~38. Section **63N-13-305** is amended to read:

**63N-13-305. Office oversight over contract performance of facilitator -- Office reports to Legislature.**

(1) The office shall monitor and oversee a facilitator's performance under a contract under Section 63N-13-303 to ensure that the facilitator is fulfilling the requirements of Section 63N-13-304.

(2) Before [~~November 15~~] October 1 of each year, the office shall provide an annual report to the Economic Development and Workforce Services Interim Committee of the facilitator's activities under this part.

Section ~~{35}~~39. Section **63N-16-301** is amended to read:

**63N-16-301. Regulatory relief web page.**

(1) The regulatory relief office shall create and maintain on [~~the GO Utah office's~~]

## SB0084S02 compared with SB0084

GOEO's website a web page that invites residents and businesses in the state to make suggestions regarding laws and regulations that could be modified or eliminated to reduce the regulatory burden of residents and businesses in the state.

(2) On at least a quarterly basis, the regulatory relief office shall compile the results of suggestions from the web page and provide a written report to the governor, the Business and Labor Interim Committee, and the Economic Development and Workforce Services Interim Committee that describes the most common suggestions.

(3) In creating the report described in Subsection (2), the regulatory relief office and the advisory committee:

(a) shall ensure that private information of residents and businesses that make suggestions on the web page is not made public; and

(b) may evaluate the suggestions and provide analysis and suggestions regarding which state laws and regulations could be modified or eliminated to reduce the regulatory burden of residents and businesses in the state while still protecting consumers.

Section ~~{36}~~40. Section **63N-17-102** is amended to read:

### **63N-17-102. Definitions.**

As used in this chapter:

(1) "Broadband center" means the Utah Broadband Center created in Section 63N-17-201.

~~{~~ ~~(2) "Broadband serviceable location" means a business or residential location where mass-market fixed broadband Internet access service is, or can be, installed.~~

~~\_\_\_\_\_ (3) "Community anchor institution" means an entity that facilitates greater use of broadband service by individuals who are:~~

~~\_\_\_\_\_ (a) low-income;~~

~~\_\_\_\_\_ (b) unemployed; or~~

~~\_\_\_\_\_ (c) over 65 years old.~~

~~‡~~ ~~[(2) ~~{~~ (4) "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~~

## SB0084S02 compared with SB0084

~~[(c) a tribal government.]~~

~~{5} "Extremely high cost per location threshold" means the point at which the cost of installing fiber optics infrastructure exceeds the amount that the government can justify spending in taxpayer dollars to provide broadband services in a broadband serviceable location due to terrain, lack of population density, high poverty among potential consumers, or other factors limiting use of the broadband services.~~

~~[(3)] {6}2 "Final proposal" means the submission provided by the state to the Assistant Secretary of Commerce for Communications and Information as part of the state's BEAD Application, as set forth in 47 U.S.C. Sec. 1702(e)(4).~~

~~{3} "Initial proposal" means the submission provided by the state to the Assistant Secretary of Commerce for Communications and Information as part of the state's BEAD Application, as set forth in 47 U.S.C. Sec. 1702(e)(3).~~

~~{4} "Letter of intent" means the submission provided by the state to the Assistant Secretary of Commerce for Communications and Information as part of the state's BEAD Application, as set forth in 47 U.S.C. Sec. 1702(e)(1)(B).~~

~~{3} {5} "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.~~

~~{6} "Subgrantee" means an entity that receives funds from the state under:~~

~~{a} the Broadband Access Grant Program created in Section 63N-17-301; or~~

~~{b} the Broadband Equity Access and Deployment Grant Program created in Section 63N-17-401.~~

~~{7} "State BEAD application" means a submission by the state for a grant under the federal Broadband Equity Access and Deployment Program established under 47 U.S.C. Sec. 1702(b), consisting of a letter of intent, initial proposal, and final proposal.~~

~~{4} {7} "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} {8} "Unserved area" means an area of the state that is {rural} and {unserved}~~

## SB0084S02 compared with SB0084

~~in terms of the area's access to broadband service, as further defined by rule made by the broadband center.~~

Section ~~{37}~~41. Section **63N-17-201** is amended to read:

### **63N-17-201. Utah Broadband Center -- Creation -- Director -- Duties.**

(1) There is created within the office the Utah Broadband Center.

(2) The executive director shall appoint a director of the broadband center to oversee the operations of the broadband center.

(3) The broadband center shall:

(a) ensure that publicly funded broadband projects continue to be publicly accessible and provide a public benefit;

(b) develop the statewide digital connectivity plan described in Section 63N-17-203;

(c) carry out the duties described in Section 63N-17-202; ~~and~~

(d) administer the Broadband Access Grant Program in accordance with Part 3, Broadband Access Grant Program~~f~~.

~~(e)~~ ~~[-]; and~~

(e) administer the Broadband Equity Access and Deployment Grant Program in accordance with Part 4, Broadband Equity Access and Deployment Program.

~~(e)~~ (f) The broadband center shall ensure efficiency with respect to:

(i) expenditure of funds; and

(ii) avoiding duplication of efforts.

~~(f)~~ (g) The broadband center shall consider administering broadband infrastructure funds in a manner that:

(i) efficiently maximizes the leverage of federal funding;

(ii) avoids the use of public funds for broadband facilities that duplicate existing broadband facilities that already meet or exceed federal standards; and

(iii) accounts for the benefits and costs to the state of existing facilities, equipment, and services of public and private broadband providers.

Section ~~{38}~~42. Section **63N-17-202** is amended to read:

### **63N-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

## SB0084S02 compared with SB0084

displays economic development data statewide, including:

- (a) voluntarily submitted broadband availability, speeds, and other broadband data;
- (b) voluntarily submitted public utility data;
- (c) workforce data, including information regarding:
  - (i) enterprise zones designated under Section 63N-2-206;
  - (ii) public institutions of higher education; and
  - (iii) APEX accelerators;
- (d) transportation data, which may include information regarding railway routes,

commuter rail routes, airport locations, and major highways;

(e) lifestyle data, which may include information regarding state parks, national parks and monuments, United States Forest Service boundaries, ski areas, golf courses, and hospitals; and

(f) other relevant economic development data as determined by the office, including data provided by partner organizations.

(2) The 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~~] alliance, 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:

## SB0084S02 compared with SB0084

- (i) apply for federal grants;
- (ii) participate in federal programs; and
- (iii) administer federally funded broadband-related programs.

Section ~~{39}~~43. Section **63N-17-203** is amended to read:

### **63N-17-203. Statewide digital connectivity plan.**

~~{1}~~1 As used in this section:

~~{a}~~1(1) "Commission" means the Utah Broadband Center Advisory Commission created in Section 36-29-109.

~~{b}~~1(2) "Strategic plan" means the statewide digital connectivity plan created in ~~[Subsection (2)]~~ accordance with Subsections (2) and (3).

~~{2}~~1(3) The broadband center shall develop the ~~[statewide digital connectivity]~~ strategic plan.

~~{3}~~1(4) The strategic plan shall include strategies to:

- (a) implement broadband connectivity statewide;
- (b) promote digital equity;
- (c) apply for federal infrastructure funds; and
- (d) apply for additional funds.

~~{4}~~1(5) In developing the strategic plan, the broadband center shall work with the commission.

~~{5}~~1(6) The center shall provide the commission with status updates regarding: ~~{}~~

~~{}~~(a) implementation of the commission's recommendations; ~~{}~~

~~{}~~(b) ~~[recommendations the center has received from the Transportation Commission; created in Section 72-1-301;]~~ the grant programs created in Sections 63N-17-301 and 63N-17-401, including:

(i) applications received for grant funding;

(ii) grant award recommendations; and

(iii) projects implemented by a subgrantee with grant funding;

~~{}~~(c) strategic plan development; ~~{}~~

~~{}~~(d) strategic plan implementation; ~~{}~~

~~{}~~(e) grants received in addition to those described in Subsection (5)(b); ~~{}~~

~~{}~~(f) projects funded in addition to those described in Subsection (5)(b); and ~~{}~~

## SB0084S02 compared with SB0084

~~ff~~(g) recommendations for legislation.~~ff~~

~~[(6)]~~ ~~(15)~~7 The broadband center shall submit the strategic plan to the commission for the commission's recommendation before finalizing the strategic plan.

~~[(7)]~~ ~~(16)~~8 On or before ~~[November 30]~~ October 1 of each year, the broadband center shall report to the commission and the Public Utilities, Energy, and Technology Interim Committee regarding ~~[the]~~ status updates ~~[described in Subsection (5)]~~.

Section ~~(40)~~44. Section **63N-17-301** is amended to read:

### **63N-17-301. Creation of Broadband Access Grant Program.**

(1) As used in this part:

(a) "Eligible applicant" means:

(i) a telecommunications provider or an Internet service provider;

(ii) 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

(iii) a tribal government.

(b) "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.

(c) "Unserved area" means an area of the state that is unserved in terms of the area's access to broadband service, as further defined by rule made by the broadband center.

~~(11)~~2 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)]~~3 (a) The broadband center may award a grant under this part to an eligible applicant ~~[who]~~ that 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)]~~ 3(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)]~~4 In awarding grants under this part, the broadband center shall:

(a) based on the following criteria and in the order provided, prioritize proposed projects:

## SB0084S02 compared with SB0084

- (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 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) (4)]~~ 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) (5) (6) In awarding a grant under this part, the broadband center shall ensure that grant funds are not used by a subgrantee in a manner that causes competition among projects that are substantially supported by state funds or federal funds subgranted by the state, as determine in accordance with rules made by the broadband center in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]

(7) As provided in and subject to the requirements of Title 63G, Chapter 2,



## SB0084S02 compared with SB0084

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 ~~{41}~~45. Section **63N-17-401** is enacted to read:

### **63N-17-401. Creation of Broadband Equity Access and Deployment Grant Program.**

~~(1) There is established a grant program known as the Broadband Equity Access and Deployment Grant Program that is administered by the broadband center in accordance with~~  
~~this part:~~

~~(2) The broadband center shall establish an application process for the Broadband Equity Access and Deployment Grant Program that requires:~~

~~(a) a declaration, signed under penalty of perjury, that the application is complete, true, and correct;~~

~~(b) an acknowledgment that an eligible applicant is subject to audit; and~~

~~(c) a declaration that an eligible applicant will meet~~;

(a) this part; and

(b) the requirements of the National Telecommunications and Information Administration's Broadband Equity Access and Deployment Program;

~~(3) (a) Subject to Subsection (3)(b), the broadband center shall establish a method for determining which eligible applicants receive a grant and the amount of the grant.~~

~~(b) The~~ }, 47 U.S. Code Sec. 1702 et seq.

(2) The broadband center shall ~~award grants to projects using fiber optics technologies unless the cost of fiber optics exceeds the extremely high cost per location threshold:~~

~~(c) The broadband center shall establish the extremely high cost per location threshold:~~

~~(4) Subject to appropriation, the broadband center shall:~~

~~(a) collect applications for grant funds from eligible applicants;~~

~~(b) determine which applicants qualify for receiving a grant; and~~

~~(c) award the grant funds~~;

(a) prepare and submit the state's Broadband Equity Access and Deployment application, including the letter of intent, initial proposal, and final proposal to the National

## SB0084S02 compared with SB0084

### Telecommunications and Information Administration;

(b) administer the Broadband Equity Access and Deployment Grant Program in accordance with ~~{the process established under this part.~~

~~Section 42}~~this section and as approved by the National Telecommunications and Information Administration;

(c) accept and process an application for subgranted funds;

(d) make a recommendation to the broadband commission on whether an application for subgranted funds should be approved or denied;

(e) ensure that a subgrantee complies with the state's final proposal to the National Telecommunications and Information Administration; and

(f) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to administer this section.

(3) The broadband commission:

(a) shall take the broadband center's recommendations, as described in Subsection (2)(d); and

(b) may approve an application for subgranted funds if the application meets the requirements of this section, any rule made pursuant to this section, and the requirements of the National Telecommunications and Information Administration's Broadband Equity Access and Deployment Program, 47 U.S. Code Sec. 1702 et seq.

(4) The broadband commission may close a meeting to receive and discuss a recommendation from the broadband center on whether an application for subgranted funds should be approved or denied if:

(a) a quorum of the broadband commission is present;

(b) the meeting is an open meeting for which notice has been given under Section 52-4-202; and

(c) two-thirds of the members of the broadband commission present at the open meeting vote to close the meeting for the purpose of discussing the recommendation of the broadband center.

### Section 46. Repealer.

This bill repeals:

Section **63N-1a-101, Title.**

## **SB0084S02 compared with SB0084**

Section **63N-17-101, Title.**

Section ~~{43}~~47. **Effective date.**

This bill takes effect on May 1, 2024.