

- 28 **9-9-107**, as last amended by Laws of Utah 1997, Chapter 35
- 29 **9-9-405**, as last amended by Laws of Utah 2010, Chapter 286
- 30 **35A-1-201**, as last amended by Laws of Utah 2011, Chapter 188
- 31 **35A-1-206**, as last amended by Laws of Utah 2011, Chapter 188
- 32 **35A-4-401**, as last amended by Laws of Utah 2012, Chapter 246
- 33 **35A-8-307**, as last amended by Laws of Utah 2012, Chapter 9 and renumbered and
- 34 amended by Laws of Utah 2012, Chapter 212 and last amended by Coordination
- 35 Clause, Laws of Utah 2012, Chapter 212
- 36 **35A-8-721**, as renumbered and amended by Laws of Utah 2012, Chapter 212
- 37 **35A-8-1607**, as renumbered and amended by Laws of Utah 2012, Chapter 212
- 38 **35A-8-1708**, as renumbered and amended by Laws of Utah 2012, Chapter 212
- 39 **35A-9-201**, as enacted by Laws of Utah 2012, Chapter 185
- 40 **63M-1-201**, as last amended by Laws of Utah 2011, Chapter 370
- 41 **63M-1-605**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 42 **63M-1-1304**, as last amended by Laws of Utah 2012, Chapter 246
- 43 **63M-1-1404**, as last amended by Laws of Utah 2012, Chapters 242 and 246
- 44 **63M-1-1505**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 45 **63M-1-1606**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 46 **63M-1-1805**, as last amended by Laws of Utah 2012, Chapter 246
- 47 **63M-1-1901**, as last amended by Laws of Utah 2012, Chapters 242 and 246
- 48 **63M-1-2406**, as last amended by Laws of Utah 2012, Chapter 246
- 49 **63M-1-2504**, as last amended by Laws of Utah 2012, Chapter 279
- 50 **63M-1-3105**, as enacted by Laws of Utah 2012, Chapter 410



51
52 *Be it enacted by the Legislature of the state of Utah:*

53 Section 1. Section **9-1-201** is amended to read:

54 **9-1-201. Department of Heritage and Arts -- Creation -- Powers and duties.**

55 (1) There is created the Department of Heritage and Arts.

56 (2) The department shall:

57 (a) be responsible for preserving and promoting the heritage of the state, the arts in the
58 state, and cultural development within the state;

- 59 (b) perform heritage, arts, and cultural development planning for the state;
- 60 (c) coordinate the program plans of the various divisions within the department;
- 61 (d) administer and coordinate all state or federal grant programs which are, or become,
62 available for heritage, arts, and cultural development;
- 63 (e) administer any other programs over which the department is given administrative
64 supervision by the governor;
- 65 (f) [~~annually~~] submit [~~a~~], before November 1, an annual written report to the governor
66 and the Legislature; and

67 (g) perform any other duties as provided by the Legislature.

68 (3) The department may solicit and accept contributions of money, services, and
69 facilities from any other sources, public or private, but may not use those contributions for
70 publicizing the exclusive interest of the donor.

71 (4) Money received under Subsection (3) shall be deposited in the General Fund as
72 restricted revenues of the department.

73 Section 2. Section **9-9-107** is amended to read:

74 **9-9-107. Annual report.**

75 The division shall submit, before November 1, an annual written report of its operations
76 and recommendations to:

- 77 (1) the department;
- 78 (2) the governor; and
- 79 (3) the Native American Legislative Liaison Committee created in Section 36-22-1.

80 Section 3. Section **9-9-405** is amended to read:

81 **9-9-405. Review committee.**

82 (1) There is created a Native American Remains Review Committee.

83 (2) (a) The review committee shall be composed of seven members as follows:

84 (i) four shall be appointed by the director from nominations submitted by Indian tribes;

85 and

86 (ii) three shall be appointed by the director from nominations submitted by

87 representatives of repositories.

88 (b) Except as required by Subsection (2)(c), as terms of current committee members
89 expire, the director shall appoint each new member or reappointed member to a four-year term.

90 (c) Notwithstanding the requirements of Subsection (2)(b), the director shall, at the
91 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
92 committee members are staggered so that approximately half of the review committee is
93 appointed every two years.

94 (d) When a vacancy occurs in the membership for any reason, the director shall appoint
95 a replacement for the unexpired term.

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

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

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

100 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
101 63A-3-107.

102 (f) The review committee shall designate one of its members as chair.

103 (3) The review committee shall:

104 (a) monitor the identification process conducted under Section 9-9-403 to ensure a fair
105 and objective consideration and assessment of all available relevant information and evidence;

106 (b) review a finding relating to the following, subject to the rules made by the division
107 under Subsection 9-9-403(6):

108 (i) the identity or cultural affiliation of Native American remains; or

109 (ii) the return of Native American remains;

110 (c) facilitate the resolution of a dispute among Indian tribes or lineal descendants and
111 state agencies relating to the return of Native American remains, including convening the
112 parties to the dispute if considered desirable;

113 (d) consult with Indian tribes on matters within the scope of the work of the review
114 committee affecting these tribes;

115 (e) consult with the division in the development of rules to carry out this part;

116 (f) perform other related functions as the division may assign to the review committee;

117 and

118 (g) make recommendations, if appropriate, regarding care of Native American remains
119 that are to be repatriated.

120 (4) A record or finding made by the review committee relating to the identity of or

121 cultural affiliation of Native American remains and the return of Native American remains may
122 be admissible in any action brought under this part.

123 (5) The appropriate state agency having primary authority over the lands as provided in
124 Chapter 8, Part 3, Antiquities, shall ensure that the review committee has reasonable access to:

125 (a) Native American remains under review; and

126 (b) associated scientific and historical documents.

127 (6) The division shall provide reasonable administrative and staff support necessary for
128 the deliberations of the review committee.

129 (7) The review committee shall submit, before November 1, an annual written report to
130 the Native American Legislative Liaison Committee, created in Section 36-22-1, on the
131 progress made, and any barriers encountered, in implementing this section during the previous
132 year.

133 Section 4. Section **35A-1-201** is amended to read:

134 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**
135 **Qualifications -- Responsibilities -- Deputy directors -- Reports.**

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

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

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

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

143 (2) The executive director shall:

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

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

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

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

152 (e) approve all applications for federal grants or assistance in support of any
153 department program; and

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

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

158 (4) (a) The executive director shall submit, before November 1, an annual written
159 report [~~annually~~] to the [~~Legislature and the~~] governor and the Legislature concerning the
160 operations of the department and the programs that the department administers.

161 (b) If federal law requires that a report to the governor or Legislature be given
162 concerning the department or a program administered by the department, the executive director
163 or the executive director's designee shall make that report.

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

166 Section 5. Section **35A-1-206** is amended to read:

167 **35A-1-206. State Council on Workforce Services -- Appointment -- Membership**
168 **-- Terms of members -- Compensation.**

169 (1) There is created a State Council on Workforce Services that shall:

170 (a) perform the activities described in Subsection (8);

171 (b) advise on issues requested by the department and the Legislature; and

172 (c) make recommendations to the department regarding:

173 (i) the implementation of Chapters 2, Economic Service Areas, 3, Employment
174 Support Act, and 5, Training and Workforce Improvement Act; and

175 (ii) the coordination of apprenticeship training.

176 (2) (a) The council shall consist of the following voting members:

177 (i) a private sector representative from each economic service area as designated by the
178 economic service area director;

179 (ii) the superintendent of public instruction or the superintendent's designee;

180 (iii) the commissioner of higher education or the commissioner's designee; and

181 (iv) the following members appointed by the governor in consultation with the
182 executive director:

- 183 (A) four representatives of small employers as defined by rule by the department;
184 (B) four representatives of large employers as defined by rule by the department;
185 (C) four representatives of employees or employee organizations, including at least one
186 representative from nominees suggested by public employees organizations;
187 (D) two representatives of the clients served under this title including
188 community-based organizations;
189 (E) a representative of veterans in the state;
190 (F) the executive director of the Utah State Office of Rehabilitation; and
191 (G) the Applied Technology College president.
- 192 (b) The following shall serve as nonvoting ex officio members of the council:
193 (i) the executive director or the executive director's designee;
194 (ii) a legislator appointed by the governor from nominations of the speaker of the
195 House of Representatives and president of the Senate;
196 (iii) the executive director of the Department of Human Services;
197 (iv) the director of the Governor's Office of Economic Development or the director's
198 designee; and
199 (v) the executive director of the Department of Health.
- 200 (3) (a) The governor shall appoint one nongovernmental member from the council as
201 the chair of the council.
202 (b) The chair shall serve at the pleasure of the governor.
- 203 (4) (a) A member appointed by the governor shall serve a term of four years and may
204 be reappointed to one additional term.
205 (b) A member shall continue to serve until the member's successor has been appointed
206 and qualified.
207 (c) Except as provided in Subsection (4)(d), as terms of council members expire, the
208 governor shall appoint each new member or reappointed member to a four-year term.
209 (d) Notwithstanding the requirements of Subsection (4)(c), the governor shall, at the
210 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
211 council members are staggered so that approximately one half of the council is appointed every
212 two years.
213 (e) When a vacancy occurs in the membership for any reason, the replacement shall be

214 appointed for the unexpired term.

215 (5) A majority of the voting members constitutes a quorum for the transaction of
216 business.

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

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

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

221 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
222 63A-3-107.

223 (7) The department shall provide staff and administrative support to the council at the
224 direction of the executive director.

225 (8) The council shall:

226 (a) develop a state workforce services plan in accordance with Section 35A-1-207;

227 (b) review economic service area plans to certify consistency with state policy
228 guidelines;

229 (c) improve the understanding and visibility of state workforce services efforts through
230 external and internal marketing strategies;

231 (d) ~~[make an annual]~~ submit, before November 1, an annual written report ~~[of~~
232 accomplishments] to the governor and the Legislature on accomplishments related to the
233 activities of the department;

234 (e) issue other studies, reports, or documents the council considers advisable that are
235 not required under Subsection (8)(d);

236 (f) coordinate the planning and delivery of workforce development services with public
237 education, higher education, vocational rehabilitation, and human services; and

238 (g) perform other responsibilities within the scope of workforce services as requested
239 by:

240 (i) the Legislature;

241 (ii) the governor; or

242 (iii) the executive director.

243 Section 6. Section **35A-4-401** is amended to read:

244 **35A-4-401. Benefits -- Weekly benefit amount -- Computation of benefits --**

245 **Department to prescribe rules -- Notification of benefits -- Bonuses.**

246 (1) (a) Benefits are payable from the fund to an individual who is or becomes
247 unemployed and eligible for benefits.

248 (b) All benefits shall be paid through the employment offices or other agencies
249 designated by the division in accordance with rules the department may prescribe in accordance
250 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

251 (2) (a) (i) Except as otherwise provided in Subsection (2)(a)(ii), an individual's "weekly
252 benefit amount" is an amount equal to 1/26th, disregarding any fraction of \$1, of the
253 individual's total wages for insured work paid during that quarter of the base period in which
254 the total wages were highest.

255 (ii) With respect to an individual whose benefit year begins after the termination of any
256 payable week under Pub. L. No. 111-5, Sec. 2002 as amended, an individual's weekly benefit
257 amount is an amount equal to 1/26th minus \$5, disregarding any fraction of \$1, of the
258 individual's total wages for insured work paid during that quarter of the base period in which
259 the total wages were highest.

260 (b) (i) The weekly benefit amount may not exceed 62.5% of the insured average fiscal
261 year weekly wage during the preceding fiscal year, disregarding any fraction of \$1.

262 (ii) With respect to an individual whose benefit year begins after the termination of any
263 payable week under Pub. L. No. 111-5, Sec. 2002 as amended, the weekly benefit amount may
264 not exceed 62.5% of the insured average fiscal year weekly wage during the preceding fiscal
265 year minus \$5, disregarding any fraction of \$1.

266 (c) (i) Except as otherwise provided in Subsections (2)(c)(ii) and (iii), the "weekly
267 benefit amount" of an individual who is receiving, or who is eligible to receive, based upon the
268 individual's previous employment, a pension, which includes a governmental, Social Security,
269 or other pension, retirement or disability retirement pay, under a plan maintained or contributed
270 to by a base-period employer is the "weekly benefit amount" which is computed under this
271 section less 100% of the retirement benefits, that are attributable to a week, disregarding any
272 fraction of \$1.

273 (ii) With respect to an individual whose benefit year begins after July 1, 2004, and ends
274 on or before the termination of any payable week under Pub. L. No. 111-5, Sec. 2002 as
275 amended, the "weekly benefit amount" of that individual, who is receiving or who is eligible to

276 receive Social Security benefits based upon the individual's previous employment, is the
277 "weekly benefit amount" which is computed under this section less 50% of the individual's
278 Social Security benefits that are attributable to the week, but not below zero.

279 (iii) With respect to an individual whose benefit year begins after the termination of
280 any payable week under Pub. L. No. 111-5, Sec. 2002 as amended, this Subsection (2)(c) and
281 Subsection (2)(d) do not apply to Social Security benefits an individual is receiving or is
282 eligible to receive as they are not considered retirement benefits for purposes of those
283 subsections.

284 (d) (i) (A) The weekly benefit amount and the potential benefits payable to an
285 individual who, subsequent to the commencement of the individual's benefit year, becomes or
286 is determined to be eligible to receive retirement benefits or increased retirement benefits, shall
287 be recomputed effective with the first calendar week during the individual's benefit year with
288 respect to which the individual is eligible to receive retirement benefits or increased retirement
289 benefits.

290 (B) The new weekly benefit amount shall be determined under this Subsection (2).

291 (ii) As recomputed the total benefits potentially payable, commencing with the
292 effective date of the recomputation, shall be equal to the recomputed weekly benefit amount
293 times the quotient obtained by dividing the potential benefits unpaid prior to the recomputation
294 by the initial weekly benefit amount, disregarding fractions.

295 (3) (a) An eligible individual who is unemployed in any week shall be paid with
296 respect to that week a benefit in an amount equal to the individual's weekly benefit amount less
297 that part of the individual's wage payable to the individual with respect to that week that is in
298 excess of 30% of the individual's weekly benefit amount.

299 (b) The resulting benefit payable shall disregard any fraction of \$1.

300 (c) For the purpose of this Subsection (3) "wages" does not include a grant paid to the
301 individual as public assistance.

302 (4) (a) An otherwise eligible individual is entitled during a benefit year to a total
303 amount of benefits determined by multiplying the individual's weekly benefit amount times the
304 individual's potential duration.

305 (b) To determine an individual's potential duration, the individual's total wages for
306 insured work paid during the base period is multiplied by 27%, disregarding any fraction of \$1,

307 and divided by the individual's weekly benefit amount, disregarding any fraction, but not less
308 than 10 nor more than 26.

309 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
310 the department may by rule prescribe:

311 (i) that the existence of unemployment, eligibility for benefits, and the amount of
312 benefits payable shall be determined in the case of an otherwise eligible individual who, within
313 a week or other period of unemployment, is separated from or secures work on a regular
314 attachment basis for that portion of the week or other period of unemployment occurring before
315 or after separation from or securing of work; and

316 (ii) in the case of an individual working on a regular attachment basis, eligibility for
317 benefits and the amount of benefits payable for periods of unemployment longer than a week.

318 (b) The rules made shall be reasonably calculated to secure general results substantially
319 similar to those provided by this chapter with respect to weeks of unemployment.

320 (6) The division shall, in all cases involving actual or potential disqualifying issues and
321 prior to the payment of benefits to an eligible individual, notify the individual's most recent
322 employer of the eligibility determination.

323 (7) Upon written request of an individual made under rules of the department in
324 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, all remuneration
325 for insured work paid to the individual during the individual's period in the form of a bonus or
326 lump-sum payment shall, for benefit purposes, be apportioned to the calendar quarters in which
327 the remuneration was earned.

328 ~~[(8) (a) The director of the division or the director's designee shall submit an annual
329 written report to the Workforce Employment Advisory Council and to the Economic
330 Development and Workforce Services Interim Committee before November 1, 2012,
331 concerning the impact of individuals applying for unemployment compensation and the
332 unemployment trust fund as a result of the amendments made to Subsection 35A-4-401(2)
333 during the Legislature's 2010 General Session.]~~

334 ~~[(b) The report shall include a recommendation for a potential adjustment in the
335 weekly benefit amounts established in Subsections 35A-4-401(2)(a)(ii) and
336 35A-4-401(2)(b)(ii), taking into account the unemployment benefit costs associated with the
337 amendments made to Subsection 35A-4-401(2) during the Legislature's 2010 General Session.]~~

338 Section 7. Section **35A-8-307** is amended to read:

339 **35A-8-307. Impact fund administered by impact board -- Eligibility for**
340 **assistance -- Review by board -- Administration costs -- Annual report.**

341 (1) (a) The impact board shall:

342 (i) administer the impact fund in a manner that will keep a portion of the impact fund
343 revolving;

344 (ii) determine provisions for repayment of loans;

345 (iii) establish criteria for determining eligibility for assistance under this part; and

346 (iv) consider recommendations from the School and Institutional Trust Lands

347 Administration when awarding a grant described in Subsection 35A-8-303(6).

348 (b) (i) The criteria for awarding loans or grants made from funds described in

349 Subsection 35A-8-303(5) shall be consistent with the requirements of Subsection

350 35A-8-303(5).

351 (ii) The criteria for awarding grants made from funds described in Subsection

352 35A-8-303(2)(c) shall be consistent with the requirements of Subsection 35A-8-303(6).

353 (c) In order to receive assistance under this part, subdivisions and interlocal agencies

354 shall submit formal applications containing the information that the impact board requires.

355 (2) In determining eligibility for loans and grants under this part [~~except for Subsection~~

356 ~~35A-8-305(2)~~], the impact board shall consider the following:

357 (a) the subdivision's or interlocal agency's current mineral lease production;

358 (b) the feasibility of the actual development of a resource that may impact the

359 subdivision or interlocal agency directly or indirectly;

360 (c) current taxes being paid by the subdivision's or interlocal agency's residents;

361 (d) the borrowing capacity of the subdivision or interlocal agency, including:

362 (i) its ability and willingness to sell bonds or other securities in the open market; and

363 (ii) its current and authorized indebtedness;

364 (e) all possible additional sources of state and local revenue, including utility user

365 charges;

366 (f) the availability of federal assistance funds;

367 (g) probable growth of population due to actual or prospective natural resource

368 development in an area;

369 (h) existing public facilities and services;

370 (i) the extent of the expected direct or indirect impact upon public facilities and
371 services of the actual or prospective natural resource development in an area; and

372 (j) the extent of industry participation in an impact alleviation plan, either as specified
373 in Title 63M, Chapter 5, Resource Development Act, or otherwise.

374 [~~(3)~~ Before the impact board may make a grant to a city under Subsection
375 35A-8-305(2), the impact board shall find that the city is experiencing a substantial hardship in
376 making payments on bonded indebtedness as a result of receiving a qualifying sales and use tax
377 distribution reduction.]

378 [~~(4)~~ (3) The impact board may not fund an education project that could otherwise have
379 reasonably been funded by a school district through a program of annual budgeting, capital
380 budgeting, bonded indebtedness, or special assessments.

381 [~~(5)~~ (4) The impact board may restructure all or part of the agency's or subdivision's
382 liability to repay loans for extenuating circumstances.

383 [~~(6)~~ (5) The impact board shall:

384 (a) review the proposed uses of the impact fund for loans or grants before approving
385 them and may condition its approval on whatever assurances the impact board considers
386 necessary to ensure that proceeds of the loan or grant will be used in accordance with the
387 Leasing Act and this part; and

388 (b) ensure that each loan specifies the terms for repayment and is evidenced by general
389 obligation, special assessment, or revenue bonds, notes, or other obligations of the appropriate
390 subdivision or interlocal agency issued to the impact board under whatever authority for the
391 issuance of those bonds, notes, or obligations exists at the time of the loan.

392 [~~(7)~~ (6) The impact board shall allocate from the impact fund to the department those
393 funds that are appropriated by the Legislature for the administration of the impact fund, but this
394 amount may not exceed 2% of the annual receipts to the impact fund.

395 [~~(8)~~ (7) The department shall [~~make an annual~~] submit, before November 1, an annual
396 written report to the Legislature concerning the number and type of loans and grants made as
397 well as a list of subdivisions and interlocal agencies that received this assistance.

398 Section 8. Section **35A-8-721** is amended to read:

399 **35A-8-721. Annual report to governor and Legislature -- Contents -- Audits.**

400 (1) (a) The corporation shall, following the close of each fiscal year, submit, before
401 November 1, an annual written report of its activities for the preceding year to the governor and
402 the Legislature.

403 (b) Each report shall set forth a complete operating and financial statement of the
404 corporation during the fiscal year it covers.

405 (c) At least once each year, an independent certified public accountant shall audit the
406 books and accounts of the corporation.

407 (d) A complete copy of each annual audit report shall be:

- 408 (i) included in the report to the governor and the Legislature under Subsection (2); and
- 409 (ii) available for public inspection at the corporation's office.

410 (2) The corporation shall, each fiscal year, submit a budget of its operations to the
411 Legislature and the governor.

412 (3) (a) The corporation shall form an audit committee consisting of no less than three
413 trustees.

414 (b) The audit committee has exclusive authority to:

- 415 (i) select and engage the independent certified public accountant to audit the
416 corporation; and
- 417 (ii) supervise the audit.

418 (4) The corporation shall provide additional information upon request by the governor,
419 the Legislature, a legislative committee, the legislative auditor general, or the state auditor.

420 Section 9. Section **35A-8-1607** is amended to read:

421 **35A-8-1607. Division to distribute money -- Annual report -- Administration**
422 **costs.**

423 (1) The division shall distribute loan and grant money if the loan or grant is approved
424 by the board.

425 (2) The division shall [~~make~~] submit an annual written report, before November 1,
426 concerning the number and type of loans and grants made as well as a list of recipients of this
427 assistance to:

- 428 (a) the Native American Legislative Liaison Committee, created in Section 36-22-1;
- 429 and

430 (b) the governor.

431 (3) The division, with board approval, may use fund money for the administration of
432 the fund, but this amount may not exceed 2% of the annual receipts to the fund.

433 Section 10. Section **35A-8-1708** is amended to read:

434 **35A-8-1708. Annual report.**

435 The division shall [~~report annually~~] submit, before November 1, an annual written
436 report to the Native American Legislative Liaison Committee and the governor concerning the
437 number and type of loans and grants made as well as a list of recipients of this assistance.

438 Section 11. Section **35A-9-201** is amended to read:

439 **35A-9-201. Intergenerational poverty tracking system -- Data -- Analysis --**
440 **Annual report.**

441 (1) The department shall establish and maintain a system to track intergenerational
442 poverty.

443 (2) The system shall:

444 (a) identify groups that have a high risk of experiencing intergenerational poverty;

445 (b) identify incidents, patterns, and trends that explain or contribute to
446 intergenerational poverty;

447 (c) assist case workers, social scientists, and government officials in the study and
448 development of effective and efficient plans and programs to help individuals and families in
449 the state to break the cycle of poverty; and

450 (d) gather and track available local, state, and national data on:

451 (i) official poverty rates;

452 (ii) child poverty rates;

453 (iii) years spent by individuals in childhood poverty;

454 (iv) years spent by individuals in adult poverty; and

455 (v) related poverty information.

456 (3) The department shall:

457 (a) use available data in the tracking system, including public assistance data, census
458 data, and other data made available to the department;

459 (b) develop and implement methods to integrate, compare, analyze, and validate the
460 data for the purposes described in Subsection (2);

461 (c) protect the privacy of individuals living in poverty by using and distributing data

462 within the tracking system in compliance with:

463 (i) federal requirements; and

464 (ii) the provisions of Title 63G, Chapter 2, Government Records Access and
465 Management Act; and

466 (d) [~~no later than September 30 of each year, provide~~] submit, before November 1, an
467 annual written report on the data, findings, and potential uses of the tracking system to:

468 (i) the governor;

469 (ii) the Legislative Management Committee; and

470 (iii) the [~~Legislature's~~] Economic Development and Workforce Services Interim
471 Committee.

472 Section 12. Section **63M-1-201** is amended to read:

473 **63M-1-201. Creation of office.**

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

475 (2) The office shall:

476 (a) be responsible for economic development within the state;

477 (b) perform economic development planning for the state;

478 (c) administer and coordinate all state or federal grant programs which are, or become
479 available, for economic development;

480 (d) administer any other programs over which the office is given administrative
481 supervision by the governor;

482 (e) [~~annually~~] submit [~~a~~], before November 1, an annual written report to the
483 Legislature [~~by October 1~~]; and

484 (f) perform any other duties as provided by the Legislature.

485 (3) The office may solicit and accept contributions of money, services, and facilities
486 from any other source, public or private, but may not use the money for publicizing the
487 exclusive interest of the donor.

488 (4) Money received under Subsection (3) shall be deposited in the General Fund as
489 dedicated credits of the office.

490 (5) (a) The office is recognized as an issuing authority as defined in Subsection
491 63M-1-3002(7), entitled to issue bonds from the Small Issue Bond Account created in
492 Subsection 63M-1-3006(1)(c) as a part of the state's private activity bond volume cap

493 authorized by the Internal Revenue Code of 1986 and computed under Section 146 of the code.

494 (b) To promote and encourage the issuance of bonds from the Small Issue Bond
495 Account for manufacturing projects, the office may:

496 (i) develop campaigns and materials that inform qualified small manufacturing
497 businesses about the existence of the program and the application process;

498 (ii) assist small businesses in applying for and qualifying for these bonds; or

499 (iii) develop strategies to lower the cost to small businesses of applying for and
500 qualifying for these bonds, including making arrangements with financial advisors,

501 underwriters, bond counsel, and other professionals involved in the issuance process to provide
502 their services at a reduced rate when the division can provide them with a high volume of
503 applicants or issues.

504 Section 13. Section **63M-1-605** is amended to read:

505 **63M-1-605. Duties and powers.**

506 (1) The council shall:

507 (a) encourage the use of science and technology in the administration of state and local
508 government;

509 (b) develop programs whereby state agencies and the several public and private
510 institutions of higher education and technical colleges within the state may assist business and
511 industry in the utilization of science and technology;

512 (c) further communication between agencies of federal, state, and local government
513 who wish to utilize science and technology;

514 (d) develop programs of cooperation on matters of science and technology between:

515 (i) state and local government agencies;

516 (ii) the several public and private institutions of higher education and technical
517 colleges within the state; and

518 (iii) business and industry within the state; or

519 (iv) ~~between~~ any combination of these;

520 (e) provide a means whereby government, business, industry, and higher education
521 may be represented in the formulation and implementation of state policies and programs on
522 matters of science and technology;

523 (f) review, catalog, and compile the research and development uses by the state

524 universities of the revenue derived from mineral lease funds on state and federal lands;

525 (g) [~~provide to the Legislature~~] submit, before November 1, an annual [~~report~~] written
526 report to the Legislature on the expenditure and utilization of these mineral lease funds;

527 (h) make recommendations to the Legislature on the further uses of these mineral lease
528 funds in order to stimulate research and development directed toward the more effective
529 utilization of the state's natural resources; and

530 (i) prepare and [~~odge~~] submit, before November 1, an annual written report [~~with~~] to
531 the governor and [~~with~~] the Legislature.

532 (2) The council may:

533 (a) in accordance with Title 63J, Chapter 5, Federal Funds Procedures Act, apply for,
534 receive, and disburse funds, contributions, or grants from whatever source for the purposes set
535 forth in this part;

536 (b) employ, compensate, and prescribe the duties and powers of those individuals,
537 subject to the provisions of this part relating to the adviser, necessary to execute the duties and
538 powers of the council; and

539 (c) enter into contracts for the purposes of this part.

540 Section 14. Section **63M-1-1304** is amended to read:

541 **63M-1-1304. Council powers and duties.**

542 (1) The council shall:

543 (a) coordinate and advise on policies and objectives related to economic development
544 and growth within the state;

545 (b) coordinate with state and private entities, including private venture capital and seed
546 capital firms, to avoid duplication of programs and to increase the availability of venture and
547 seed capital for research and for the development and growth of new and existing businesses in
548 the state;

549 (c) focus on technologies, industries, and geographical areas of the state in which the
550 state can expand investment and entrepreneurship and stimulate job growth;

551 (d) coordinate ideas and strategies to increase national and international business
552 activities for both the urban and rural areas of the state; and

553 (e) plan, coordinate, advise, or recommend any other action that would better the state's
554 economy.

555 (2) The council shall submit, before November 1, an annual written report of its
 556 activities to the governor and [to] the Economic Development and Workforce Services Interim
 557 Committee [~~by November 1~~].

558 Section 15. Section **63M-1-1404** is amended to read:

559 **63M-1-1404. Powers and duties of office related to tourism development plan --**
 560 **Annual report and survey.**

561 (1) The office shall:

- 562 (a) be the tourism development authority of the state;
- 563 (b) develop a tourism advertising, marketing, and branding program for the state;
- 564 (c) receive approval from the Board of Tourism Development under Subsection
 565 63M-1-1403(1)(a) before implementing the out-of-state advertising, marketing, and branding
 566 campaign;
- 567 (d) develop a plan to increase the economic contribution by tourists visiting the state;
- 568 (e) plan and conduct a program of information, advertising, and publicity relating to the
 569 recreational, scenic, historic, and tourist advantages and attractions of the state at large; and
- 570 (f) encourage and assist in the coordination of the activities of persons, firms,
 571 associations, corporations, travel regions, counties, and governmental agencies engaged in
 572 publicizing, developing, and promoting the scenic attractions and tourist advantages of the
 573 state.

574 (2) Any plan provided for under Subsection (1) shall address, but not be limited to,
 575 enhancing the state's image, promoting Utah as a year-round destination, encouraging
 576 expenditures by visitors to the state, and expanding the markets where the state is promoted.

577 (3) The office shall:

- 578 (a) conduct a regular and ongoing research program to identify statewide economic
 579 trends and conditions in the tourism sector of the economy; and [~~to provide~~]
- 580 (b) submit, before November 1, an annual written [~~evaluation of the economic~~
 581 ~~efficiency of the advertising and branding campaigns conducted under this part~~] report to the
 582 Economic Development and Workforce Services Interim Committee and the Business,
 583 Economic Development, and Labor Appropriations Subcommittee [~~by November 1~~] on the
 584 economic efficiency of the advertising and branding campaigns conducted under this part.

585 Section 16. Section **63M-1-1505** is amended to read:

586 **63M-1-1505. Criteria for participation -- Report.**

587 (1) The advisory board shall develop objective criteria including the following:

588 (a) a three year commitment by the applicant to provide a project manager with a travel
589 and operating budget;

590 (b) evidence that both the business community and the local government support the
591 Utah Pioneer Communities Program approach philosophically and financially;

592 (c) capacity for economic change as a result of being a participant in the program;

593 (d) geographic location, population, and economic base diversity;

594 (e) evidence of past preservation efforts; and

595 (f) a population of less than 50,000.

596 (2) The advisory board shall [~~provide~~], before November 1, submit to the governor and

597 [~~to~~] the presiding officer of each house of the Legislature an annual written report [~~on~~]

598 regarding the effects of the Utah Pioneer Communities Program.

599 Section 17. Section **63M-1-1606** is amended to read:

600 **63M-1-1606. Annual report.**

601 The office shall submit, before November 1, an annual written report of the program's
602 operations and recommendations to:

603 (1) the governor; [~~and~~]

604 (2) the Rural Development Legislative Liaison Committee created in Section
605 36-25-102[~~;~~]; and

606 (3) the Economic Development and Workforce Services Interim Committee.

607 Section 18. Section **63M-1-1805** is amended to read:

608 **63M-1-1805. Annual report.**

609 The office shall submit, before November 1, an annual written report to the Economic
610 Development and Workforce Services Interim Committee describing:

611 (1) [~~its~~] the office's success in attracting within-the-state production of television
612 series, made-for-television movies, and motion pictures, including feature films and
613 independent films;

614 (2) the amount of incentive commitments made by the office under this part and the
615 period of time over which the incentives will be paid; and

616 (3) the economic impact on the state related to:

617 (a) dollars left in the state; and

618 (b) providing motion picture incentives under this part.

619 Section 19. Section **63M-1-1901** is amended to read:

620 **63M-1-1901. Military installation projects for economic development -- Funding**
621 **-- Criteria -- Dispersal -- Report.**

622 (1) The Legislature recognizes that significant growth in the state's economy can be
623 achieved by state and local support of the continuing expansion and development of federal
624 military installations throughout the state.

625 (2) The office, through its director, may receive and distribute legislative
626 appropriations and public and private grants and donations for military installation projects
627 that:

628 (a) have a strong probability of increasing the growth and development of a military
629 facility within the state, thereby providing significant economic benefits to the state;

630 (b) will provide a significant number of new jobs within the state that should remain
631 within the state for a period of several years; and

632 (c) involve a partnership between the military and private industry or local government
633 or the military and private industry and local government.

634 (3) (a) The director may distribute money under this section to:

635 (i) a regional or statewide nonprofit economic development organization; or

636 (ii) a federal military partnership that has the mission of promoting the economic
637 growth of a military installation.

638 (b) The director shall make a distribution under this section upon:

639 (i) receipt of an application on a form prescribed by the office that lists:

640 (A) the particulars of the proposed use of the money requested, such as needed
641 equipment purchases and anticipated training costs;

642 (B) the estimated number of new jobs that will be created by the proposed project;

643 (C) pending contracts related to the project that are to be finalized from funding
644 anticipated under this section; and

645 (D) a projected date on which the applicant shall provide the director with a report on
646 the implementation and performance of the project, including the creation of new jobs; and

647 (ii) a determination by the director that the project satisfies the requirements listed in

648 Subsection (2).

649 (c) (i) The office shall monitor the activities of a recipient of money under this section
650 to ensure that there is compliance with the terms and conditions imposed on the recipient under
651 this part.

652 (ii) The office shall submit, before November 1, an annual written report to the
653 Economic Development and Workforce Services Interim Committee and the Business,
654 Economic Development, and Labor Appropriations Subcommittee [~~by November 1 on~~]
655 regarding the use and impact of the money distributed under this section.

656 Section 20. Section **63M-1-2406** is amended to read:

657 **63M-1-2406. Report to the Economic Development and Workforce Services**
658 **Interim Committee.**

659 The office shall submit, before November 1, an annual written report to the Economic
660 Development and Workforce Services Interim Committee describing:

661 (1) [~~its~~] the office's success in attracting new commercial projects to development
662 zones under this part and the corresponding increase in new incremental jobs;

663 (2) the estimated amount of tax credit commitments made by the office and the period
664 of time over which tax credits will be paid; and

665 (3) the economic impact on the state related to generating new state revenues and
666 providing tax credits under this part.

667 Section 21. Section **63M-1-2504** is amended to read:

668 **63M-1-2504. Creation of Office of Consumer Health Services -- Duties.**

669 (1) There is created within the Governor's Office of Economic Development the Office
670 of Consumer Health Services.

671 (2) The office shall:

672 (a) in cooperation with the Insurance Department, the Department of Health, and the
673 Department of Workforce Services, and in accordance with the electronic standards developed
674 under Sections 31A-22-635 and 63M-1-2506, create a Health Insurance Exchange that:

675 (i) provides information to consumers about private and public health programs for
676 which the consumer may qualify;

677 (ii) provides a consumer comparison of and enrollment in a health benefit plan posted
678 on the Health Insurance Exchange; and

679 (iii) includes information and a link to enrollment in premium assistance programs and
680 other government assistance programs;

681 (b) contract with one or more private vendors for:

682 (i) administration of the enrollment process on the Health Insurance Exchange,
683 including establishing a mechanism for consumers to compare health benefit plan features on
684 the exchange and filter the plans based on consumer preferences;

685 (ii) the collection of health insurance premium payments made for a single policy by
686 multiple payers, including the policyholder, one or more employers of one or more individuals
687 covered by the policy, government programs, and others; and

688 (iii) establishing a call center in accordance with Subsection (3);

689 (c) assist employers with a free or low cost method for establishing mechanisms for the
690 purchase of health insurance by employees using pre-tax dollars;

691 (d) establish a list on the Health Insurance Exchange of insurance producers who, in
692 accordance with Section 31A-30-209, are appointed producers for the Health Insurance
693 Exchange; and

694 (e) submit, before November 1, an annual written report to the Business and Labor
695 Interim Committee and the Health System Reform Task Force [~~prior to the Legislative interim~~
696 ~~day in November of each year~~] regarding the operations of the Health Insurance Exchange
697 required by this chapter.

698 (3) A call center established by the office:

699 (a) shall provide unbiased answers to questions concerning exchange operations, and
700 plan information, to the extent the plan information is posted on the exchange by the insurer;
701 and

702 (b) may not:

703 (i) sell, solicit, or negotiate a health benefit plan on the Health Insurance Exchange;

704 (ii) receive producer compensation through the Health Insurance Exchange; and

705 (iii) be designated as the default producer for an employer group that enters the Health
706 Insurance Exchange without a producer.

707 (4) The office:

708 (a) may not:

709 (i) regulate health insurers, health insurance plans, health insurance producers, or

710 health insurance premiums charged in the exchange;

711 (ii) adopt administrative rules, except as provided in Section 63M-1-2506; or

712 (iii) act as an appeals entity for resolving disputes between a health insurer and an

713 insured;

714 (b) may establish and collect a fee for the cost of the exchange transaction in

715 accordance with Section 63J-1-504 for:

716 (i) processing an application for a health benefit plan;

717 (ii) accepting, processing, and submitting multiple premium payment sources;

718 (iii) providing a mechanism for consumers to filter and compare health benefit plans in

719 the exchange based on consumer preferences; and

720 (iv) funding the call center; and

721 (c) shall separately itemize the fee established under Subsection (4)(b) as part of the

722 cost displayed for the employer selecting coverage on the exchange.

723 Section 22. Section **63M-1-3105** is amended to read:

724 **63M-1-3105. Report to the legislative committees.**

725 The office shall [~~report annually~~] submit, before November 1, an annual written report

726 to the [~~Workforce Services and Community and~~] Economic Development and Workforce

727 Services Interim Committee and the Revenue and Taxation Interim Committee describing:

- 728 (1) [~~its~~] the office's success in attracting alternative energy manufacturing projects to
- 729 the state and the resulting increase in new state revenues under this part;
- 730 (2) the amount of tax credits the office has granted or will grant and the time period
- 731 during which the tax credits have been or will be granted; and
- 732 (3) the economic impact on the state by comparing new state revenues to tax credits
- 733 that have been or will be granted under this part.

Legislative Review Note
as of 10-22-12 9:09 AM

Office of Legislative Research and General Counsel