

**TAX INCENTIVE REVIEW AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

Senate Sponsor: Deidre M. Henderson

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**LONG TITLE**

**General Description:**

This bill amends provisions related to legislative review and evaluation of tax incentives and economic development programs.

**Highlighted Provisions:**

This bill:

- ▶ creates the Economic Development Legislative Liaison Committee;
- ▶ provides for the membership, expenses, duties, and staff support of the committee;
- ▶ requires the Governor's Office of Economic Development to provide the committee with certain information;
- ▶ addresses the confidentiality of and access to information provided to the committee by the Governor's Office of Economic Development;
- ▶ provides that the committee is not a public body for purposes of the Open and Public Meetings Act;
- ▶ defines terms;
- ▶ addresses what tax information the State Tax Commission can provide to certain offices;
- ▶ requires the State Tax Commission and Office of the Legislative Fiscal Analyst to conduct a study and to report their findings; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

29 **Other Special Clauses:**

30       This bill provides a special effective date.

31       This bill provides a repeal date.

32 **Utah Code Sections Affected:**

33 AMENDS:

34       **52-4-103**, as last amended by Laws of Utah 2016, Chapter 77

35       **59-1-403**, as last amended by Laws of Utah 2015, Chapters 411 and 451

36       **63N-1-201**, as renumbered and amended by Laws of Utah 2015, Chapter 283

37 ENACTS:

38       **36-30-101**, Utah Code Annotated 1953

39       **36-30-102**, Utah Code Annotated 1953

40       **36-30-201**, Utah Code Annotated 1953

41       **36-30-202**, Utah Code Annotated 1953

42       **36-30-203**, Utah Code Annotated 1953

43 **Uncodified Material Affected:**

44 ENACTS UNCODIFIED MATERIAL



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

47       Section 1. Section **36-30-101** is enacted to read:

48                   **CHAPTER 30. ECONOMIC DEVELOPMENT LEGISLATIVE**

49                                   **LIAISON COMMITTEE**

50       **36-30-101. Title.**

51       This chapter is known as the "Economic Development Legislative Liaison Committee."

52       Section 2. Section **36-30-102** is enacted to read:

53       **36-30-102. Definitions.**

54       As used in this chapter:

55       (1) "Classification" means the same as that term is defined in Section **63G-2-103**.

56           (2) "Committee" means the Economic Development Legislative Liaison Committee  
57 created in this chapter.

58           (3) "Improperly use" means:

59           (a) to further substantially one's own or another's personal economic interest;

60           (b) to secure special privileges or exemptions for one's self or another; or

61           (c) to cause economic injury or damage to:

62           (i) an individual or business entity; or

63           (ii) an individual's or a business entity's property, reputation, or business interests.

64           (4) "Office" means the Governor's Office of Economic Development created in Section  
65 63N-1-201.

66           (5) "Record" means the same as that term is defined in Section 63G-2-103.

67           Section 3. Section **36-30-201** is enacted to read:

68           **36-30-201. Economic Development Legislative Liaison Committee -- Creation --**  
69 **Membership -- Chairs -- Per diem and expenses.**

70           (1) There is created the Economic Development Legislative Liaison Committee.

71           (2) The committee membership consists of the following eight members:

72           (a) four members from the House of Representatives, appointed by the speaker of the  
73 House of Representatives, with no more than three from the same political party; and

74           (b) four members from the Senate, appointed by the president of the Senate, with no  
75 more than three members from the same political party.

76           (3) Five members of the committee constitute a quorum.

77           (4) (a) The speaker of the House of Representatives shall designate a member of the  
78 House of Representatives appointed under Subsection (2)(a) as a cochair of the committee.

79           (b) The president of the Senate shall designate a member of the Senate appointed under  
80 Subsection (2)(b) as a cochair of the committee.

81           (5) A committee member shall receive compensation and expenses as provided by  
82 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

83 Section 4. Section **36-30-202** is enacted to read:

84 **36-30-202. Duties -- Confidential information -- Records.**

85 (1) The committee shall receive reports from the office regarding:

86 (a) how the office is:

87 (i) promoting and encouraging economic development in the state; and

88 (ii) creating, developing, attracting, and retaining business, industry, and commerce in  
89 the state;

90 (b) an economic development incentive or program the office administers;

91 (c) a contract or agreement that the office has entered into with a public or private  
92 entity;

93 (d) a grant that the office has made to a public or private entity;

94 (e) any funds from a public or private source that the office has expended;

95 (f) any money, services, or facilities the office has solicited or accepted from a public  
96 or private donor;

97 (g) a policy, priority, or objective under which the office operates; or

98 (h) any other economic development related information that the office can provide.

99 (2) At the beginning of each meeting, the cochairs of the committee shall inform each  
100 individual in attendance that there may be:

101 (a) restrictions on disclosing or improperly using information the committee receives  
102 during the meeting; and

103 (b) penalties for not complying with the restrictions on disclosing or improperly using  
104 information the committee receives during the meeting.

105 (3) (a) Before adjourning a meeting of the committee, the office shall inform the  
106 committee whether the information the office provides under this section is subject to  
107 restrictions on disclosing or improperly using the information.

108 (b) The committee shall comply with any restrictions on the disclosure or improper use  
109 of information.

110 (c) An individual may not disclose or improperly use information that is:  
111 (i) received by the individual at a committee meeting; and  
112 (ii) determined to be confidential or subject to restrictions on disclosure under  
113 Subsection (3)(a).

114 (d) An individual who intentionally discloses or improperly uses information described  
115 under Subsection (3)(c) knowing that the disclosure or use is prohibited under this section is  
116 guilty of a class B misdemeanor.

117 (4) (a) The office's sharing of records with the committee is governed by this section  
118 rather than Section [63G-2-206](#).

119 (b) The office shall inform the committee of the office's classification of any record the  
120 office provides to the committee.

121 (c) (i) The committee is subject to the same restrictions on disclosure or use of a record  
122 the committee receives from the office as the office is subject to.

123 (ii) An individual that violates the restrictions on disclosure or use described under  
124 Subsection (4)(c)(i) is subject to:

125 (A) the applicable penalties provided under Title 63G, Chapter 2, Government Records  
126 Access and Management Act; and

127 (B) any other applicable penalties provided by law.

128 (d) A person may not make a request under Title 63G, Chapter 2, Government Records  
129 Access and Management Act, or this section, for access to a record in possession of the  
130 committee if the committee received the record from the office in accordance with this section.

131 (5) The committee may not:  
132 (a) request legislation;  
133 (b) recommend legislation;  
134 (c) take a position on a matter of public policy;  
135 (d) except as necessary to obtain the information described in Subsection (1), direct the  
136 negotiations, activities, and work of the office; or

137 (e) require the office to request company-specific tax information from the State Tax  
138 Commission.

139 (6) The committee shall comply with the rules of legislative interim committees unless  
140 those rules conflict with this section.

141 (7) The committee may meet as needed.

142 Section 5. Section **36-30-203** is enacted to read:

143 **36-30-203. Staff support.**

144 The Office of Legislative Research and General Counsel and the Office of the  
145 Legislative Fiscal Analyst shall jointly provide staff services to the committee.

146 Section 6. Section **52-4-103** is amended to read:

147 **52-4-103. Definitions.**

148 As used in this chapter:

149 (1) "Anchor location" means the physical location from which:

150 (a) an electronic meeting originates; or

151 (b) the participants are connected.

152 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by  
153 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake  
154 City.

155 (3) "Convening" means the calling together of a public body by a person authorized to  
156 do so for the express purpose of discussing or acting upon a subject over which that public  
157 body has jurisdiction or advisory power.

158 (4) "Electronic meeting" means a public meeting convened or conducted by means of a  
159 conference using electronic communications.

160 (5) "Electronic message" means a communication transmitted electronically, including:

161 (a) electronic mail;

162 (b) instant messaging;

163 (c) electronic chat;

- 164 (d) text messaging as defined in Section 76-4-401; or  
165 (e) any other method that conveys a message or facilitates communication  
166 electronically.
- 167 (6) (a) "Meeting" means the convening of a public body or a specified body, with a  
168 quorum present, including a workshop or an executive session, whether in person or by means  
169 of electronic communications, for the purpose of discussing, receiving comments from the  
170 public about, or acting upon a matter over which the public body or specific body has  
171 jurisdiction or advisory power.
- 172 (b) "Meeting" does not mean:  
173 (i) a chance gathering or social gathering; or  
174 (ii) a convening of the State Tax Commission to consider a confidential tax matter in  
175 accordance with Section 59-1-405.
- 176 (c) "Meeting" does not mean the convening of a public body that has both legislative  
177 and executive responsibilities if:  
178 (i) no public funds are appropriated for expenditure during the time the public body is  
179 convened; and  
180 (ii) the public body is convened solely for the discussion or implementation of  
181 administrative or operational matters:  
182 (A) for which no formal action by the public body is required; or  
183 (B) that would not come before the public body for discussion or action.
- 184 (7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the  
185 public statements of each member of the public body who is participating in a meeting.
- 186 (8) "Participate" means the ability to communicate with all of the members of a public  
187 body, either verbally or electronically, so that each member of the public body can hear or  
188 observe the communication.
- 189 (9) (a) "Public body" means any administrative, advisory, executive, or legislative body  
190 of the state or its political subdivisions that:

- 191 (i) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
- 192 (ii) consists of two or more persons;
- 193 (iii) expends, disburses, or is supported in whole or in part by tax revenue; and
- 194 (iv) is vested with the authority to make decisions regarding the public's business.
- 195 (b) "Public body" includes, as defined in Section [11-13-103](#), an interlocal entity or joint
- 196 or cooperative undertaking.
- 197 (c) "Public body" does not include [a]:
- 198 (i) a political party, a political group, or a political caucus;
- 199 (ii) a conference committee, a rules committee, or a sifting committee of the
- 200 Legislature; [or]
- 201 (iii) a school community council or charter trust land council as defined in Section
- 202 [53A-1a-108.1](#)[~~7~~]; or
- 203 (iv) the Economic Development Legislative Liaison Committee created in Section
- 204 [36-30-201](#).
- 205 (10) "Public statement" means a statement made in the ordinary course of business of
- 206 the public body with the intent that all other members of the public body receive it.
- 207 (11) (a) "Quorum" means a simple majority of the membership of a public body, unless
- 208 otherwise defined by applicable law.
- 209 (b) "Quorum" does not include a meeting of two elected officials by themselves when
- 210 no action, either formal or informal, is taken on a subject over which these elected officials
- 211 have advisory power.
- 212 (12) "Recording" means an audio, or an audio and video, record of the proceedings of a
- 213 meeting that can be used to review the proceedings of the meeting.
- 214 (13) "Specified body":
- 215 (a) means an administrative, advisory, executive, or legislative body that:
- 216 (i) is not a public body;
- 217 (ii) consists of three or more members; and



218 (iii) includes at least one member who is:  
219 (A) a legislator; and  
220 (B) officially appointed to the body by the president of the Senate, speaker of the  
221 House of Representatives, or governor; and  
222 (b) does not include a body listed in Subsection (9)(c)(ii).  
223 (14) "Transmit" means to send, convey, or communicate an electronic message by  
224 electronic means.

225 Section 7. Section **59-1-403** is amended to read:

226 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

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

- 229 (i) a tax commissioner;
- 230 (ii) an agent, clerk, or other officer or employee of the commission; or
- 231 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or  
232 town.

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

- 236 (i) in accordance with judicial order;
- 237 (ii) on behalf of the commission in any action or proceeding under:
  - 238 (A) this title; or
  - 239 (B) other law under which persons are required to file returns with the commission;
- 240 (iii) on behalf of the commission in any action or proceeding to which the commission  
241 is a party; or

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

244 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may

245 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically  
246 pertinent to the action or proceeding.

247 (2) This section does not prohibit:

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

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

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

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

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

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

258 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the  
259 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
260 Rulemaking Act, provide for a reciprocal exchange of information with:

261 (i) the United States Internal Revenue Service; or

262 (ii) the revenue service of any other state.

263 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
264 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,  
265 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and  
266 other written statements with the federal government, any other state, any of the political  
267 subdivisions of another state, or any political subdivision of this state, except as limited by  
268 Sections [59-12-209](#) and [59-12-210](#), if the political subdivision, other state, or the federal  
269 government grant substantially similar privileges to this state.

270 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and  
271 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,

272 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the  
273 identity and other information of taxpayers who have failed to file tax returns or to pay any tax  
274 due.

275 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the  
276 Division of Environmental Response and Remediation, as defined in Section 19-6-402, as  
277 requested by the director of the Division of Environmental Response and Remediation, any  
278 records, returns, or other information filed with the commission under Chapter 13, Motor and  
279 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program  
280 participation fee.

281 (e) Notwithstanding Subsection (1), at the request of any person the commission shall  
282 provide that person sales and purchase volume data reported to the commission on a report,  
283 return, or other information filed with the commission under:

284 (i) Chapter 13, Part 2, Motor Fuel; or

285 (ii) Chapter 13, Part 4, Aviation Fuel.

286 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,  
287 as defined in Section 59-22-202, the commission shall report to the manufacturer:

288 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the  
289 manufacturer and reported to the commission for the previous calendar year under Section  
290 59-14-407; and

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

294 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,  
295 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited  
296 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

297 (h) Notwithstanding Subsection (1), the commission may:

298 (i) provide to the Division of Consumer Protection within the Department of

299 Commerce and the attorney general data:

300 (A) reported to the commission under Section 59-14-212; or

301 (B) related to a violation under Section 59-14-211; and

302 (ii) upon request, provide to any person data reported to the commission under

303 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

304 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee

305 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of

306 Management and Budget, provide to the committee or office the total amount of revenues

307 collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the

308 time period specified by the committee or office.

309 (j) Notwithstanding Subsection (1), the commission shall make the directory required

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

311 (k) Notwithstanding Subsection (1), the commission may share information with

312 federal, state, or local agencies as provided in Subsection 59-14-606(3).

313 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of

314 Recovery Services within the Department of Human Services any relevant information

315 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer

316 who has become obligated to the Office of Recovery Services.

317 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of

318 Recovery Services to any other state's child support collection agency involved in enforcing

319 that support obligation.

320 (m) (i) Notwithstanding Subsection (1), upon request from the state court

321 administrator, the commission shall provide to the state court administrator, the name, address,

322 telephone number, county of residence, and Social Security number on resident returns filed

323 under Chapter 10, Individual Income Tax Act.

324 (ii) The state court administrator may use the information described in Subsection

325 (3)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

326 (n) Notwithstanding Subsection (1), the commission shall at the request of a  
327 committee, commission, or task force of the Legislature provide to the committee, commission,  
328 or task force of the Legislature any information relating to a tax imposed under Chapter 9,  
329 Taxation of Admitted Insurers, relating to the study required by Section 59-9-101.

330 (o) (i) As used in this Subsection (3)(o)[, "office"]:

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

334 (B) "Office" means the[:(A)] Office of the Legislative Fiscal Analyst[; or (B)],  
335 established in Section 36-12-13, the Office of Legislative Research and General Counsel,  
336 established in Section 36-12-12, the Governor's Office of Economic Development, created in  
337 Section 63N-1-201, or the Governor's Office of Management and Budget, created in Section  
338 63J-4-2011.

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

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

344 (ii) (A) Notwithstanding Subsection (1) and except as provided in Subsection  
345 (3)(o)[(iii)](ii)(B) or (C), the commission shall at the request of an office provide to the office  
346 all income tax information[;].

347 [~~(A) gained by the commission; and~~]

348 [~~(B) required to be attached to or included in returns filed with the commission.~~]

349 [(iii) (A) ~~An~~] (B) For purposes of a request for income tax information made under  
350 Subsection (3)(o)(ii)(A), an office may not request and the commission may not provide to an  
351 office a person's[;] address, name, social security number, or taxpayer identification number.

352 [~~(F) address;~~]

353           ~~[(H) name;]~~  
354           ~~[(HH) Social Security number; or]~~  
355           ~~[(IV) taxpayer identification number.]~~  
356           ~~[(B) The]~~ (C) In providing income tax information to an office, the commission shall  
357 in all instances protect the privacy of a person as required by Subsection (3)(o)~~[(iii)(A)]~~(ii)(B).  
358           (iii) (A) Notwithstanding Subsection (1) and except as provided in Subsection  
359 (3)(o)(iii)(B), the commission shall at the request of an office provide to the office other tax  
360 information.  
361           (B) Before providing other tax information to an office, the commission shall redact or  
362 remove any name, address, social security number, or taxpayer identification number.  
363           (iv) An office may provide tax information received from the commission in  
364 accordance with this Subsection (3)(o) only:  
365           (A) as~~[:]~~ a fiscal estimate, fiscal note information, or statistical information; and  
366           ~~[(I) a fiscal estimate;]~~  
367           ~~[(H) fiscal note information; or]~~  
368           ~~[(HH) statistical information; and]~~  
369           (B) if the tax information is classified to prevent the identification of a particular  
370 return.  
371           (v) (A) A person may not request tax information from an office under Title 63G,  
372 Chapter 2, Government Records Access and Management Act, or this section, if that office  
373 received the tax information from the commission in accordance with this Subsection (3)(o).  
374           (B) An office may not provide to a person that requests tax information in accordance  
375 with Subsection (3)(o)(v)(A) any tax information other than the tax information the office  
376 provides in accordance with Subsection (3)(o)(iv).  
377           (p) Notwithstanding Subsection (1), the commission may provide to the governing  
378 board of the agreement or a taxing official of another state, the District of Columbia, the United  
379 States, or a territory of the United States:

380 (i) the following relating to an agreement sales and use tax:  
381 (A) information contained in a return filed with the commission;  
382 (B) information contained in a report filed with the commission;  
383 (C) a schedule related to Subsection (3)(p)(i)(A) or (B); or  
384 (D) a document filed with the commission; or  
385 (ii) a report of an audit or investigation made with respect to an agreement sales and  
386 use tax.

387 (q) Notwithstanding Subsection (1), the commission may provide information  
388 concerning a taxpayer's state income tax return or state income tax withholding information to  
389 the Driver License Division if the Driver License Division:

390 (i) requests the information; and  
391 (ii) provides the commission with a signed release form from the taxpayer allowing the  
392 Driver License Division access to the information.

393 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah  
394 Communications Authority, or a division of the Utah Communications Authority, the  
395 information requested by the authority under Sections 63H-7a-302, 63H-7a-402, and  
396 63H-7a-502.

397 (s) Notwithstanding Subsection (1), the commission shall provide to the Utah  
398 Educational Savings Plan information related to a resident or nonresident individual's  
399 contribution to a Utah Educational Savings Plan account as designated on the resident or  
400 nonresident's individual income tax return as provided under Section 59-10-1313.

401 (t) Notwithstanding Subsection (1), for the purpose of verifying eligibility under  
402 Sections 26-18-2.5 and 26-40-105, the commission shall provide an eligibility worker with the  
403 Department of Health or its designee with the adjusted gross income of an individual if:

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

406 (ii) the eligibility worker has complied with the identity verification and consent

407 provisions of Sections 26-18-2.5 and 26-40-105.

408 (u) Notwithstanding Subsection (1), the commission may provide to a county, as  
409 determined by the commission, information declared on an individual income tax return in  
410 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption  
411 authorized under Section 59-2-103.

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

413 (b) After the three-year period provided in Subsection (4)(a) the commission may  
414 destroy a report or return.

415 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

416 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,  
417 the person shall be dismissed from office and be disqualified from holding public office in this  
418 state for a period of five years thereafter.

419 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in  
420 accordance with Subsection (3)(o)(iii) or a person that requests information in accordance with  
421 Subsection (3)(o)(v):

422 (i) is not guilty of a class A misdemeanor; and

423 (ii) is not subject to:

424 (A) dismissal from office in accordance with Subsection (5)(b); or

425 (B) disqualification from holding public office in accordance with Subsection (5)(b).

426 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.  
427 Section 8. Section 63N-1-201 is amended to read:

428 **63N-1-201. Creation of office -- Responsibilities.**

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

430 (2) The office is:

431 (a) responsible for economic development and economic development planning in the  
432 state; and

433 (b) the industrial promotion authority of the state.



- 434 (3) The office shall:
- 435 (a) administer and coordinate state and federal economic development grant programs;
- 436 (b) promote and encourage the economic, commercial, financial, industrial,
- 437 agricultural, and civic welfare of the state;
- 438 (c) act to create, develop, attract, and retain business, industry, and commerce in the
- 439 state;
- 440 (d) act to enhance the state's economy;
- 441 (e) administer programs over which the office is given administrative supervision by
- 442 the governor;
- 443 (f) submit an annual written report as described in Section [63N-1-301](#); ~~and~~
- 444 (g) comply with the requirements of Section [36-30-202](#); and
- 445 ~~(g)~~ (h) perform other duties as provided by the Legislature.
- 446 (4) In order to perform its duties under this title, the office may:
- 447 (a) enter into a contract or agreement with, or make a grant to, a public or private
- 448 entity, including a municipality, if the contract or agreement is not in violation of state statute
- 449 or other applicable law;
- 450 (b) except as provided in Subsection (4)(c), receive and expend funds from a public or
- 451 private source for any lawful purpose that is in the state's best interest; and
- 452 (c) solicit and accept a contribution of money, services, or facilities from a public or
- 453 private donor, but may not use the contribution for publicizing the exclusive interest of the
- 454 donor.
- 455 (5) Money received under Subsection (4)(c) shall be deposited in the General Fund as
- 456 dedicated credits of the office.
- 457 (6) (a) The office shall obtain the advice of the board before implementing a change to
- 458 a policy, priority, or objective under which the office operates.
- 459 (b) Subsection (6)(a) does not apply to the routine administration by the office of
- 460 money or services related to the assistance, retention, or recruitment of business, industry, or

461 commerce in the state.

462           Section 9. **Sales tax exemption study.**

463           (1) The Utah State Tax Commission, in consultation with the Office of the Legislative  
464 Fiscal Analyst, shall study and prepare a report on the state revenue impacts of the sales and  
465 use tax exemptions under Section [59-12-104](#).

466           (2) The Utah State Tax Commission and Office of the Legislative Fiscal Analyst shall  
467 present the findings of the report to the Revenue and Taxation Interim Committee before  
468 November 30, 2017.

469           Section 10. **Effective date.**

470           If approved by two-thirds of all the members elected to each house, this bill takes effect  
471 upon approval by the governor, or the day following the constitutional time limit of Utah  
472 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
473 the date of veto override.

474           Section 11. **Repeal date.**

475           Uncodified Section 9, Sales tax exemption study, is repealed on November 30, 2017.