

Representative A. Cory Maloy proposes the following substitute bill:

INDUSTRIAL ASSISTANCE ACCOUNT AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: A. Cory Maloy

LONG TITLE

General Description:

This bill modifies provisions regarding the use of money from the Industrial Assistance Account.

Highlighted Provisions:

This bill:

- describes the requirements and post-performance requirements for an entity to qualify for money from the Industrial Assistance Account related to holding an annual conference or festival; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63N-3-109, as last amended by Laws of Utah 2019, Chapter 483

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



Section 1. Section **63N-3-109** is amended to read:

63N-3-109. Financial assistance to entities offering economic opportunities.

(1) Subject to the duties and powers of the board under Section **63N-1-402**, the administrator may provide money from the Industrial Assistance Account to an entity offering an economic opportunity if that entity:

(a) applies to the administrator in a form approved by the administrator; and

(b) meets the qualifications of Subsection (2).

(2) As part of an application for receiving money under this section, an applicant shall:

(a) demonstrate to the satisfaction of the administrator the nature of the economic opportunity and the related benefit to the economic well-being of the state by providing evidence documenting the logical and compelling linkage, either direct or indirect, between the expenditure of money necessitated by the economic opportunity and the likelihood that the state's tax base, regions of the state's tax base, or specific components of the state's tax base will not be reduced but will be maintained or enlarged;

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

(c) demonstrate how the funding request will act in concert with free market principles;

(d) satisfy other criteria the administrator considers appropriate;

(e) if the applicant meets the requirements of Subsection (2)(f)(i):

(i) demonstrate that the funding request will be used primarily to reimburse ~~the~~ an applicant for expenses related to a program of marketing and branding for an annual conference ~~[for the high tech sector]~~ or festival with at least 10,000 attendees that is held on or after January 1, 2019; and

(ii) demonstrate that ~~the~~ an annual conference or festival described in Subsection (2)(f)(i) has met post-performance requirements designated by the administrator ~~[regarding]~~, in coordination with the organizer of an annual conference or festival, which shall include metrics and reporting requirements related to:

~~[(A) business leads generated by the conference;]~~

~~[(B) total attendance at the conference;]~~

~~[(C) the number of out-of-state attendees at the conference;]~~

~~[(D) the number of out-of-state businesses represented at the conference; and]~~

57 ~~[(E) documentation of marketing and advertising money spent outside of the state for~~
58 ~~the conference; and]~~

59 (A) attendance;

60 (B) revenue;

61 (C) expenses;

62 (D) economic impact to the state;

63 (E) sponsorships; and

64 (F) conference or festival objectives; and

65 (f) be either:

66 (i) an entity whose purpose is to exclusively or substantially promote, develop, or
67 maintain the economic welfare and prosperity of the state as a whole, regions of the state, or
68 specific components of the state, including an entity ~~[that is a nonprofit organization engaged~~
69 ~~in publicizing, developing, and promoting the high tech sector in the state through activities~~
70 ~~that include organizing and hosting]~~ that hosts an annual conference ~~[for the high tech sector]~~
71 or festival with at least 10,000 attendees; or

72 (ii) a company or individual that meets the requirements of Subsections (2)(a) through
73 (d) but does not otherwise qualify under Section 63N-3-105.

74 (3) Subject to the duties and powers of the board under Section 63N-1-402, the
75 administrator shall:

76 (a) make findings as to whether an applicant has satisfied each of the conditions
77 described in Subsection (2);

78 (b) establish benchmarks and timeframes in which progress toward the completion of
79 the agreed upon activity is to occur;

80 (c) monitor compliance by an applicant with any contract or agreement entered into by
81 the applicant and the state as provided by Section 63N-3-107; ~~[and]~~

82 (d) make funding decisions based upon appropriate findings and compliance~~[-]; and~~

83 (e) in cooperation with each entity that has received money from the Industrial
84 Assistance Account in accordance with Subsection (2)(e), provide a written report on or before
85 October 1 of each year describing the total amount of money provided by the state for each
86 annual conference or festival during the year and the total cost from all sources of holding each
87 annual conference or festival during the year to the:

- 88 (i) office for inclusion in the office's annual report described in Section [63N-1-301](#); and
89 (ii) Economic Development and Workforce Services Interim Committee.