

Representative Stephen G. Handy proposes the following substitute bill:

UTAH BROADBAND OUTREACH CENTER

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill creates the Utah Broadband Outreach Center within the Governor's Office of Economic Development (GOED).

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Utah Broadband Outreach Center (center) within GOED;
- ▶ authorizes the executive director of GOED to appoint a director of the center;
- ▶ describes the duties of the center, which include:
 - coordinating broadband development policy and promotion among broadband providers, state and federal agencies, and local government entities;
 - making recommendations to the governor and Legislature regarding policies and initiatives that promote the development of broadband-related infrastructure in the state; and
 - coordinating with broadband providers and other relevant stakeholders to promote the voluntary expansion of broadband infrastructure in both rural and urban communities;
- ▶ describes reporting requirements of the center; and



26 ▶ provides a sunset date.

27 **Money Appropriated in this Bill:**

28 This bill appropriates in fiscal year 2015:

29 ▶ to the Governor's Office of Economic Development – Utah Broadband Outreach

30 Center as a one time appropriation:

31 • from the General Fund, One-time, \$75,000.

32 This bill appropriates in fiscal year 2016:

33 ▶ to the Governor's Office of Economic Development -- Utah Broadband Outreach

34 Center as an ongoing appropriation:

35 • from the General Fund, \$350,000.

36 **Other Special Clauses:**

37 This bill provides a special effective date.

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **63I-1-263**, as last amended by Laws of Utah 2014, Chapters 113, 189, 195, 211, 419,
41 429, and 435

42 ENACTS:

43 **63N-12-301**, Utah Code Annotated 1953

44 **63N-12-302**, Utah Code Annotated 1953

45 **63N-12-303**, Utah Code Annotated 1953

46 **63N-12-304**, Utah Code Annotated 1953

47 **63N-12-305**, Utah Code Annotated 1953



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

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

51 **63I-1-263. Repeal dates, Titles 63A to 63N.**

52 (1) Section **63A-4-204**, authorizing the Risk Management Fund to provide coverage to
53 any public school district which chooses to participate, is repealed July 1, 2016.

54 (2) Subsection **63A-5-104(4)(h)** is repealed on July 1, 2024.

55 (3) Section **63A-5-603**, State Facility Energy Efficiency Fund, is repealed July 1, 2016.

56 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July

57 1, 2018.

58 (5) Title 63C, Chapter 14, Federal Funds Commission, is repealed July 1, 2018.

59 (6) Title 63C, Chapter 15, Prison Relocation Commission, is repealed July 1, 2017.

60 (7) Subsection 63G-6a-1402(7) authorizing certain transportation agencies to award a
61 contract for a design-build transportation project in certain circumstances, is repealed July 1,
62 2015.

63 (8) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
64 2020.

65 (9) The Resource Development Coordinating Committee, created in Section
66 63J-4-501, is repealed July 1, 2015.

67 (10) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.

68 (11) (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone Act, is
69 repealed January 1, 2021.

70 (b) Subject to Subsection (11)(c), Sections 59-7-610 and 59-10-1007 regarding tax
71 credits for certain persons in recycling market development zones, are repealed for taxable
72 years beginning on or after January 1, 2021.

73 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

74 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
75 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

76 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
77 the expenditure is made on or after January 1, 2021.

78 (d) Notwithstanding Subsections (11)(b) and (c), a person may carry forward a tax
79 credit in accordance with Section 59-7-610 or 59-10-1007 if:

80 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

81 (ii) (A) for the purchase price of machinery or equipment described in Section
82 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
83 2020; or

84 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
85 expenditure is made on or before December 31, 2020.

86 (12) Section 63M-1-3412 is repealed on July 1, 2021.

87 (13) (a) Section 63M-1-2507, Health Care Compact is repealed on July 1, 2014.

88 (b) (i) The Legislature shall, before reauthorizing the Health Care Compact:

89 (A) direct the Health System Reform Task Force to evaluate the issues listed in
90 Subsection (13)(b)(ii), and by January 1, 2013, develop and recommend criteria for the
91 Legislature to use to negotiate the terms of the Health Care Compact; and

92 (B) prior to July 1, 2014, seek amendments to the Health Care Compact among the
93 member states that the Legislature determines are appropriate after considering the
94 recommendations of the Health System Reform Task Force.

95 (ii) The Health System Reform Task Force shall evaluate and develop criteria for the
96 Legislature regarding:

97 (A) the impact of the Supreme Court ruling on the Affordable Care Act;

98 (B) whether Utah is likely to be required to implement any part of the Affordable Care
99 Act prior to negotiating the compact with the federal government, such as Medicaid expansion
100 in 2014;

101 (C) whether the compact's current funding formula, based on adjusted 2010 state
102 expenditures, is the best formula for Utah and other state compact members to use for
103 establishing the block grants from the federal government;

104 (D) whether the compact's calculation of current year inflation adjustment factor,
105 without consideration of the regional medical inflation rate in the current year, is adequate to
106 protect the state from increased costs associated with administering a state based Medicaid and
107 a state based Medicare program;

108 (E) whether the state has the flexibility it needs under the compact to implement and
109 fund state based initiatives, or whether the compact requires uniformity across member states
110 that does not benefit Utah;

111 (F) whether the state has the option under the compact to refuse to take over the federal
112 Medicare program;

113 (G) whether a state based Medicare program would provide better benefits to the
114 elderly and disabled citizens of the state than a federally run Medicare program;

115 (H) whether the state has the infrastructure necessary to implement and administer a
116 better state based Medicare program;

117 (I) whether the compact appropriately delegates policy decisions between the
118 legislative and executive branches of government regarding the development and

119 implementation of the compact with other states and the federal government; and

120 (J) the impact on public health activities, including communicable disease surveillance
121 and epidemiology.

122 (14) (a) Title 63M, Chapter 1, Part 35, Utah Small Business Jobs Act, is repealed
123 January 1, 2021.

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

126 (c) Notwithstanding Subsection (14)(b), an entity may carry forward a tax credit in
127 accordance with Section 59-9-107 if:

128 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
129 31, 2020; and

130 (ii) the qualified equity investment that is the basis of the tax credit is certified under
131 Section 63M-1-3503 on or before December 31, 2023.

132 (15) The Crime Victim Reparations and Assistance Board, created in Section
133 63M-7-504, is repealed July 1, 2017.

134 (16) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2017.

135 (17) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed July
136 1, 2018.

137 Section 2. Section 63N-12-301 is enacted to read:

138 **Part 3. Utah Broadband Outreach Center**

139 **63N-12-301. Title.**

140 This part is known as the "Utah Broadband Outreach Center."

141 Section 3. Section 63N-12-302 is enacted to read:

142 **63N-12-302. Definitions.**

143 As used in this part:

144 (1) (a) "Broadband" means high-speed Internet access that is always on.

145 (b) "Broadband" includes both mobile and fixed technologies.

146 (2) "Center" means the Utah Broadband Outreach Center created in Section
147 63N-12-303.

148 Section 4. Section 63N-12-303 is enacted to read:

149 **63N-12-303. Creation of center.**

- 150 (1) There is created within GOED the Utah Broadband Outreach Center.
- 151 (2) The executive director shall appoint a director of the center.
- 152 (3) The director of the center may appoint staff with the approval of the executive
- 153 director.

154 Section 5. Section **63N-12-304** is enacted to read:

155 **63N-12-304. Center responsibilities.**

- 156 (1) The center shall:
- 157 (a) coordinate broadband development policy and promotion among:
- 158 (i) voluntarily participating broadband providers in the state;
- 159 (ii) state and federal agencies; and
- 160 (iii) local government entities in the state;
- 161 (b) make recommendations to the governor and Legislature regarding policies and
- 162 initiatives that promote the development of broadband-related infrastructure and help
- 163 implement those policies and initiatives;
- 164 (c) promote policies and initiatives that encourage private-sector deployment of
- 165 infrastructure and public-private partnerships to increase broadband services to urban and rural
- 166 communities;
- 167 (d) facilitate coordination between broadband providers and public and private entities;
- 168 (e) coordinate with broadband providers and other relevant stakeholders to promote the
- 169 voluntary expansion of broadband infrastructure in both rural and urban communities;
- 170 (f) promote the adoption and utilization of up-to-date broadband technologies and
- 171 infrastructure; and
- 172 (g) collect and analyze data on broadband availability and usage in the state, including
- 173 Internet speed, capacity, unique visitors, and broadband infrastructure available throughout the
- 174 state.
- 175 (2) The center may:
- 176 (a) work with broadband providers, state and local governments, and other public and
- 177 private stakeholders to facilitate and encourage the expansion of broadband infrastructure
- 178 throughout the state;
- 179 (b) work with state and local government entities to promote best practices that
- 180 increase coordination between public and private partners and encourage broader deployment

181 of broadband infrastructure;

182 (c) work with various stakeholders, including the Office of Rural Development created
183 in Section 63N-4-102, the Governor's Rural Partnership Board created in Section 63C-10-102,
184 chambers of commerce, developers, and state and local governments to market existing
185 broadband infrastructure, particularly in rural communities;

186 (d) create a voluntary broadband advisory committee that may include broadband
187 providers and other public and private stakeholders to solicit input on policy guidance, best
188 practices, and broadband adoption strategies;

189 (e) partner with the Automated Geographic Reference Center created in Section
190 63F-1-506 to:

191 (i) collect and maintain a database and interactive map that displays residential and
192 commercial broadband data;

193 (ii) display data regarding broadband availability on the center's website and make the
194 data available for other state and national websites;

195 (iii) conduct research on broadband availability and adoption; and

196 (iv) conduct research to verify broadband availability data; and

197 (f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds

198 Procedures Act:

199 (i) apply for federal grants;

200 (ii) participate in federal programs; and

201 (iii) in accordance with federal requirements, administer federally funded

202 broadband-related programs.

203 Section 6. Section **63N-12-305** is enacted to read:

204 **63N-12-305. Reporting.**

205 (1) The center shall prepare an annual report describing the center's operations and
206 recommendations for inclusion in GOED's annual written report described in Section
207 63N-1-301.

208 (2) The center shall maintain a public website that:

209 (a) provides updated information regarding broadband coverage and availability in the
210 state; and

211 (b) provides information as determined by the center that aids in marketing and

212 expanding broadband and broadband infrastructure in the state.

213 **Section 7. Appropriation.**

214 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
215 the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money
216 are appropriated from resources not otherwise appropriated, or reduced from amounts
217 previously appropriated, out of the funds or accounts indicated. These sums of money are in
218 addition to any amounts previously appropriated for fiscal year 2015.

219 To Governor's Office of Economic Development – Utah Broadband Outreach Center
220 From General Fund, One-time \$75,000

221 Schedule of Programs:

222 Utah Broadband Outreach Center \$75,000

223 **Section 8. Appropriation.**

224 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
225 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
226 are appropriated from resources not otherwise appropriated, or reduced from amounts
227 previously appropriated, out of the funds or accounts indicated. These sums of money are in
228 addition to any amounts previously appropriated for fiscal year 2016.

229 To Governor's Office of Economic Development – Utah Broadband Outreach Center
230 From General Fund \$350,000

231 Schedule of Programs:

232 Utah Broadband Outreach Center \$350,000

233 **Section 9. Effective date.**

234 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
235 elected to each house, this bill takes effect upon approval by the governor, or the day following
236 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
237 signature, or in the case of a veto, the date of veto override.

238 (2) Uncodified Section 8, Appropriation, takes effect on July 1, 2015.