CARES ACT AND COVID-19 ASSISTANCE AND RECOVERY AMENDMENTS

2020 SIXTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel Hemmert

House Sponsor: Robert M. Spendlove

LONG TITLE

General Description:

This bill modifies statutory provisions in response to the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, including provisions related to assistance and economic recovery programs created by the state.

Highlighted Provisions:

This bill:

- defines terms;
- modifies provisions of the COVID-19 Agricultural Operations Grant Program;
- modifies provisions of the Cultural Assistance Grant Program, including the entities that may participate in the program;
- modifies provisions related to COVID-19 residential housing assistance;
- modifies provisions of the Utah Works Program;
- changes the name of the Commercial Rental Assistance Program to the Commercial Rental and Mortgage Assistance Program and modifies provisions of the program, including the entities that may participate in the program;
- modifies provisions of the Impacted Businesses Grant Program;
- modifies provisions of the COVID-19 PPE Support Grant Program;
- creates the Oil, Mining, and Gas Grant Program within the Governor's Office of Economic Development;
- describes how certain provisions of the CARES Act apply to tenants under state law; and

- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

4-18-106.1 (Repealed 05/31/21), as enacted by Laws of Utah 2020, Third Special Session, Chapter 11

9-6-901, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

9-6-902, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

35A-8-2302 (Repealed 05/31/21), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 11

63N-12-508, as last amended by Laws of Utah 2020, Fifth Special Session, Chapters 12 and 12

63N-14-101 (Repealed 05/31/21), as enacted by Laws of Utah 2020, Third Special Session, Chapter 11

63N-14-102 (Repealed 05/31/21), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 11

63N-14-201 (Repealed 05/31/21), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 11

63N-15-102, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

63N-15-103, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

63N-15-201, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

63N-15-301, as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 12

78B-6-802, as last amended by Laws of Utah 2020, Chapters 280 and 329

ENACTS:

63N-15-501, Utah Code Annotated 1953

63N-15-502, Utah Code Annotated 1953

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

Section 1. Section **4-18-106.1 (Repealed 05/31/21)** is amended to read:

4-18-106.1 (Repealed 05/31/21). COVID-19 Agricultural Operations Grant Program.

(1) As used in this section:

(a) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136.

(b) "COVID-19" means:

(i) severe acute respiratory syndrome coronavirus 2; or

(ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

(c) "COVID-19 emergency" means the spread of COVID-19 that the World Health Organization declared a pandemic on March 11, 2020.

(d) "Program" means the COVID-19 Agricultural Operations Grant Program established in Subsection (2).

(2) The commission shall establish and administer a COVID-19 Agricultural Operations Grant Program to ensure in this state the continuation of food and fiber production, the maintenance of product supply chains, and the ability to get products to market during and immediately following the COVID-19 emergency.

(3) (a) Under the program, the commission may make a grant:

(i) to an agricultural operation that[~~:(A)~~] on or after March 1, 2020, but on or before December 30, 2020, is financially harmed as a result of federal, state, or local public health measures taken to minimize the public's exposure to COVID-19; [~~and~~]

[~~(B) does not receive funds from the COVID-19 Commercial Rental Assistance Program established in Title 63N, Chapter 14, COVID-19 Commercial Rental Assistance Program;~~]

(ii) for the purpose of assisting an agricultural operation with the financial harm

described in Subsection (3)(a)(i), including measures to continue food and fiber production in the state, maintain the agricultural operation's supply chains, or deliver the agricultural operation's product to market; [~~and~~]

(iii) in an amount not to exceed $40,000[~~.~~]; and

(iv) for a grant awarded under this section after October 15, 2020, the $40,000 limit described in Subsection (3)(a)(iii) does not apply.

(b) The commission may utilize the board appointed in Section 4-18-106 to:

(i) oversee the award process for grants, as described in this section; and

(ii) approve grants.

(4) (a) Upon application for a grant described in this section, an agricultural operation shall disclose whether the agricultural operation has received or applied for funds from the Paycheck Protection Program described in the CARES Act.

(b) (i) An agricultural operation that receives funds between February 15, 2020, and June 30, 2020, from the Paycheck Protection Program described in the CARES Act, is only eligible to receive a grant under this section in an amount not to exceed $20,000.

(ii) For a grant awarded under this section after October 15, 2020, the $20,000 limit described in Subsection (4)(b)(i) does not apply.

(c) An agricultural operation described in Subsection (4)(b) that receives more than the amount for which the agricultural operation is eligible under Subsection (4)(b) shall return to the commission any funds for which the agricultural operation is not eligible.

(5) Grants the commission makes in accordance with this section shall be made using funds:

(a) the state receives from the Coronavirus Relief Fund described in the CARES Act;

(b) the Legislature appropriates; and

(c) in a total amount not to exceed $20,000,000.

(6) The commission may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this section.

(7) This section supersedes any conflicting provisions of Utah law.

(8) The commission shall provide a report to the Natural Resources, Agriculture, and Environment Interim Committee before May 15, 2021, regarding grants made under this section, including:

(a) the number of applications submitted to receive a grant under the program;

(b) the number of grants awarded under the program;

(c) the amount of money granted under the program; and

(d) any other information the commission considers relevant to evaluating the success of the program.

Section 2. Section **9-6-901** is amended to read:

9-6-901. Definitions.

As used in this part:

(1) "COVID-19" means:

(a) severe acute respiratory syndrome coronavirus 2; or

(b) the disease caused by severe acute respiratory syndrome coronavirus 2.

(2) "Legislative committee" means:

(a) the president of the Senate;

(b) the speaker of the House of Representatives;

(c) the minority leader of the Senate; and

(d) the minority leader of the House of Representatives.

(3) "Qualified organization" means[~~: (a)~~] an entity that is eligible to receive funding from the tax authorized under Title 59, Chapter 12, Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, regardless of whether the entity receives any funding[~~; or (b) a for-profit equivalent of an entity described in Subsection (3)(a)~~].

Section 3. Section **9-6-902** is amended to read:

9-6-902. COVID-19 Cultural Assistance Grant Program -- Eligibility -- Grant limit.

(1) There is established a grant program known as COVID-19 Cultural Assistance

Grant Program that is administered by the division in accordance with this part.

(2) To be eligible to apply for a grant under this part, a qualified organization:

(a) on or before December 30, 2020, shall offer or propose to offer[~~, on or before December 30, 2020,~~] a cultural, artistic, botanical, [~~recreational,~~] or zoological activity in this state that[~~: (i)~~] promotes travel and tourism in this state; and

[~~(ii) in aggregate has a cost that is estimated to equal or exceed 50% of the grant amount that the qualified organization requests;~~]

(b) shall describe to the division how receipt of grant funds will benefit the communities or artists in this state affected by COVID-19[~~;~~].

[~~(c) shall have an average three-year operational expenditure of $5,000,000 or more per year; and~~]

[~~(d) may not receive grant funds under Title 63N, Chapter 15, Part 2, COVID-19 Impacted Businesses Grant Program.~~]

[~~(3) The amount of a grant that the division awards to a qualified organization under this part may not exceed two times the net cost of the cultural, artistic, botanical, recreational, or zoological activity that the qualified organization offers or proposes to offer.~~]

Section 4. Section **35A-8-2302 (Repealed 05/31/21)** is amended to read:

35A-8-2302 (Repealed 05/31/21). COVID-19 residential housing assistance -- Rulemaking.

(1) The division shall assist qualifying state residents [~~financially harmed~~] negatively impacted on or after March 1, 2020, but on or before December 30, 2020, by COVID-19 to retain or obtain housing:

(a) through a new or existing housing-related program or service; and

(b) using funds:

(i) the state receives from the Coronavirus Relief Fund described in the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136;

(ii) the Legislature appropriates; and

(iii) in a total amount not to exceed $20,000,000.

(2) (a) A qualifying state resident described in Subsection (1) may include a residential landlord applying on behalf of one or more tenants who would otherwise qualify for the assistance described in this section.

(b) The total amount of assistance a landlord receives under this Subsection (2) shall be applied to the payment of rent for the tenants on whose behalf the landlord is receiving the assistance.

[~~(2)~~] (3) The division [~~shall~~] may:

(a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for any program or service the division establishes or modifies to carry out the provisions of this part, including rules related to the application process and requirements for a state resident to qualify for assistance under this part[~~.~~]; and

(b) use up to 5% of the appropriations described in this section for marketing and outreach to state residents who may qualify for assistance under this section,

Section 5. Section **63N-12-508** is amended to read:

63N-12-508. Utah Works Program.

(1) There is created within the center the Utah Works Program.

(2) The program, under the direction of the center and the talent ready board, shall coordinate and partner with the entities described below to develop short-term pre-employment training and short-term early employment training for student and workforce participants that meet the needs of businesses that are creating jobs and economic growth in the state by:

(a) partnering with the office, the Department of Workforce Services, and the Utah system of higher education;

(b) partnering with businesses that have significant hiring demands for primarily newly created jobs in the state;

(c) coordinating with the Department of Workforce Services, education agencies, and employers to create effective recruitment initiatives to attract student and workforce participants and business participants to the program;

(d) coordinating with the Utah system of higher education to develop educational and

training resources to provide student participants in the program qualifications to be hired by business participants in the program; and

(e) coordinating with the State Board of Education and local education agencies when appropriate to develop educational and training resources to provide student participants in the program qualifications to be hired by business participants in the program.

(3) (a) Subject to appropriation, beginning on August 5, 2020, the office, in consultation with the talent ready board, may respond to the COVID-19 pandemic by directing financial grants to institutions of higher education described in Section 53B-2-101 to offer short-term programs to:

(i) provide training to furloughed, laid off, dislocated, underserved, or other populations affected by COVID-19 to fill employment gaps in the state;

(ii) provide training and education related to industry needs; and

(iii) provide students with certificates or other recognition after completion of training.

(b) (i) As soon as is practicable but on or before July 31, 2020, the office shall report to the director of the Division of Finance about the grant program under this Subsection (3), including:

(A) the process by which the office shall determine which institutions of [~~public~~] higher education shall receive financial grants; and

(B) the formula for awarding financial grants.

(ii) The office shall:

(A) participate in the presentation that the director of the Division of Finance provides to the president of the Senate, the speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives under Section 63A-3-111; and

(B) consider any recommendations for adjustments to the grant program from the president of the Senate, the speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives.

(c) To implement Subsection (3)(a), an institution of higher education that receives

grant funds:

(i) may use grant funds for:

(A) costs associated with developing a new program; or

(B) costs associated with expanding an existing program; and

(ii) shall demonstrate industry needs and opportunities for partnership with industry.

(d) (i) The office shall award grant funds:

(A) after an initial application period that ends on or before August 31, 2020; and

(B) if funds remain after the initial application period, on a rolling basis until the earlier of funds being exhausted or November 30, 2020.

(ii) An institution of higher education that receives grant funds shall expend the grant funds on or before December 1, 2020.

(e) The center shall conduct outreach, including education about career guidance, training, and workforce programs, to the targeted populations.

(4) The office, in consultation with the talent ready board, may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in accordance with the provisions of this section, make rules regarding the development and administration of the Utah Works Program.

(5) The center shall report the following metrics to the office for inclusion in the office's annual report described in Section 63N-1-301:

(a) the number of participants in the program;

(b) how program participants learned about or were referred to the program, including the number of participants who learned about or were referred to the program by:

(i) the Department of Workforce Services;

(ii) marketing efforts of the center or talent ready board;

(iii) a school counselor; and

(iv) other methods;

(c) the number of participants who have completed training offered by the program; and

(d) the number of participants who have been hired by a business participating in the program.

Section 6. Section **63N-14-101 (Repealed 05/31/21)** is amended to read:

CHAPTER 14. COVID-19 COMMERCIAL RENTAL AND MORTGAGE ASSISTANCE PROGRAM

63N-14-101 (Repealed 05/31/21). Title.

This chapter is known as "COVID-19 Commercial Rental and Mortgage Assistance Program."

Section 7. Section **63N-14-102 (Repealed 05/31/21)** is amended to read:

63N-14-102 (Repealed 05/31/21). Definitions.

As used in this chapter:

(1) "Business entity" means a business that:

(a) employs fewer than the equivalent of [~~100~~] 250 full-time employees;

(b) has the business's principal place of business in this state; and

(c) (i) is properly registered with the Division of Corporations and Commercial Code;

(ii) is tax exempt under Section 501(c)(3) or (19) of the Internal Revenue Code;

(iii) is a Tribal business concern described in 15 U.S.C. Sec. 657a (b)(2)(C); or

(iv) is an individual who:

(A) operates under a sole proprietorship;

(B) operates as an independent contractor; or

(C) is self-employed.

(2) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136.

(3) "Commercial property" means property used solely for business purposes.

[~~(3)~~] (4) "COVID-19" means:

(a) severe acute respiratory syndrome coronavirus 2; or

(b) the disease caused by severe acute respiratory syndrome coronavirus 2.

(5) "Mortgage payment" means the amount that a business entity owes as a result of a

loan from a mortgagee for commercial property owned and operated by the business entity or the business entity's affiliate.

[~~(4)~~] (6) "Program" means the COVID-19 Commercial Rental and Mortgage Assistance Program established in Section 63N-14-201.

[~~(5)~~] (7) "Qualified business entity" means a business entity that:

(a) (i) is a lessee of commercial property in the state for the sole purpose of conducting the business entity's business on the property; or

(ii) is a mortgagor of commercial property in the state for the sole purpose of conducting the business entity's business on the property and the business entity does not lease or rent the property to another unaffiliated entity;

(b) demonstrates to the office that the business entity lost at least 30% of the business entity's monthly gross revenue:

(i) for a four-week period:

(A) beginning on or after March 1, 2020; and

(B) ending on or before December 30, 2020; and

(ii) as a result of federal, state, or local public health measures taken to minimize the public's exposure to COVID-19; and

(c) does not receive funds from the COVID-19 Agricultural Operations Grant Program established in Section 4-18-106.1.

(8) "Qualified startup entity" means a business entity that:

(a) meets the requirements of a qualified business entity under Subsection (7) except for Subsection (7)(b);

(b) began operations on or after March 1, 2020, and can demonstrate that the business is still operational at the time of application; and

(c) entered into a lease or mortgage for commercial property in the state for the sole purpose of conducting the business entity's business on the property and can demonstrate as required by the office that the business entity has incurred expenses and is operating at a net loss:

(i) for a four-week period:

(A) beginning on or after March 1, 2020; and

(B) ending on or before December 30, 2020; and

(ii) as a result of federal, state, or local public health measures and guidelines taken to minimize the public's exposure to COVID-19.

[~~(6)~~] (9) (a) "Rent" means the amount under a rental agreement that a business entity owes a lessor for the right to occupy commercial property.

(b) "Rent" does not include a charge or fee for a utility the lessor furnishes in accordance with a rental agreement.

Section 8. Section **63N-14-201 (Repealed 05/31/21)** is amended to read:

63N-14-201 (Repealed 05/31/21). Creation of the COVID-19 Commercial Rental and Mortgage Assistance Program.

(1) The office shall establish and administer a COVID-19 Commercial Rental and Mortgage Assistance Program in accordance with this chapter.

(2) In administering the program, the office:

(a) shall accept applications beginning on or after May 11, 2020, for commercial rental and mortgage assistance;

(b) shall determine whether an applicant for commercial rental or mortgage assistance is a qualified business entity or qualified startup entity; and

(c) subject to Subsection (3), may grant up to [~~two~~] three months of rental or mortgage assistance per location for an applicant that is a qualified business entity or qualified startup entity in the following amounts:

(i) if [~~the~~] a qualified business entity demonstrates a monthly gross revenue loss of 30% or greater, but less than 45%, an amount equal to 50% of the qualified business entity's monthly rent or mortgage payment; [~~or~~]

(ii) if [~~the~~] a qualified business entity demonstrates a monthly gross revenue loss of 45% or greater, an amount equal to 100% of the qualified business entity's monthly rent[~~.~~] or mortgage payment; or

(iii) if a qualified startup entity demonstrates that it is operating at a net loss, an amount equal to 100% of the qualified business entity's monthly rent or mortgage payment.

(3) Notwithstanding the amounts described in Subsection (2)(c), the total [~~maximum~~] amount of rental or mortgage assistance that may be provided for rental or mortgage assistance under the program may be no more than[~~: (a) $15,000 for a qualified business entity with one location; or (b) $30,000 for a qualified business entity with more than one location, with no more than $5,000 awarded per month for any one location~~] $5,000 per month for any one location for a qualified business entity or qualified startup entity.

(4) To demonstrate gross revenue loss, a business entity shall submit to the office:

(a) (i) for a qualified business entity, a signed attestation that the business entity has lost at least 30% of the business entity's monthly gross revenue as a result of federal, state, or local public health measures and guidelines taken to minimize the public's exposure to COVID-19; [~~and~~] or

(ii) for a qualified startup entity, a signed attestation that the startup entity has demonstrated an operational net loss as a result of federal, state, or local public health measures and guidelines taken to minimize the public's exposure to COVID-19; and

(b) any additional information or documentation required by the office as determined by the office.

(5) The office shall provide commercial rental and mortgage assistance in accordance with this chapter using funds:

(a) the state receives from the Coronavirus Relief Fund described in the CARES Act;

(b) the Legislature appropriates; and

(c) in a total amount not to exceed [~~$40,000,000~~] $30,000,000.

Section 9. Section **63N-15-102** is amended to read:

63N-15-102. Definitions.

As used in this chapter:

(1) (a) "Business entity" means a business that:

(i) was in operation in this state on March 1, 2020;

(ii) has 250 or fewer full-time equivalent employees;

[~~(ii)~~] (iii) has employees who report to a physical location in this state; and

[~~(iii)~~] (iv) (A) is properly registered with the Division of Corporations and Commercial Code;

(B) is tax exempt under Section 501(c)(3), (6), or (19) of the Internal Revenue Code;

(C) is a Tribal business concern described in 15 U.S.C. Sec. 657a (b)(2)(C); or

(D) is an individual who operates under a sole proprietorship, operates as an independent contractor, or is self-employed.

(b) "Business entity" does not include a marketplace that connects travelers with private property owners offering accommodation for compensation.

(2) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136.

[~~(2)~~] (3) "COVID-19" means:

(a) severe acute respiratory syndrome coronavirus 2; or

(b) the disease caused by severe acute respiratory syndrome coronavirus 2.

[~~(3)~~] (4) (a) "COVID-19 expenses" means the costs incurred by a business entity:

(i) on or after March 1, 2020, but on or before December 30, 2020; and

(ii) to comply with COVID-19 public health guidelines on safely returning employees to work.

(b) "COVID-19 expenses" includes:

(i) personal protection equipment for employees and customers;

(ii) cleaning and sanitizing supplies;

(iii) signage providing public health guidelines;

(iv) technology upgrades related to teleworking;

(v) costs for office redesign to provide adequate separation between employees or between employees and customers; or

(vi) other costs that the office approves as complying with Subsection [~~(3)~~] (4)(a)(ii).

[~~(4)~~] (5) "Legislative committee" means:

(a) the president of the Senate;

(b) the speaker of the House of Representatives;

(c) the minority leader of the Senate; and

(d) the minority leader of the House of Representatives.

[~~(5)~~] (6) "Monthly revenue decline" means the amount of the business entity's revenue loss in this state for the month calculated by subtracting the month's revenue from:

(a) for a business entity that began operating in this state before July 1, 2019, the business entity's revenue in this state for the same month in 2019; and

(b) for a business entity that began operating in this state on or after July 1, 2019, the business entity's revenue in this state for February 2020.

(7) "Oil, gas, or mining business entity" means a business entity that is substantially involved in the extraction of oil, gas, or minerals in the state or directly provides services to oil, gas, or mining businesses in the state.

(8) "Qualified startup entity" means an entity that:

(a) meets the definition of a business entity under Subsection (1) except for Subsection (1)(a)(i);

(b) began operations after March 1, 2020, and can demonstrate that the entity is still operational at the time of application; and

(c) can demonstrate as required by the office that the entity has incurred expenses and is operating at a net loss due to the public health emergency related to COVID-19.

[~~(6)~~] (9) "Revenue decline" means the sum of the monthly revenue declines for the months of March through June 2020.

[~~(7) "Small business" means a business entity with 250 or fewer full-time equivalent employees.~~]

Section 10. Section **63N-15-103** is amended to read:

63N-15-103. Reporting and use of appropriations.

(1) The office shall include in the office's 2020 and 2021 annual reports to the governor and the Legislature under Section 63N-1-301 the following information about each of the grant

programs established under this chapter:

[~~(1)~~] (a) the number of applications submitted under the grant program;

[~~(2)~~] (b) the number of grants awarded under the grant program;

[~~(3)~~] (c) the aggregate amount of grant funds awarded under the grant program; and

[~~(4)~~] (d) any other information the office considers relevant to evaluating the success of the grant program.

(2) After providing notice to members of the legislative committee, the executive director, in cooperation with the director of the Division of Finance, may move funds among the following programs to make efficient and full use of CARES Act funding:

(a) the COVID-19 Commercial Rental and Mortgage Assistance Program described in Chapter 14, COVID-19 Commercial Rental and Mortgage Assistance Program;

(b) any of the programs described in this chapter;

(c) after consultation with the commissioner of the Department of Agriculture and Food, the COVID-19 Agricultural Operations Grant Program described in Section 4-18-106.1;

(d) after consultation with the executive director of the Department of Heritage and Arts, the COVID-19 Cultural Assistance Grant Program described in Title 9, Chapter 6, Part 9, COVID-19 Cultural Assistance Grant Program; and

(e) after consultation with the executive director of the Department of Workforce Services, COVID-19 Residential Housing Assistance described in Title 35A, Chapter 8, Part 23, COVID-19 Residential Housing Assistance.

Section 11. Section **63N-15-201** is amended to read:

63N-15-201. Creation of COVID-19 Impacted Businesses Grant Program -- Eligibility -- Grant limits.

(1) There is established a grant program known as COVID-19 Impacted Businesses Grant Program that is administered by the office in accordance with this part.

(2) To be eligible to apply for a grant under this part, a business entity or a qualified startup entity:

(a) (i) shall have experienced a revenue decline in this state due to the public health

emergency related to COVID-19[~~;~~], if the entity is a business entity; or

(ii) shall have incurred expenses and be operating at a net loss due to the public health emergency related to COVID-19, if the entity is a qualified startup entity;

(b) shall offer a financial incentive:

(i) for individuals or businesses to make purchases from the business entity; and

(ii) that in aggregate is estimated to equal or exceed 50% of the grant amount that the business entity requests; and

(c) shall describe to the office how receipt of grant funds will benefit the state economy[~~; and~~].

[~~(d) may not have received grant funds under Title 9, Chapter 6, Part 9, COVID-19 Cultural Assistance Grant Program.~~]

[~~(3) (a) The amount of a grant that the office awards to a business entity under this part may not exceed the amount of the business entity's revenue decline. (b) For applications received on or before August 31, 2020, the office shall award at least 75% of the grant funds to small businesses that meet the eligibility requirements.~~]

(3) Notwithstanding the amount of any grant awarded under this part before August 24, 2020, in awarding a grant to a business entity under this part on or after August 24, 2020, the office may award up to the following amounts:

(a) for a business entity whose revenue decline was 50% or more, 75% of the revenue decline;

(b) for a business entity whose revenue decline was more than 25% but less than 50%, 50% of the revenue decline; and

(c) for a business entity whose revenue decline was 25% or less, 25% of the revenue decline.

(4) (a) Subject to available funds, the office may only award a grant to a qualified startup entity that applies for the grant on or after September 15, 2020.

(b) The office may award an amount up to the amount of the net loss of the qualified startup entity.

Section 12. Section **63N-15-301** is amended to read:

63N-15-301. Creation of COVID-19 PPE Support Grant Program -- Eligibility -- Grant limits.

(1) There is established a grant program known as COVID-19 PPE Support Grant Program that is administered by the office in accordance with this part.

(2) To be eligible to apply for a grant under this part, the business entity shall:

(a) (i) demonstrate that the business entity has incurred COVID-19 expenses; or

(ii) certify that the business entity will spend grant funds on COVID-19 expenses; and

(b) describe to the office the business entity's actual or anticipated cost to comply with public health guidelines on safely returning employees to work.

(3) [~~(a)~~] The amount of a grant that the office awards to a business entity under this part may not exceed the lesser of:

[~~(i)~~] (a) the amount of the business entity's COVID-19 actual and anticipated expenses; or

[~~(ii) $100~~] (b) $250 per full-time equivalent employee.

[~~(b) For applications received on or before August 31, 2020, the office shall award at least 75% of grant funds to small businesses that meet the eligibility requirements.~~]

Section 13. Section **63N-15-501** is enacted to read:

Part 5. COVID-19 Oil, Gas, and Mining Grant Program

63N-15-501. COVID-19 Oil, Gas, and Mining Grant Program.

(1) There is established a grant program known as the Oil, Gas, and Mining Grant Program that is administered by the office in accordance with this part.

(2) To be eligible to apply for a grant under this part, an oil, gas, or mining business entity that operates in the state:

(a) shall have experienced a revenue decline in this state due to the public health emergency related to COVID-19; and

(b) shall describe to the office how receipt of grant funds will benefit the state economy.

(3) The amount of a grant that the office awards to an oil, gas, or mining business entity under this part may not exceed the amount of the business entity's revenue decline.

Section 14. Section **63N-15-502** is enacted to read:

63N-15-502. Duties of the office.

(1) As soon as is practicable, but on or before September 15, 2020, the office shall:

(a) establish an application process by which an oil, gas, or mining business entity may apply for a grant under this part, which application shall include:

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

(ii) an acknowledgment that the business entity is subject to audit;

(b) collaborate with the Office of Energy Development to establish a method for the office to determine which applicants are eligible to receive a grant;

(c) establish a formula to award grant funds; and

(d) report the information described in Subsections (1)(a) through (c) to the director of the Division of Finance.

(2) The office shall consider any recommendations for adjustment to the grant program from the legislative committee.

(3) Subject to appropriations, beginning on September 15, 2020, the office shall:

(a) collect applications for grant funds from oil, gas, or mining business entities;

(b) determine which applicants meet the eligibility requirements for receiving a grant; and

(c) award the grant funds:

(i) (A) after an initial application period that ends on or before September 29, 2020; and

(B) if funds remain after the initial application period, on a rolling basis until the earlier of funds being exhausted or December 30, 2020; and

(ii) in accordance with the process established under Subsection (1) and the limits described in Subsection 63N-15-501(3).

(4) (a) The office may audit an oil, gas, or mining business entity to ensure that the business entity experienced the revenue decline reported in the application.

(b) The office may recapture grant funds if, after the audit, the office determines that a business entity made representations to the office about the business entity's revenue decline that are not complete, true, and correct.

(c) (i) A business entity that is subject to recapture shall pay to the Division of Finance a penalty equal to the amount of the grant recaptured multiplied by the applicable income tax rate in Section 59-7-104 or 59-10-104.

(ii) The Division of Finance shall deposit the penalty into the Education Fund.

(5) The office shall encourage any oil, gas, or mining business entity that receives grant funds to commit to following best practices to preserve jobs and to protect the health and safety of the business entity's employees and customers.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules to administer the grant program.

(7) As part of any advertisement of the COVID-19 Oil, Gas, and Mining Grant Program, the office:

(a) shall encourage economically disadvantaged oil, gas, or mining business entities, including minority-owned and woman-owned business entities, that meet the eligibility requirements to apply for grant funds; and

(b) may feature any business entity that:

(i) shows evidence of a commitment to following best practices to protect the health and safety of the business entity's employees and customers; and

(ii) consents to being featured.

Section 15. Section **78B-6-802** is amended to read:

78B-6-802. Unlawful detainer by tenant for a term less than life.

(1) A tenant holding real property for a term less than life is guilty of an unlawful detainer if the tenant:

(a) continues in possession, in person or by subtenant, of the property or any part of the

property, after the expiration of the specified term or period for which it is let to the tenant, which specified term or period, whether established by express or implied contract, or whether written or parol, shall be terminated without notice at the expiration of the specified term or period;

(b) having leased real property for an indefinite time with monthly or other periodic rent reserved:

(i) continues in possession of the property in person or by subtenant after the end of any month or period, in cases where the owner, the owner's designated agent, or any successor in estate of the owner, 15 calendar days or more before the end of that month or period, has served notice requiring the tenant to quit the premises at the expiration of that month or period; or

(ii) in cases of tenancies at will, remains in possession of the premises after the expiration of a notice of not less than five calendar days;

(c) continues in possession, in person or by subtenant, after default in the payment of any rent or other amounts due and after a notice in writing requiring in the alternative the payment of the rent and other amounts due or the surrender of the detained premises, has remained uncomplied with for a period of three business days after service, which notice may be served at any time after the rent becomes due;

(d) assigns or sublets the leased premises contrary to the covenants of the lease, or commits or permits waste on the premises after service of a three calendar days' notice to quit;

(e) sets up or carries on any unlawful business on or in the premises after service of a three calendar days' notice to quit;

(f) suffers, permits, or maintains on or about the premises any nuisance, including nuisance as defined in Section 78B-6-1107 after service of a three calendar days' notice to quit;

(g) commits a criminal act on the premises and remains in possession after service of a three calendar days' notice to quit;

(h) continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the property is held,

other than those previously mentioned, and after notice in writing requiring in the alternative the performance of the conditions or covenant or the surrender of the property, served upon the tenant and upon any subtenant in actual occupation of the premises remains uncomplied with for three calendar days after service; or

(i) (i) is a tenant under a bona fide tenancy as described in Section 702 of the Protecting Tenants at Foreclosure Act; and

(ii) continues in possession after the effective date of a notice to vacate given in accordance with Section 702 of the Protecting Tenants at Foreclosure Act.

(2) After service of the notice and the time period required for the notice, the tenant, any subtenant in actual occupation of the premises, any mortgagee of the term, or other person interested in the lease's continuance may perform the condition or covenant and save the lease from forfeiture, except that if the covenants and conditions of the lease violated by the lessee cannot afterwards be performed, or the violation cannot be brought into compliance, a notice provided for in Subsections (1)(d) through (g) may be given.

(3) Unlawful detainer by an owner resident of a mobile home is determined under Title 57, Chapter 16, Mobile Home Park Residency Act.

(4) The notice provisions for nuisance in Subsections (1)(d) through (g) do not apply to nuisance actions provided in Sections 78B-6-1107 through 78B-6-1114.

(5) The notice to vacate requirement under 15 U.S.C. 9058(c), which is part of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136:

(a) applies only to a notice provided to a tenant of a covered dwelling in a covered property as that term is defined in 15 U.S.C. 9058(a);

(b) applies only to the amount of time before a tenant may be required to vacate a covered property through an order of restitution as provided by Section 78B-6-812;

(c) for a notice provided under Subsection (1)(c), applies only when delinquent rent or other amounts have accrued during the 120-day moratorium described in 15 U.S.C. 9058(b);

(d) does not require that a tenant be given more than three business days after service to pay rent and other amounts due under a notice provided under Subsection (1)(c);

(e) does not apply to a notice provided under Subsections (1)(d) through (h);

(f) does not prohibit or nullify the service of any notice described in this section; and

(g) does not limit the accrual of damages under Section 78B-6-811.

(6) Service of a notice as provided by 15 U.S.C. 9058(c) or under Subsection (5) does not nullify the service or validity of any other notice provided in accordance with this section.

Section 16. **Effective date.**

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