

28 (ii) (A) to insure the following against liability for compensation based on job-related
29 accidental injuries and occupational diseases[;]:

30 (I) an employer, as defined in Section 34A-2-103, that has a majority of its employees, as
31 defined in Section 34A-2-104, hired or regularly employed in Utah;

32 (II) an employer, as defined in Section 34A-2-103, whose principal administrative office
33 is located in Utah; [or]

34 (III) a subsidiary or affiliate of an employer described in Subsection (3)(a)(ii)(A)(I) or (II);
35 or

36 (IV) an employer, as defined in Section 34A-2-103, whose purchase of insurance arises
37 solely out of the purchase of workers' compensation products and services from the fund or a fund
38 subsidiary; or

39 (B) for a state fund organization that is not an admitted insurer in the other state:

40 (I) on a fee for service basis; and

41 (II) without bearing any insurance risk; and

42 (b) offer workers' compensation products and services in Utah and other states.

43 (4) The fund shall write workers' compensation insurance in accordance with Section
44 31A-22-1001.

45 (5) (a) The fund may enter into a joint enterprise that offers workers' compensation
46 insurance and other coverage only in the state, provided:

47 (i) the joint enterprise offers only property or liability insurance in addition to workers'
48 compensation insurance;

49 (ii) the fund may not bear any insurance risk associated with the insurance coverage other
50 than risk associated with workers' compensation insurance; and

51 (iii) the offer of other insurance shall be part of an insurance program that includes
52 workers' compensation insurance coverage that is provided by the fund.

53 (b) The fund or a subsidiary of the fund may not offer, or enter into a joint enterprise that
54 offers, or otherwise participate in the offering of health or disability insurance.

55 Section 2. Section **31A-33-104** is amended to read:

56 **31A-33-104. Workers' Compensation Fund exempted.**

57 (1) The Workers' Compensation Fund is exempt from the provisions of:

58 (a) Title 52, Chapter 4, Open and Public Meetings;

59 [~~(a)~~] (b) Title 63, Chapter 2, Government Records Access and Management Act; and
60 [~~(b)~~] (c) Title 63A, Utah Administrative Services Code.
61 (2) The board may specifically exempt the Workers' Compensation Fund from any
62 provisions of:
63 (a) Title 67, Chapter 19, Utah State Personnel Management Act; and
64 (b) Title 63, Chapter 56, Utah Procurement Code.
65 (3) The provisions of Title 63, Chapter 46b, Administrative Procedures Act, do not govern
66 the initial determination of any person's eligibility for benefits under Title 34A, Chapter 2,
67 Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act.

Legislative Review Note
as of 12-12-00 11:27 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel