

**INDEPENDENT ENTITIES EXEMPTIONS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ron Bigelow**

**This act modifies the Insurance Code and the Utah State Retirement Act by providing statutory exemptions for the Workers' Compensation Fund and the Retirement Board from Open and Public Meetings provisions. This act also exempts the Retirement Board from the Government Records Access and Management Act.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**31A-33-104**, as last amended by Chapter 375, Laws of Utah 1997

**49-1-201**, as last amended by Chapter 210, Laws of Utah 2000

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

Section 1. Section **31A-33-104** is amended to read:

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

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

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

~~(a)~~ (b) Title 63, Chapter 2, Government Records Access and Management Act; and

~~(b)~~ (c) Title 63A, Utah Administrative Services Code.

(2) The board may specifically exempt the Workers' Compensation Fund from any provisions of:

(a) Title 67, Chapter 19, Utah State Personnel Management Act; and

(b) Title 63, Chapter 56, Utah Procurement Code.

(3) The provisions of Title 63, Chapter 46b, Administrative Procedures Act, do not govern the initial determination of any person's eligibility for benefits under Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act.

Section 2. Section **49-1-201** is amended to read:

28           **49-1-201. Establishment of retirement office -- An independent state agency --**  
29 **Adoption of programs and policies.**

30           (1) There is established the Utah State Retirement Office. The office shall administer the  
31 state retirement systems and perform all other functions assigned to it by law.

32           (2) The office is an independent state agency. It is subject to legislative and executive  
33 department budgetary examination and comment.

34           (3) The office shall be housed in Salt Lake City, but branches of the office may be  
35 established in other areas of the state upon approval of the board.

36           (4) (a) The board is exempt from those acts which are applicable to state and other  
37 governmental entities under this code[-], including:

38               (i) Title 52, Chapter 4, Open and Public Meetings; and

39               (ii) Title 63, Chapter 2, Government Records Access and Management Act.

40           (b) Notwithstanding Subsection (4)(a), the board shall:

41               (i) adopt, where not in conflict with its trust and fiduciary responsibilities or other law,  
42 rules governing the operation of the retirement office that are substantially similar to those  
43 governing other public agencies; and

44               (ii) report the rules and any amendments to the rules adopted under Subsection (4)(b)(i)  
45 to the Legislative Quasi-Governmental Entities Committee on an annual basis or as otherwise  
46 requested by the Legislative Quasi-Governmental Entities Committee.

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**Legislative Review Note**  
**as of 12-27-00 3:39 PM**

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

**Office of Legislative Research and General Counsel**