

History of the Creation, in Statute and Legislative Rule, of the Current Structure of the Retirement and Independent Entities Committee and its Corresponding Interim, Standing, and Appropriations Committees

In 1977, two bills¹ passed by the Legislature directed:

the appropriate interim study committee as assigned by the legislative management committee to study the benefit plans of all retirement programs funded by the state and its political subdivisions, school districts and institutions of higher education and to contract for independent actuarial consulting services. The study shall determine whether the plans are equitable and adequate, whether a maximum retirement allowance should be established and whether the benefits under the Utah state retirement system can or should be coordinated with the benefits provided under the federal social security system. The study shall also consider the cost of such benefits to the State of Utah, to its political subdivisions, and institutions of higher education. The study shall be monitored and reviewed by the state retirement board and the legislative fiscal analyst, and shall be completed by January 1, 1978.

While the language in these bills did not explicitly create a new committee in statute, according to a history of the Utah retirement systems published by URS in 2013,² the bills led to the creation of the Legislature’s first retirement committee. “That committee ... was commissioned to study the retirement systems. In particular, the subcommittee was to determine whether benefits were adequate, whether changes in coverage and eligibility were in order, and if further consolidation of systems would be appropriate. The subcommittee undertook the most extensive retirement program research in Utah public pension history.”³ This appears to be the origin of what is later referred to in code as the “Legislative Retirement Committee,” though such a committee was never formally created in statute or in legislative rule.

¹ S.B. 265, 42nd Leg., Reg. Sess., 1977 Utah Laws 762 and S.B. 1, 42^d Leg., 1st Spec. Sess., 1977 Utah Laws 34

² [Howard, Kevin, Utah Retirement Systems, History of the Utah Retirement Systems \(2013\)](#)

³ Howard, Kevin, Utah Retirement Systems, History of the Utah Retirement Systems 70 (2013)

In 1994, House and Senate retirement standing committees and a retirement appropriations subcommittee were formally created in legislative rules.⁴ S.J.R. 2 formed the appropriations subcommittee and specified that, “The Retirement Subcommittee shall have the same members as the Retirement Standing and Retirement Interim Committees.”

In 2000, the Legislature enacted the Quasi-Governmental Entities Act.⁵ The bill removed the small number of references in code to the “Legislative Retirement Committee” and created the Legislative Quasi-Governmental Entities Committee. According to the URS history, “House Bill 118 replaced the long-standing legislative retirement committee with one called the Quasi-Governmental Entities Committee. Retaining essentially the same powers, duties and functions of the [Legislative Retirement] committee, it was expanded to include other quasi-governmental entities.”⁶ In the first meeting of the Legislative Quasi-Governmental Entities Committee, the sponsor of H.B. 118 explained that the committee was not created to solve a particular problem, but rather “the intention of the bill was to make committee members specialists in [quasi-governmental entities] to determine if there is a need to form new [quasi-governmental entities] or if there is a need to keep the current ones.”⁷ The chair of the committee went on to explain that the creation of the committee was “an attempt to be proactive in trying to establish relationships between entities.”⁸

While not explicitly an interim committee in statute, H.B. 118 directed that, “[i]n conducting all of its business, the committee shall comply with the rules of legislative interim committees.” (There is some confusion here because the Legislature’s website lists both a Quasi-Governmental Entities Committee *and* a Quasi-Governmental Entities *Interim* Committee in 2000. However, minutes from both of these committees identify the committee as the Quasi-Governmental Entities Committee and the committee membership is identical for both.) That same year, the Legislature amended legislative rule to state that House and Senate members of the Legislative Quasi-Governmental Entities Committee constituted those respective standing committees⁹ and created an appropriations subcommittee that “shall have the same members as the Legislative Quasi-Governmental Entities Committee created in Section 63-95-201.”¹⁰ In summary, statute created the Legislative Quasi-Governmental Entities Committee and rule dictated that the corresponding standing committee and appropriations

⁴ H.R. 1, 50th Leg., Gen. Sess., 1994 Utah Laws 1595; S.J.R. 2, 50th Leg., Gen. Sess., 1994 Utah Laws 1609; and S.R. 1, 50th Leg., Gen. Sess., 1994 Utah Laws 1622

⁵ H.B. 118, 53rd Leg., Gen. Sess., 2000 Utah Laws 694

⁶ Howard, Kevin, Utah Retirement Systems, History of the Utah Retirement Systems 54 (2013)

⁷ *Hearing on Independent and Quasi-State Governmental Entities before the Quasi-Governmental Entities Committee*, 53rd Leg., (Ut. May 2000) (statement of Rep. David Ure, member of the Quasi-Governmental Entities Committee)

⁸ *Hearing on Independent and Quasi-State Governmental Entities before the Quasi-Governmental Entities Committee*, 53rd Leg., (Ut. May 2000) (statement of Rep. David Steele, chair of the Quasi-Governmental Entities Committee)

⁹ H.R. 4, 53rd Leg., Gen. Sess., 2000 Utah Laws 1675 and S.R. 5, 53rd Leg., Gen. Sess., 2000 Utah Laws 1699

¹⁰ H.J.R. 14, 53rd Leg. Gen. Sess., 2000 Utah Laws 1671

subcommittee memberships would be taken from that committee. No separate interim committee was ever created in statute or in rule.

In 2001, the Legislature enacted the Independent Entities Act.¹¹ The bill created an independent entities code that recodified certain existing provisions and created additional regulations relating to independent entities. It also created the Legislative Independent Entities Committee and stated that, “[i]n conducting all of its business, the committee shall comply with the rules of legislative interim committees.” It took effect in July of 2002. No corresponding standing committees nor an appropriations subcommittee were created, and this committee never met.

In 2003, the Legislature enacted S.B. 5, “Retirement and Independent Entities Committee Amendments.”¹² The bill modified the independent entities code by changing the name of the Legislative Quasi-Governmental Entities Committee and the Legislative Independent Entities Committee to the Retirement and Independent Entities Committee. It also repealed the Quasi-Governmental Entities Act, which was replaced by the Independent Entities Act that became effective on July 1, 2002. In the summer of 2002, when a draft of this bill was presented in the Quasi-Governmental Entities Committee, committee staff noted that it was “a housekeeping measure” and that the committee effectively had two names in code. Legislation was required “to change the name of the [c]ommittee to the Retirement and Independent Entities Committee and make conforming amendments.”¹³ Companion rules resolutions were also passed in 2003 to change the names of the standing committees and the appropriations subcommittee.¹⁴

In 2005, the Legislature passed a recodification of Interim Rules.¹⁵ With this resolution, interim committees were listed in legislative rule for the first time, including the “Retirement and Independent Entities Interim Committee.” It has been listed as an interim committee in legislative rules ever since. In 2007, the Legislature increased the number of legislators serving on the Retirement and Independent Entities Committee from 14 to 15 and the number of senators from five to six.¹⁶

¹¹ H.B. 28, 54th Leg., Gen. Sess., 2001 Utah Laws 941

¹² S.B. 5, 55th Leg., Gen. Sess., 2003 Utah Laws 199

¹³ *Hearing on Name Change - Quasi-governmental Entities Committee before the Quasi-Governmental Entities Committee*, 54th Leg., (Ut. Oct. 2002) (statements of Mr. Dee Larsen and Mr. Ben Christensen, staff to the Quasi-Governmental Entities Committee)

¹⁴ H.R. 1, 55th Leg., Gen. Sess., 2003 Utah Laws 1977; S.R. 1, 55th Leg., Gen. Sess., 2003 Utah Laws 1987; and S.J.R. 1, 55th Leg., Gen. Sess., 2003 Utah Laws 1983

¹⁵ S.J.R. 4, 56th Leg., Gen. Sess., 2005 Utah Laws 1982

¹⁶ S.B. 131, 57th Leg., Gen. Sess., 2007 Utah Laws 50