

**RETIREMENT AND INDEPENDENT ENTITIES  
COMMITTEE AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: Beverly Ann Evans**

**This act modifies 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. This act repeals the Quasi-Governmental Entities Act which was replaced by the Independent Entities Act that became effective on July 1, 2002.**

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

AMENDS:

**9-3-410**, as last amended by Chapter 88, Laws of Utah 2001

**31A-22-605.5**, as enacted by Chapter 220, Laws of Utah 2002

**63E-1-102**, as last amended by Chapters 159 and 250, Laws of Utah 2002

**63E-1-201**, as enacted by Chapter 201, Laws of Utah 2001

**63E-2-104**, as enacted by Chapter 201, Laws of Utah 2001

REPEALS:

**63-95-101**, as last amended by Chapter 210, Laws of Utah 2000

**63-95-102**, as last amended by Chapters 159 and 250, Laws of Utah 2002

**63-95-201**, as enacted by Chapter 210, Laws of Utah 2000

**63-95-202**, as last amended by Chapter 250, Laws of Utah 2002

**63-95-203**, as last amended by Chapter 159, Laws of Utah 2002

**63-95-301**, as enacted by Chapter 210, Laws of Utah 2000

**63-95-302**, as enacted by Chapter 210, Laws of Utah 2000

**63-95-401**, as last amended by Chapter 262, Laws of Utah 2002

**63-95-402**, as renumbered and amended by Chapter 210, Laws of Utah 2000

**63-95-403**, as renumbered and amended by Chapter 210, Laws of Utah 2000

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

Section 1. Section **9-3-410** is amended to read:

**9-3-410. Relation to certain acts.**

(1) The authority is exempt from:

- (a) Title 51, Chapter 5, Funds Consolidation Act;
- (b) Title 63, Chapter 38, Budgetary Procedures Act;
- (c) Title 63, Chapter 56, Utah Procurement Code;
- (d) Title 63A, Chapter 1, Utah Administrative Services Code; and
- (e) Title 67, Chapter 19, Utah State Personnel Management Act.

(2) The authority shall be subject to audit by:

- (a) the state auditor pursuant to Title 67, Chapter 3, Auditor; and
- (b) the legislative auditor general pursuant to Section 36-12-15.

(3) The authority shall annually report to the [~~Legislative Quasi-Governmental~~

Retirement and Independent Entities Committee created under Section 63E-1-201 concerning the authority's implementation of this part.

Section 2. Section **31A-22-605.5** is amended to read:

**31A-22-605.5. Application.**

(1) For purposes of this section "insurance mandate":

(a) means a mandatory obligation with respect to coverage, benefits, or the number or types of providers imposed on policies of accident and health insurance; and

(b) does not mean an administrative rule imposing a mandatory obligation with respect to coverage, benefits, or providers unless that mandatory obligation was specifically imposed on policies of accident and health insurance by statute.

(2) (a) Notwithstanding the provisions of Subsection 31A-1-103(3)(f), any law imposed under this title that becomes effective after January 1, 2002, which provides for an insurance mandate for policies of accident and health insurance shall also apply to health coverage offered to the state employees' risk pool under Subsection 49-20-202(1)(a).

(b) If health coverage offered to the state employees' risk pool under Subsection 49-20-202(1)(a) offers coverage in the same manner and to the same extent as the coverage

required by the insurance mandate imposed under this title or coverage that is greater than the insurance mandate imposed under this title, the coverage offered to state employees under Subsection 49-20-202(1)(a) will be considered in compliance with the insurance mandate.

(c) The program regulated under Subsection 49-20-202(1)(a) shall report to the [~~Quasi-Governmental~~] Retirement and Independent Entities [~~Interim~~] Committee created under Section 63E-1-102 by November 30 of each year in which a mandate is imposed under the provisions of this section. The report shall include the costs and benefits of the particular mandatory obligation.

Section 3. Section **63E-1-102** is amended to read:

**63E-1-102. Definitions.**

As used in this title:

(1) "Authorizing statute" means the statute creating an entity as an independent entity.

(2) "Committee" means the [~~Legislative~~] Retirement and Independent Entities Committee created in Section 63E-1-201.

(3) "Independent corporation" means a corporation incorporated in accordance with Chapter 2, Independent Corporations Act.

(4) (a) "Independent entity" means an entity having a public purpose relating to the state or its citizens that is individually created by the state or is given by the state the right to exist and conduct its affairs as an:

(i) independent state agency; or

(ii) independent corporation.

(b) "Independent entity" includes the:

(i) Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;

(ii) Utah Technology Finance Corporation created in Title 9, Chapter 13, Utah Technology and Small Business Finance Act;

(iii) Heber Valley Railroad Authority created in Title 9, Chapter 3, Part 3, Heber Valley Historic Railroad Authority;

(iv) Utah Science Center Authority created in Title 9, Chapter 3, Part 4, Utah Science

Center Authority;

(v) Utah Housing Corporation created in Title 9, Chapter 4, Part 9, Utah Housing Corporation Act;

(vi) Utah State Fair Corporation created in Title 9, Chapter 4, Part 11, Utah State Fair Corporation Act;

(vii) Workers' Compensation Fund created in Title 31A, Chapter 33, Workers' Compensation Fund;

(viii) Utah State Retirement Office created in Title 49, Chapter 11, Utah State Retirement Systems Administration;

(ix) School and Institutional Trust Lands Administration created in Title 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration; and

(x) Utah Communications Agency Network created in Title 63C, Chapter 7, Utah Communications Agency Network Act.

(c) Notwithstanding this Subsection (4), "independent entity" does not include:

(i) the Public Service Commission of Utah created in Section 54-1-1;

(ii) an institution within the state system of higher education;

(iii) a city, county, or town;

(iv) a local school district;

(v) a special district created under the authority of Title 17A, Special Districts; or

(vi) a local district created under the authority of Title 17B, Limited Purpose Local Government Entities.

(5) "Independent state agency" means an entity that is created by the state, but is independent of the governor's direct supervisory control.

(6) "Monies held in trust" means monies maintained for the benefit of:

(a) one or more private individuals, including public employees;

(b) one or more public or private entities; or

(c) the owners of a quasi-public corporation.

(7) "Public corporation" means an artificial person, public in ownership, individually

created by the state as a body politic and corporate for the administration of a public purpose relating to the state or its citizens.

(8) "Quasi-public corporation" means an artificial person, private in ownership, individually created as a corporation by the state which has accepted from the state the grant of a franchise or contract involving the performance of a public purpose relating to the state or its citizens.

Section 4. Section **63E-1-201** is amended to read:

**63E-1-201. Retirement and Independent Entities Committee creation.**

(1) There is created [~~a Legislative~~] the Retirement and Independent Entities Committee composed of 14 legislators appointed as follows:

(a) five senators, appointed by the president of the Senate, with at least two senators from the minority party; and

(b) nine representatives, appointed by the speaker of the House of Representatives, with at least three representatives from the minority party.

(2) (a) The president of the Senate shall designate one of the Senate appointees as a cochair of the committee.

(b) The speaker of the House of Representatives shall designate one of the House of Representatives appointees as a cochair of the committee.

(3) Committee members serve for two years, but may be reappointed by the speaker or the president.

(4) The committee shall meet at least twice each year, but may meet more frequently if the chairs determine that additional meetings are needed.

(5) In conducting all of its business, the committee shall comply with the rules of legislative interim committees.

(6) The Office of Legislative Research and General Counsel shall provide staff services to the committee.

(7) Salaries and expenses of legislative committee members shall be paid in accordance with:

- (a) Section 36-2-2; and
- (b) Legislative Joint Rule 15.03.

Section 5. Section **63E-2-104** is amended to read:

**63E-2-104. Legislative review.**

(1) Each independent corporation is subject to review by the [~~Legislative~~] Retirement and Independent Entities Committee in accordance with Chapter 1, Independent Entities Act.

(2) Notwithstanding Section 36-12-15, the Office of Legislative Auditor General may conduct comprehensive and special purpose audits, examinations, and reviews of any independent corporation.

(3) Each independent corporation shall report, as requested, to the committee on matters related to audits.

**Section 6. Repealer.**

This act repeals:

Section **63-95-101, Title.**

Section **63-95-102, Definitions.**

Section **63-95-201, Legislative Quasi-Governmental Entities Committee creation.**

Section **63-95-202, Duties of the committee.**

Section **63-95-203, Exemptions from committee activities.**

Section **63-95-301, Review by committee required for creating a quasi-governmental entity.**

Section **63-95-302, Recommendations of the committee.**

Section **63-95-401, Benefits to interested parties of a quasi-governmental entity.**

Section **63-95-402, Privatization process -- Audit.**

Section **63-95-403, Penalties for violation.**