

1                   **UTAH SCIENCE CENTER AUTHORITY AMENDMENTS**

2                                   2013 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Todd Weiler**

5                                   House Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9                   This bill modifies the Independent State Entities title by repealing the Utah Science  
10 Center Authority.

11 **Highlighted Provisions:**

12                   This bill:

- 13                   ▶ repeals the Utah Science Center Authority, an independent state agency; and
- 14                   ▶ makes technical changes.

15 **Money Appropriated in this Bill:**

16                   None

17 **Other Special Clauses:**

18                   This bill takes effect on July 1, 2013.

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21                   **63E-1-102**, as last amended by Laws of Utah 2012, Chapters 212 and 369

22                   **63I-4-102**, as last amended by Laws of Utah 2012, Chapter 212

23                   **63J-7-102**, as last amended by Laws of Utah 2012, Chapters 201 and 212

24 **REPEALS:**

25                   **63H-3-101**, as renumbered and amended by Laws of Utah 2011, Chapter 370

26                   **63H-3-102**, as renumbered and amended by Laws of Utah 2011, Chapter 370

27                   **63H-3-103**, as last amended by Laws of Utah 2012, Chapter 212



- 28           **63H-3-104**, as renumbered and amended by Laws of Utah 2011, Chapter 370
- 29           **63H-3-105**, as renumbered and amended by Laws of Utah 2011, Chapter 370
- 30           **63H-3-106**, as renumbered and amended by Laws of Utah 2011, Chapter 370
- 31           **63H-3-107**, as renumbered and amended by Laws of Utah 2011, Chapter 370
- 32           **63H-3-108**, as renumbered and amended by Laws of Utah 2011, Chapter 370
- 33           **63H-3-109 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347
- 34           **63H-3-110**, as renumbered and amended by Laws of Utah 2011, Chapter 370

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

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

38           **63E-1-102. Definitions.**

39           As used in this title:

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

41           (2) "Committee" means the Retirement and Independent Entities Committee created in  
42 Section 63E-1-201.

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

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

48           (i) independent state agency; or

49           (ii) independent corporation.

50           (b) "Independent entity" includes the:

51           (i) Utah Dairy Commission created [in Title 4, Chapter 22, Dairy Promotion Act] by  
52 Section 4-22-2;

53           (ii) Heber Valley Historic Railroad Authority created [in Title 63H, Chapter 4, Heber  
54 Valley Historic Railroad Authority] by Section 63H-4-102;

55           (iii) Utah State Railroad Museum Authority created [in Title 63H, Chapter 5, Utah  
56 State Railroad Museum Authority] by Section 63H-5-102;

57           [(iv) Utah Science Center Authority created in Title 63H, Chapter 3, Utah Science  
58 Center Authority;]

- 59            [~~(v)~~] (iv) Utah Housing Corporation created [~~in Title 35A, Chapter 8, Part 7, Utah~~  
60 ~~Housing Corporation Act~~] by Section 35A-8-704;
- 61            [~~(vi)~~] (v) Utah State Fair Corporation created [~~in Title 63H, Chapter 6, Utah State Fair~~  
62 ~~Corporation Act~~] by Section 63H-6-103;
- 63            [~~(vii)~~] (vi) Workers' Compensation Fund created [~~in Title 31A, Chapter 33, Workers'~~  
64 ~~Compensation Fund~~] by Section 31A-33-102;
- 65            [~~(viii)~~] (vii) Utah State Retirement Office created [~~in Title 49, Chapter 11, Utah State~~  
66 ~~Retirement Systems Administration~~] by Section 49-11-201;
- 67            [~~(ix)~~] (viii) School and Institutional Trust Lands Administration created [~~in Title 53C,~~  
68 ~~Chapter 1, Part 2, School and Institutional Trust Lands Administration~~] by Section 53C-1-201;
- 69            [~~(x)~~] (ix) Utah Communications Agency Network created [~~in Title 63C, Chapter 7,~~  
70 ~~Utah Communications Agency Network Act~~] by Section 63C-7-201;
- 71            [~~(xi)~~ Utah Generated Renewable Energy Electricity Network Authority created in Title  
72 63H, Chapter 2, Utah Generated Renewable Energy Electricity Network Authority Act; and]
- 73            (x) Utah Energy Infrastructure Authority created by Section 63H-2-201;
- 74            [~~(xii)~~] (xi) Utah Capital Investment Corporation created [~~in Title 63M, Chapter 1, Part~~  
75 ~~12, Utah Venture Capital Enhancement Act.~~] by Section 63M-1-1207; and
- 76            (xii) Military Installation Development Authority created by Section 63H-1-201.
- 77            (c) Notwithstanding this Subsection (4), "independent entity" does not include:
- 78            (i) the Public Service Commission of Utah created in Section 54-1-1;
- 79            (ii) an institution within the state system of higher education;
- 80            (iii) a city, county, or town;
- 81            (iv) a local school district;
- 82            (v) a local district under Title 17B, Limited Purpose Local Government Entities - Local  
83 Districts; or
- 84            (vi) a special service district under Title 17D, Chapter 1, Special Service District Act.
- 85            (5) "Independent state agency" means an entity that is created by the state, but is  
86 independent of the governor's direct supervisory control.
- 87            (6) "Money held in trust" means money maintained for the benefit of:
- 88            (a) one or more private individuals, including public employees;
- 89            (b) one or more public or private entities; or

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

91 (7) "Public corporation" means an artificial person, public in ownership, individually  
92 created by the state as a body politic and corporate for the administration of a public purpose  
93 relating to the state or its citizens.

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

98 Section 2. Section **63I-4-102** is amended to read:

99 **63I-4-102. Definitions.**

100 (1) (a) "Activity" means to provide a good or service.

101 (b) "Activity" includes to:

102 (i) manufacture a good or service;

103 (ii) process a good or service;

104 (iii) sell a good or service;

105 (iv) offer for sale a good or service;

106 (v) rent a good or service;

107 (vi) lease a good or service;

108 (vii) deliver a good or service;

109 (viii) distribute a good or service; or

110 (ix) advertise a good or service.

111 (2) (a) Except as provided in Subsection (2)(b), "agency" means:

112 (i) the state; or

113 (ii) an entity of the state including a department, office, division, authority,  
114 commission, or board.

115 (b) "Agency" does not include:

116 (i) the Legislature;

117 (ii) an entity or agency of the Legislature;

118 (iii) the state auditor;

119 (iv) the state treasurer;

120 (v) the Office of the Attorney General;

121 (vi) the Utah Dairy Commission created [~~in Title 4, Chapter 22, Dairy Promotion Act~~]  
 122 by Section 4-22-2;

123 [~~(vii) the Utah Science Center Authority created in Title 63H, Chapter 3, Utah Science~~  
 124 ~~Center Authority~~];

125 [~~(viii)~~ (vii) the Heber Valley Railroad Authority created [~~in Title 63H, Chapter 4,~~  
 126 ~~Heber Valley Historic Railroad Authority~~] by Section 63H-4-102;

127 [~~(ix)~~ (viii) the Utah State Railroad Museum Authority created [~~in Title 63H, Chapter~~  
 128 ~~5, Utah State Railroad Museum Authority~~] by Section 63H-5-102;

129 [~~(x)~~ (ix) the Utah Housing Corporation created [~~in Title 35A, Chapter 8, Part 7, Utah~~  
 130 ~~Housing Corporation Act~~] by Section 35A-8-704;

131 [~~(xi)~~ (x) the Utah State Fair Corporation created [~~in Title 63H, Chapter 6, Utah State~~  
 132 ~~Fair Corporation Act~~] by Section 63H-6-103;

133 [~~(xii)~~ (xi) the Workers' Compensation Fund created [~~in Title 31A, Chapter 33,~~  
 134 ~~Workers' Compensation Fund~~] by Section 31A-33-102;

135 [~~(xiii)~~ (xii) the Utah State Retirement Office created [~~in Title 49, Chapter 11, Utah~~  
 136 ~~State Retirement Systems Administration~~] by Section 49-11-201;

137 [~~(xiv)~~ (xiii) a charter school chartered by the State Charter School Board or a board of  
 138 trustees of a higher education institution under Title 53A, Chapter 1a, Part 5, The Utah Charter  
 139 Schools Act;

140 [~~(xv)~~ (xiv) the Utah Schools for the Deaf and the Blind created in Title 53A, Chapter  
 141 25b, Utah Schools for the Deaf and the Blind;

142 [~~(xvi)~~ (xv) an institution of higher education as defined in Section 53B-3-102;

143 [~~(xvii)~~ (xvi) the School and Institutional Trust Lands Administration created [~~in Title~~  
 144 ~~53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration~~] by Section  
 145 53C-1-201;

146 [~~(xviii)~~ (xvii) the Utah Communications Agency Network created [~~in Title 63C,~~  
 147 ~~Chapter 7, Utah Communications Agency Network Act~~] by Section 63C-7-201; or

148 [~~(xix)~~ (xviii) the Utah Capital Investment Corporation created [~~in Title 63M, Chapter~~  
 149 ~~1, Part 12, Utah Venture Capital Enhancement Act~~] by Section 63M-1-1207.

150 (3) "Agency head" means the chief administrative officer of an agency.

151 (4) "Board" means the Privatization Policy Board created in Section 63I-4-201.

152 (5) "Commercial activity" means to engage in an activity that can be obtained in whole  
153 or in part from a private enterprise.

154 (6) "Local entity" means:

155 (a) a political subdivision of the state, including a:

156 (i) county;

157 (ii) city;

158 (iii) town;

159 (iv) local school district;

160 (v) local district; or

161 (vi) special service district;

162 (b) an agency of an entity described in this Subsection (6), including a department,  
163 office, division, authority, commission, or board; and

164 (c) an entity created by an interlocal cooperative agreement under Title 11, Chapter 13,  
165 Interlocal Cooperation Act, between two or more entities described in this Subsection (6).

166 (7) "Private enterprise" means a person that for profit:

167 (a) manufactures a good or service;

168 (b) processes a good or service;

169 (c) sells a good or service;

170 (d) offers for sale a good or service;

171 (e) rents a good or service;

172 (f) leases a good or service;

173 (g) delivers a good or service;

174 (h) distributes a good or service; or

175 (i) advertises a good or service.

176 (8) "Privatize" means that an activity engaged in by an agency is transferred so that a  
177 private enterprise engages in the activity including a transfer by:

178 (a) contract;

179 (b) transfer of property; or

180 (c) another arrangement.

181 Section 3. Section **63J-7-102** is amended to read:

182 **63J-7-102. Scope and applicability of chapter.**

183 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute  
184 superseding provisions of this chapter by explicit reference to this chapter, the provisions of  
185 this chapter apply to each agency and govern each grant received on or after May 5, 2008.

186 (2) This chapter does not govern:

187 (a) a grant deposited into a General Fund restricted account;

188 (b) a grant deposited into a Trust and Agency Fund as defined in Section 51-5-4;

189 (c) a grant deposited into an Enterprise Fund as defined in Section 51-5-4;

190 (d) a grant made to the state without a restriction or other designated purpose that is  
191 deposited into the General Fund as free revenue;

192 (e) a grant made to the state that is restricted only to "education" and that is deposited  
193 into the Education Fund or Uniform School Fund as free revenue;

194 (f) in-kind donations;

195 (g) a tax, ~~[fees]~~ fee, penalty, fine, surcharge, money judgment, or other money due the  
196 state when required by state law or application of state law;

197 (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax  
198 Contribution Act;

199 (i) a grant received by an agency from another agency or political subdivision;

200 (j) a grant to the Utah Dairy Commission created ~~[in Title 4, Chapter 22, Dairy~~  
201 ~~Promotion Act]~~ by Section 4-22-2;

202 ~~[(k) a grant to the Utah Science Center Authority created in Title 63H, Chapter 3, Utah~~  
203 ~~Science Center Authority;]~~

204 ~~[(h) (k) a grant to the Heber Valley Railroad Authority created [in Title 63H, Chapter~~  
205 ~~4, Heber Valley Historic Railroad Authority] by Section 63H-4-102;~~

206 ~~[(m) (l) a grant to the Utah State Railroad Museum Authority created [in Title 63H,~~  
207 ~~Chapter 5, Utah State Railroad Museum Authority] by Section 63H-5-102;~~

208 ~~[(n) (m) a grant to the Utah Housing Corporation created [in Title 35A, Chapter 8,~~  
209 ~~Part 7, Utah Housing Corporation Act] by Section 35A-8-704;~~

210 ~~[(o) (n) a grant to the Utah State Fair Corporation created [in Title 63H, Chapter 6,~~  
211 ~~Utah State Fair Corporation Act] by Section 63H-6-103;~~

212 ~~[(p) (o) a grant to the Workers' Compensation Fund created [in Title 31A, Chapter 33,~~  
213 ~~Workers' Compensation Fund] by Section 31A-33-102;~~

214           ~~[(q)]~~ (p) a grant to the Utah State Retirement Office created ~~[in Title 49, Chapter 11,~~  
215 ~~Utah State Retirement Systems Administration]~~ by Section 49-11-201;

216           ~~[(r)]~~ (q) a grant to the School and Institutional Trust Lands Administration created ~~[in~~  
217 ~~Title 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration]~~ by Section  
218 53C-1-201;

219           ~~[(s)]~~ (r) a grant to the Utah Communications Agency Network created ~~[in Title 63C,~~  
220 ~~Chapter 7, Utah Communications Agency Network Act]~~ by Section 63C-7-201;

221           ~~[(t)]~~ (s) a grant to the Medical Education Program created ~~[in]~~ by Section 63C-8-102;

222           ~~[(u)]~~ (t) a grant to the Utah Capital Investment Corporation created ~~[in Title 63M,~~  
223 ~~Chapter 1, Part 12, Utah Venture Capital Enhancement Act]~~ by Section 63M-1-1207;

224           ~~[(v)]~~ (u) a grant to the Utah Charter School Finance Authority created ~~[in]~~ by Section  
225 53A-20b-103;

226           ~~[(w)]~~ (v) a grant to the State Building Ownership Authority created ~~[in]~~ by Section  
227 63B-1-304;

228           ~~[(x)]~~ (w) a grant to the Utah Comprehensive Health Insurance Pool created ~~[in]~~ by  
229 Section 31A-29-104; or

230           ~~[(y)]~~ (x) a grant to the Military Installation Development Authority created ~~[in]~~ by  
231 Section 63H-1-201.

232           (3) An agency need not seek legislative review or approval of grants under Part 2,  
233 Grant Approval Requirements, if:

234           (a) the governor has declared a state of emergency; and

235           (b) the grant is donated to the agency to assist victims of the state of emergency under  
236 Subsection 63K-4-201(1).

237           Section 4. **Repealer.**

238           This bill repeals:

239           Section **63H-3-101, Short title.**

240           Section **63H-3-102, Legislative findings -- State purpose.**

241           Section **63H-3-103, Creation -- Members -- Chair -- Powers -- Quorum -- Per diem**  
242 **and expenses.**

243           Section **63H-3-104, Executive director -- Powers and duties.**

244           Section **63H-3-105, Member or employee -- Disclosure of interest.**



- 245 Section **63H-3-106, Officer or employee -- No forfeiture of office or employment.**
- 246 Section **63H-3-107, Authority -- Powers.**
- 247 Section **63H-3-108, Actions on validity or enforceability of bonds -- Time for**
- 248 **bringing action.**
- 249 Section **63H-3-109 (Effective 05/01/13), Relation to certain acts.**
- 250 Section **63H-3-110, Sales tax exemption.**
- 251 Section 5. **Effective date.**
- 252 This bill takes effect on July 1, 2013.

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**Legislative Review Note**  
**as of 12-20-12 10:40 AM**

**Office of Legislative Research and General Counsel**