

1                   **UTAH SCIENCE CENTER AUTHORITY AMENDMENTS**

2                                   2015 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Todd Weiler**

5                                   House Sponsor: Kraig Powell

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7 **LONG TITLE**

8 **General Description:**

9           This bill modifies the Independent State Entities title and related provisions by  
10 repealing the Utah Science 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 provides a special effective date.

19 **Utah Code Sections Affected:**

20 AMENDS:

21           **63E-1-102**, as last amended by Laws of Utah 2014, Chapters 320, 426, and 426

22           **63I-4a-102**, as last amended by Laws of Utah 2014, Chapter 320

23           **63J-7-102**, as last amended by Laws of Utah 2014, Chapter 320

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](#), 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

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 -- List of independent entities.](#)**

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 by

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 by Section [4-22-2](#);

52 (ii) Heber Valley Historic Railroad Authority created by Section [63H-4-102](#);

53 (iii) Utah State Railroad Museum Authority created by Section [63H-5-102](#);

54 [~~(iv) Utah Science Center Authority created by Section [63H-3-103](#);~~]

55 [~~(v)~~] (iv) Utah Housing Corporation created by Section [35A-8-704](#);

56 [~~(vi)~~] (v) Utah State Fair Corporation created by Section [63H-6-103](#);

57 [~~(vii)~~] (vi) Workers' Compensation Fund created by Section [31A-33-102](#);

58 [~~(viii)~~] (vii) Utah State Retirement Office created by Section [49-11-201](#);

59            [~~(ix)~~] (viii) School and Institutional Trust Lands Administration created by Section  
60 [53C-1-201](#);

61            [~~(x)~~] (ix) School and Institutional Trust Fund Office created by Section [53D-1-201](#);

62            [~~(xi)~~] (x) Utah Communications Authority created [~~in~~] by Section [63H-7-201](#);

63            [~~(xii)~~] (xi) Utah Energy Infrastructure Authority created by Section [63H-2-201](#);

64            [~~(xiii)~~] (xii) Utah Capital Investment Corporation created by Section [63M-1-1207](#); and

65            [~~(xiv)~~] (xiii) Military Installation Development Authority created by Section  
66 [63H-1-201](#).

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

68            (i) the Public Service Commission of Utah created by Section [54-1-1](#);

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

70            (iii) a city, county, or town;

71            (iv) a local school district;

72            (v) a local district under Title 17B, Limited Purpose Local Government Entities - Local  
73 Districts; or

74            (vi) a special service district under Title 17D, Chapter 1, Special Service District Act.

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

77            (6) "Money held in trust" means money maintained for the benefit of:

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

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

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

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

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

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

89            **63I-4a-102. Definitions.**

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

91 (b) "Activity" includes to:

92 (i) manufacture a good or service;

93 (ii) process a good or service;

94 (iii) sell a good or service;

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

96 (v) rent a good or service;

97 (vi) lease a good or service;

98 (vii) deliver a good or service;

99 (viii) distribute a good or service; or

100 (ix) advertise a good or service.

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

102 (i) the state; or

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

105 (b) "Agency" does not include:

106 (i) the Legislature;

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

108 (iii) the state auditor;

109 (iv) the state treasurer;

110 (v) the Office of the Attorney General;

111 (vi) the Utah Dairy Commission created in [~~Title 4, Chapter 22, Dairy Promotion Act~~]

112 Section 4-22-2;

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

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

117 [~~(ix) (viii) the Utah State Railroad Museum Authority created in [Title 63H, Chapter~~  
118 ~~5, Utah State Railroad Museum Authority] Section 63H-5-102;~~

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

121 ~~[(xii)]~~ (x) the Utah State Fair Corporation created in ~~[Title 63H, Chapter 6, Utah State~~  
122 ~~Fair Corporation Act]~~ [Section 63H-6-103](#);

123 ~~[(xiii)]~~ (xi) the Workers' Compensation Fund created in ~~[Title 31A, Chapter 33,~~  
124 ~~Workers' Compensation Fund]~~ [Section 31A-33-102](#);

125 ~~[(xiv)]~~ (xii) the Utah State Retirement Office created in ~~[Title 49, Chapter 11, Utah~~  
126 ~~State Retirement Systems Administration]~~ [Section 49-11-201](#);

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

130 ~~[(xvi)]~~ (xiv) the Utah Schools for the Deaf and the Blind created in Title 53A, Chapter  
131 25b, Utah Schools for the Deaf and the Blind;

132 ~~[(xvii)]~~ (xv) an institution of higher education as defined in [Section 53B-3-102](#);

133 ~~[(xviii)]~~ (xvi) the School and Institutional Trust Lands Administration created in ~~[Title~~  
134 ~~53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration]~~ [Section](#)  
135 [53C-1-201](#);

136 ~~[(xix)]~~ (xvii) the Utah Communications Authority created in ~~[Title 63H, Chapter 7,~~  
137 ~~Utah Communications Authority Act]~~ [Section 63H-7-201](#); or

138 ~~[(xx)]~~ (xviii) the Utah Capital Investment Corporation created in ~~[Title 63M, Chapter~~  
139 ~~1, Part 12, Utah Venture Capital Enhancement Act]~~ [Section 63M-1-1207](#).

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

141 (4) "Board" means the Free Market Protection and Privatization Board created in  
142 [Section 63I-4a-202](#).

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

145 (6) "Local entity" means:

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

147 (i) county;

148 (ii) city;

149 (iii) town;

150 (iv) local school district;

151 (v) local district; or

- 152 (vi) special service district;
- 153 (b) an agency of an entity described in this Subsection (6), including a department,
- 154 office, division, authority, commission, or board; or
- 155 (c) an entity created by an interlocal cooperative agreement under Title 11, Chapter 13,
- 156 Interlocal Cooperation Act, between two or more entities described in this Subsection (6).
- 157 (7) "Private enterprise" means a person that engages in an activity for profit.
- 158 (8) "Privatize" means that an activity engaged in by an agency is transferred so that a
- 159 private enterprise engages in the activity, including a transfer by:
  - 160 (a) contract;
  - 161 (b) transfer of property; or
  - 162 (c) another arrangement.
- 163 (9) "Special district" means:
  - 164 (a) a local district, as defined in Section 17B-1-102;
  - 165 (b) a special service district, as defined in Section 17D-1-102; or
  - 166 (c) a conservation district, as defined in Section 17D-3-102.

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

168 **63J-7-102. Scope and applicability of chapter.**

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

172 (2) This chapter does not govern:

- 173 (a) a grant deposited into a General Fund restricted account;
- 174 (b) a grant deposited into a Trust and Agency Fund as defined in Section 51-5-4;
- 175 (c) a grant deposited into an Enterprise Fund as defined in Section 51-5-4;
- 176 (d) a grant made to the state without a restriction or other designated purpose that is  
177 deposited into the General Fund as free revenue;
- 178 (e) a grant made to the state that is restricted only to "education" and that is deposited  
179 into the Education Fund or Uniform School Fund as free revenue;
- 180 (f) in-kind donations;
- 181 (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state  
182 when required by state law or application of state law;

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

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

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

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

190 [~~(l)~~] (k) a grant to the Heber Valley Historic Railroad Authority created in [~~Title 63H,~~  
191 ~~Chapter 4, Heber Valley Historic Railroad Authority~~] Section 63H-4-102;

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

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

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

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

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

202 [~~(r)~~] (q) a grant to the School and Institutional Trust Lands Administration created in  
203 [~~Title 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration~~] Section  
204 53C-1-201;

205 [~~(s)~~] (r) a grant to the Utah Communications Authority created in [~~Title 63H, Chapter~~  
206 ~~7, Utah Communications Authority Act~~] Section 63H-7-201;

207 [~~(t)~~] (s) a grant to the Medical Education Program created in Section 53B-24-202;

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

210 [~~(v)~~] (u) a grant to the Utah Charter School Finance Authority created in Section  
211 53A-20b-103;

212 [~~(w)~~] (v) a grant to the State Building Ownership Authority created in Section  
213 63B-1-304;

214 [~~(x)~~] (w) a grant to the Utah Comprehensive Health Insurance Pool created in Section  
215 31A-29-104; or

216 [~~(y)~~] (x) a grant to the Military Installation Development Authority created in Section  
217 63H-1-201.

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

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

221 (b) the grant is donated to the agency to assist victims of the state of emergency under  
222 Subsection 53-2a-204(1).

223 Section 4. **Repealer.**

224 This bill repeals:

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

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

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

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

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

231 Section 63H-3-106, **Officer or employee -- No forfeiture of office or employment.**

232 Section 63H-3-107, **Authority -- Powers.**

233 Section 63H-3-108, **Actions on validity or enforceability of bonds -- Time for  
234 bringing action.**

235 Section 63H-3-109, **Relation to certain acts.**

236 Section 63H-3-110, **Sales tax exemption.**

237 Section 5. **Effective date.**

238 This bill takes effect on July 1, 2015.

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Legislative Review Note  
as of 12-3-14 11:19 AM

Office of Legislative Research and General Counsel