

HB0055S02 compared with HB0055S01

~~text~~ shows text that was in HB0055S01 but was deleted in HB0055S02.

Inserted text shows text that was not in HB0055S01 but was inserted into HB0055S02.

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Representative Kim F. Coleman proposes the following substitute bill:

GOVERNMENTAL NONPROFIT ENTITY COMPLIANCE

AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions relating to governmental nonprofit corporations.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ adds a sunset date for a portion of a definition:
- ▶ imposes requirements on the board of a governmental nonprofit corporation;
- ▶ requires a governmental nonprofit corporation to comply with certain meeting requirements;
- ▶ subjects a governmental nonprofit corporation to:

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- certain fiscal procedures;
 - the Open and Public Meetings Act; and
 - the Government Records Access and Management Act; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-13-501, as enacted by Laws of Utah 2015, Chapter 265

51-2a-102, as last amended by Laws of Utah 2015, Chapters 138 and 407

51-2a-403, as enacted by Laws of Utah 2004, Chapter 206

52-4-103, as last amended by Laws of Utah 2016, Chapter 77

63G-2-103, as last amended by Laws of Utah 2015, Chapter 265

63I-2-211, as enacted by Laws of Utah 2015, Chapter 250

ENACTS:

11-13a-101, Utah Code Annotated 1953

11-13a-102, Utah Code Annotated 1953

11-13a-103, Utah Code Annotated 1953

11-13a-104, Utah Code Annotated 1953

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

Section 1. Section **11-13-501** is amended to read:

11-13-501. Definitions.

As used in this part:

(1) "Appropriation" means an allocation of money by the governing board in a budget for a specific purpose.

(2) "Budget" means a plan of financial operations for a fiscal year that embodies estimates of proposed expenditures for given purposes and the proposed means of financing them, and may refer to the budget of a particular fund for which a budget is required by law or

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may refer collectively to the budgets for all required funds.

(3) "Budget officer" means the person appointed by an interlocal entity governing board to prepare the budget for the interlocal entity.

(4) "Budget year" means the fiscal year for which a budget is prepared.

(5) "Calendar year entity" means an interlocal entity whose fiscal year begins January 1 and ends December 31 of each calendar year as described in Section 11-13-503.

(6) "Current year" means the fiscal year in which a budget is prepared and adopted, and which is the fiscal year immediately preceding the budget year.

(7) "Deficit" means the occurrence when expenditures exceed revenues.

(8) "Enterprise fund" has the meaning provided in generally accepted accounting principles.

(9) "Estimated revenue" means the amount of revenue estimated to be received from all sources during the budget year in each fund for which a budget is being prepared.

(10) "Fiscal year" means the annual period for accounting for fiscal operations in an interlocal entity.

(11) "Fiscal year entity" means an interlocal entity whose fiscal year begins July 1 of each year and ends on June 30 of the following year as described in Section 11-13-503.

(12) "Fund" has the meaning provided in generally accepted accounting principles.

(13) "Fund balance" has the meaning provided in generally accepted accounting principles.

(14) "General fund" has the meaning provided in generally accepted accounting principles.

(15) "Generally accepted accounting principles" means the accounting principles and standards promulgated from time to time by authoritative bodies in the United States.

(16) "Governmental fund" has the meaning provided in generally accepted accounting principles.

(17) "Interfund loan" means a transfer of assets from one fund to another, subject to future repayment.

(18) "Interlocal entity" includes a governmental nonprofit corporation, as that term is defined in Section 11-13a-102.

~~(18)~~ (19) "Interlocal entity general fund" means the general fund of an interlocal

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entity.

~~[(19)]~~ (20) "Internal service funds" has the meaning provided in generally accepted accounting principles.

~~[(20)]~~ (21) "Last completed fiscal year" means the fiscal year immediately preceding the current fiscal year.

~~[(21)]~~ (22) "Proprietary fund" means enterprise funds and the internal service funds of an interlocal entity.

~~[(22)]~~ (23) "Public funds" means any money or payment collected or received by an interlocal entity, including money or payment for services or goods provided by the interlocal entity.

~~[(23)]~~ (24) "Retained earnings" has the meaning provided in generally accepted accounting principles.

~~[(24)]~~ (25) "Special fund" means an interlocal entity fund other than the interlocal entity general fund.

Section 2. Section **11-13a-101** is enacted to read:

CHAPTER 13. GOVERNMENTAL NONPROFIT CORPORATIONS ACT

11-13a-101. Title.

This chapter is known as the "Governmental Nonprofit Corporations Act."

Section 3. Section **11-13a-102** is enacted to read:

11-13a-102. Definitions.

As used in this chapter:

(1) "Controlling interest" means that

~~_____ (a) } one or more governmental entities { appoint, through official action, members of the board of directors of a nonprofit corporation who } collectively represent a majority of the board's voting power {; or~~

~~_____ (b) one or more governmental entities have a majority ownership of a } as outlined in the nonprofit {corporation formed through contract} corporation's governing documents.~~

(2) (a) "Governing board" means the body that governs a governmental nonprofit corporation.

(b) "Governing board" includes a board of directors.

(3) "Governmental {nonprofit corporation" means a nonprofit corporation:

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- ~~— (a) that is wholly owned or controlled by a governmental entity; or~~
- ~~— (b) in which one or more governmental entities exercise a controlling interest and that:~~
 - ~~— (i) exercises taxing authority;~~
 - ~~— (ii) imposes a mandatory fee for association or participation with the nonprofit corporation where that association or participation is mandated by law; or~~
 - ~~— (iii) receives a majority of the nonprofit corporation's operating funding from one or more governmental entities under its contractual organizing or ownership agreement.~~
- ~~— (4) "Government }entity" means the state, a county, a municipality, a local district, a special service district, a school district, a state institution of higher education, or any other political subdivision or administrative unit of the state.~~

(4) (a) "Governmental nonprofit corporation" means:

(i) a nonprofit corporation that is wholly owned or wholly controlled by one or more governmental entities; or

(ii) a nonprofit corporation in which one or more governmental entities exercise a controlling interest and:

(A) that exercises taxing authority;

(B) that imposes a mandatory fee for association or participation with the nonprofit corporation where that association or participation is mandated by law; or

(C) that receives a majority of the nonprofit corporation's operating funding from one or more governmental entities under the nonprofit corporation's governing documents, except where voluntary membership fees, dues, or assessments compose the operating funding.

(b) "Governmental nonprofit corporation" does not include a water company, as that term is defined in Section 16-4-102, unless the water company is wholly owned by one or more governmental entities.

(5) "Municipality" means a city, town, or metro township.

Section 4. Section **11-13a-103** is enacted to read:

11-13a-103. Governance -- Powers of governing body.

(1) A governing board shall manage and direct the business and affairs of a governmental nonprofit corporation.

(2) Each member of a governing board has and owes a fiduciary duty to the governmental nonprofit corporation.

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(3) A governing board:

(a) shall elect a chair from the members of the board; and

(b) subject to Subsection (4), may elect other officers as the board considers appropriate.

(4) (a) One person may not hold, at the same time, the offices of chair and treasurer, chair and clerk, or treasurer and clerk.

(b) An officer serves at the pleasure of the governing board.

(c) The governing board may designate a set term for each office.

Section 5. Section **11-13a-104** is enacted to read:

11-13a-104. Quorum of the governing board -- Meetings of the governing board.

(1) (a) A majority of the governing board constitutes a quorum for the transaction of governing board business.

(b) Action by a majority of a quorum constitutes action of the governing board.

(2) The governing board shall hold regular and special meetings as the governing board determines at a location that the governing board determines.

(3) (a) The governing board shall ensure that each meeting of the governing board complies with Title 52, Chapter 4, Open and Public Meetings Act.

(b) Subject to Title 52, Chapter 4, Open and Public Meetings Act, a governing board shall:

(i) adopt rules of order and procedure to govern a public meeting of the governing board;

(ii) conduct a public meeting in accordance with the governing board's rules of order and procedure; and

(iii) make the governing board's rules of order and procedure available to the public:

(A) at each meeting of the governing board; and

(B) on the governmental nonprofit corporation's public website, if available.

(4) The governing board shall comply with:

(a) Title 11, Chapter 13, Part 5, Fiscal Procedures for Interlocal Entities; and

(b) Title 63G, Chapter 2, Government Records Access and Management Act.

Section 6. Section **51-2a-102** is amended to read:

51-2a-102. Definitions.

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As used in this chapter:

(1) "Accounting reports" means an audit, a review, a compilation, or a fiscal report.

(2) "Audit" means an examination that:

(a) is performed in accordance with generally accepted government auditing standards, or for a nonprofit ~~[corporations described in Subsection (6)(f)]~~ corporation or a governmental nonprofit corporation, in accordance with generally accepted auditing standards; and

(b) conforms to the uniform classification of accounts established or approved by the state auditor or any other classification of accounts established by any federal government agency.

(3) "Audit report" means:

(a) the financial statements presented in conformity with generally accepted accounting principles;

(b) the auditor's opinion on the financial statements;

(c) a statement by the auditor expressing positive assurance of compliance with state fiscal laws identified by the state auditor;

(d) a copy of the auditor's letter to management that identifies any material weakness in internal controls discovered by the auditor and other financial issues related to the expenditure of funds received from federal, state, or local governments to be considered by management; and

(e) management's response to the specific recommendations.

(4) "Compilation" means information presented in the form of financial statements presented in conformity with generally accepted accounting principles that are the representation of management without the accountant undertaking to express any assurances on the statements.

(5) "Fiscal report" means providing information detailing revenues and expenditures of all funds in a format prescribed by the state auditor.

(6) "Governing board" means:

(a) the governing board of each political subdivision;

(b) the governing board of each interlocal organization having the power to tax or to expend public funds;

(c) the governing board of any local mental health authority established under the

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authority of Title 62A, Chapter 15, Substance Abuse and Mental Health Act;

(d) the governing board of any substance abuse authority established under the authority of Title 62A, Chapter 15, Substance Abuse and Mental Health Act;

(e) the governing board of any area agency established under the authority of Title 62A, Chapter 3, Aging and Adult Services;

(f) the ~~[governing]~~ board of directors of any nonprofit corporation that receives an amount of money requiring an accounting report under Section 51-2a-201.5;

~~(g)~~ the governing board, as that term is defined in Section 11-13a-102, of a governmental nonprofit corporation;

~~[(g)]~~ (h) the governing board of any other entity established by a local governmental unit that receives tax exempt status for bonding or taxing purposes; and

~~[(h)]~~ (i) in municipalities organized under an optional form of municipal government, the municipal legislative body.

(7) "Governmental nonprofit corporation" means the same as that term is defined in Section 11-13a-102.

(8) "Nonprofit corporation" does not include a governmental nonprofit corporation.

~~[(7)]~~ (9) "Review" means performing inquiry and analytical procedures that provide the accountant with a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the financial statements for them to be in conformity with generally accepted accounting principles.

Section 7. Section **51-2a-403** is amended to read:

51-2a-403. General Fund reimbursed for accounting report of nonappropriated activities -- Amount of reimbursement.

(1) The General Fund shall be reimbursed by the entity for which an audit, review, or compilation are in whole or in part performed, whenever the state auditor or legislative auditor general is required by law or constitutional provision to perform that audit, review, or compilation or cause that audit, review, or compilation to be made for any office, department, division, board, agency, commission, council, authority, institution, hospital, school, college, university, or other instrumentality of the state or any of its political subdivisions for nonappropriated activities, including associated students' accounts, auxiliary enterprise funds, nonprofit corporations, governmental nonprofit corporations, contracts with the federal

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government, federal grants-in-aid, and federal assistance programs.

(2) (a) The reimbursement amount shall be a pro rata share of that auditor's total cost, based upon a time-spent factor.

(b) An audit includes an audit of state-appropriated funds.

(i) If state-appropriated funds are not involved in the accounting report, the reimbursement may not be less than the average hourly cost of the operations of that auditor's office nor more than the average rate attainable from certified public accounting firms performing similar services for this state.

(ii) Reimbursement charges may be negotiated with that auditor's office within these limitations.

Section 8. Section **52-4-103** is amended to read:

52-4-103. Definitions.

As used in this chapter:

(1) "Anchor location" means the physical location from which:

- (a) an electronic meeting originates; or
- (b) the participants are connected.

(2) "Capitol hill complex" means the grounds and buildings within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake City.

(3) "Convening" means the calling together of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.

(4) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.

(5) "Electronic message" means a communication transmitted electronically, including:

- (a) electronic mail;
- (b) instant messaging;
- (c) electronic chat;
- (d) text messaging as defined in Section 76-4-401; or
- (e) any other method that conveys a message or facilitates communication electronically.

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(6) (a) "Meeting" means the convening of a public body or a specified body, with a quorum present, including a workshop or an executive session, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body or specific body has jurisdiction or advisory power.

(b) "Meeting" does not mean:

(i) a chance gathering or social gathering; or

(ii) a convening of the State Tax Commission to consider a confidential tax matter in accordance with Section 59-1-405.

(c) "Meeting" does not mean the convening of a public body that has both legislative and executive responsibilities if:

(i) no public funds are appropriated for expenditure during the time the public body is convened; and

(ii) the public body is convened solely for the discussion or implementation of administrative or operational matters:

(A) for which no formal action by the public body is required; or

(B) that would not come before the public body for discussion or action.

(7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.

(8) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.

(9) (a) "Public body" means any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

(i) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

(ii) consists of two or more persons;

(iii) expends, disburses, or is supported in whole or in part by tax revenue; and

(iv) is vested with the authority to make decisions regarding the public's business.

(b) "Public body" includes[?];

(i) as defined in Section 11-13-103, an interlocal entity or joint or cooperative undertaking[?]; and

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(ii) as defined in Section 11-13a-102, a governmental nonprofit corporation.

(c) "Public body" does not include a:

(i) political party, political group, or political caucus;

(ii) conference committee, rules committee, or sifting committee of the Legislature; or

(iii) school community council or charter trust land council as defined in Section

53A-1a-108.1.

(10) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.

(11) (a) "Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.

(b) "Quorum" does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken on a subject over which these elected officials have advisory power.

(12) "Recording" means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.

(13) "Specified body":

(a) means an administrative, advisory, executive, or legislative body that:

(i) is not a public body;

(ii) consists of three or more members; and

(iii) includes at least one member who is:

(A) a legislator; and

(B) officially appointed to the body by the president of the Senate, speaker of the House of Representatives, or governor; and

(b) does not include a body listed in Subsection (9)(c)(ii).

(14) "Transmit" means to send, convey, or communicate an electronic message by electronic means.

Section 9. Section **63G-2-103** is amended to read:

63G-2-103. Definitions.

As used in this chapter:

(1) "Audit" means:

(a) a systematic examination of financial, management, program, and related records

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for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws and regulations; or

(b) a systematic examination of program procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.

(2) "Chronological logs" mean the regular and customary summary records of law enforcement agencies and other public safety agencies that show:

(a) the time and general nature of police, fire, and paramedic calls made to the agency; and

(b) any arrests or jail bookings made by the agency.

(3) "Classification," "classify," and their derivative forms mean determining whether a record series, record, or information within a record is public, private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

(4) (a) "Computer program" means:

(i) a series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system; and

(ii) any associated documentation and source material that explain how to operate the computer program.

(b) "Computer program" does not mean:

(i) the original data, including numbers, text, voice, graphics, and images;

(ii) analysis, compilation, and other manipulated forms of the original data produced by use of the program; or

(iii) the mathematical or statistical formulas, excluding the underlying mathematical algorithms contained in the program, that would be used if the manipulated forms of the original data were to be produced manually.

(5) (a) "Contractor" means:

(i) any person who contracts with a governmental entity to provide goods or services directly to a governmental entity; or

(ii) any private, nonprofit organization that receives funds from a governmental entity.

(b) "Contractor" does not mean a private provider.

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(6) "Controlled record" means a record containing data on individuals that is controlled as provided by Section 63G-2-304.

(7) "Designation," "designate," and their derivative forms mean indicating, based on a governmental entity's familiarity with a record series or based on a governmental entity's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.

(8) "Elected official" means each person elected to a state office, county office, municipal office, school board or school district office, local district office, or special service district office, but does not include judges.

(9) "Explosive" means a chemical compound, device, or mixture:

(a) commonly used or intended for the purpose of producing an explosion; and

(b) that contains oxidizing or combustive units or other ingredients in proportions, quantities, or packing so that:

(i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases; and

(ii) the resultant gaseous pressures are capable of:

(A) producing destructive effects on contiguous objects; or

(B) causing death or serious bodily injury.

(10) "Government audit agency" means any governmental entity that conducts an audit.

(11) (a) "Governmental entity" means:

(i) executive department agencies of the state, the offices of the governor, lieutenant governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole, the Board of Examiners, the National Guard, the Career Service Review Office, the State Board of Education, the State Board of Regents, and the State Archives;

(ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative committees, except any political party, group, caucus, or rules or sifting committee of the Legislature;

(iii) courts, the Judicial Council, the Office of the Court Administrator, and similar administrative units in the judicial branch;

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(iv) any state-funded institution of higher education or public education; or

(v) any political subdivision of the state, but, if a political subdivision has adopted an ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or as specified in any other section of this chapter that specifically refers to political subdivisions.

(b) "Governmental entity" also means:

(i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed in Subsection (11)(a) that is funded or established by the government to carry out the public's business; [~~and~~]

(ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative undertaking[-]; and

(iii) as defined in Section 11-13a-102, a governmental nonprofit corporation.

(c) "Governmental entity" does not include the Utah Educational Savings Plan created in Section 53B-8a-103.

(12) "Gross compensation" means every form of remuneration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

(13) "Individual" means a human being.

(14) (a) "Initial contact report" means an initial written or recorded report, however titled, prepared by peace officers engaged in public patrol or response duties describing official actions initially taken in response to either a public complaint about or the discovery of an apparent violation of law, which report may describe:

(i) the date, time, location, and nature of the complaint, the incident, or offense;

(ii) names of victims;

(iii) the nature or general scope of the agency's initial actions taken in response to the incident;

(iv) the general nature of any injuries or estimate of damages sustained in the incident;

(v) the name, address, and other identifying information about any person arrested or charged in connection with the incident; or

(vi) the identity of the public safety personnel, except undercover personnel, or

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prosecuting attorney involved in responding to the initial incident.

(b) Initial contact reports do not include follow-up or investigative reports prepared after the initial contact report. However, if the information specified in Subsection (14)(a) appears in follow-up or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

(15) "Legislative body" means the Legislature.

(16) "Notice of compliance" means a statement confirming that a governmental entity has complied with a records committee order.

(17) "Person" means:

- (a) an individual;
- (b) a nonprofit or profit corporation;
- (c) a partnership;
- (d) a sole proprietorship;
- (e) other type of business organization; or
- (f) any combination acting in concert with one another.

(18) "Private provider" means any person who contracts with a governmental entity to provide services directly to the public.

(19) "Private record" means a record containing data on individuals that is private as provided by Section 63G-2-302.

(20) "Protected record" means a record that is classified protected as provided by Section 63G-2-305.

(21) "Public record" means a record that is not private, controlled, or protected and that is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).

(22) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics:

(i) that is prepared, owned, received, or retained by a governmental entity or political subdivision; and

(ii) where all of the information in the original is reproducible by photocopy or other mechanical or electronic means.

(b) "Record" does not mean:

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(i) a personal note or personal communication prepared or received by an employee or officer of a governmental entity:

(A) in a capacity other than the employee's or officer's governmental capacity; or

(B) that is unrelated to the conduct of the public's business;

(ii) a temporary draft or similar material prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working;

(iii) material that is legally owned by an individual in the individual's private capacity;

(iv) material to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by a governmental entity or political subdivision;

(v) proprietary software;

(vi) junk mail or a commercial publication received by a governmental entity or an official or employee of a governmental entity;

(vii) a book that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public;

(viii) material that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public, regardless of physical form or characteristics of the material;

(ix) a daily calendar or other personal note prepared by the originator for the originator's personal use or for the personal use of an individual for whom the originator is working;

(x) a computer program that is developed or purchased by or for any governmental entity for its own use;

(xi) a note or internal memorandum prepared as part of the deliberative process by:

(A) a member of the judiciary;

(B) an administrative law judge;

(C) a member of the Board of Pardons and Parole; or

(D) a member of any other body charged by law with performing a quasi-judicial function;

(xii) a telephone number or similar code used to access a mobile communication device that is used by an employee or officer of a governmental entity, provided that the employee or officer of the governmental entity has designated at least one business telephone

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number that is a public record as provided in Section 63G-2-301;

(xiii) information provided by the Public Employees' Benefit and Insurance Program, created in Section 49-20-103, to a county to enable the county to calculate the amount to be paid to a health care provider under Subsection 17-50-319(2)(e)(ii);

(xiv) information that an owner of unimproved property provides to a local entity as provided in Section 11-42-205; or

(xv) a video or audio recording of an interview, or a transcript of the video or audio recording, that is conducted at a Children's Justice Center established under Section 67-5b-102.

(23) "Record series" means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

(24) "Records committee" means the State Records Committee created in Section 63G-2-501.

(25) "Records officer" means the individual appointed by the chief administrative officer of each governmental entity, or the political subdivision to work with state archives in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.

(26) "Schedule," "scheduling," and their derivative forms mean the process of specifying the length of time each record series should be retained by a governmental entity for administrative, legal, fiscal, or historical purposes and when each record series should be transferred to the state archives or destroyed.

(27) "Sponsored research" means research, training, and other sponsored activities as defined by the federal Executive Office of the President, Office of Management and Budget:

(a) conducted:

(i) by an institution within the state system of higher education defined in Section 53B-1-102; and

(ii) through an office responsible for sponsored projects or programs; and

(b) funded or otherwise supported by an external:

(i) person that is not created or controlled by the institution within the state system of higher education; or

(ii) federal, state, or local governmental entity.

(28) "State archives" means the Division of Archives and Records Service created in

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Section 63A-12-101.

(29) "State archivist" means the director of the state archives.

(30) "Summary data" means statistical records and compilations that contain data derived from private, controlled, or protected information but that do not disclose private, controlled, or protected information.

Section 10. Section **63I-2-211** is amended to read:

63I-2-211. Repeal dates -- Title 11.

(1) (a) On July 1, 2019, Subsection 11-13a-102(3)(b) is repealed.

(b) When repealing Subsection 11-13a-102(3)(b), the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(2) Title 11, Chapter 53, Residential Property Reimbursement, is repealed on January 1, 2020.