

A Guide to Utah's Independent Entities

**Prepared by the Office of Legislative Research and General Counsel
for the Retirement and Independent Entities Committee**



Utah State Legislature

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Letter of Transmittal

Retirement and Independent Entities Committee

Dear Committee Members:

In accordance with Section 63E-1-202, the Retirement and Independent Entities Committee advises the Legislature concerning issues involving independent entities. Among other duties, the committee is required to:

- request and hear reports from each independent entity, including a review of the annual audit of each independent entity;
- study the provisions that govern each independent entity, looking for the need for consistency, exemptions, and provided state services;
- determine what entities should be treated as independent entities;
- review proposals to create a new independent entity;
- recommend appropriate methods to change the organizational status of an independent entity, if needed; and
- study concerns related to an entity created by local agreement under Title 11, Chapter 13, Interlocal Cooperation Act, if the state is a party to the agreement creating the entity.

Given these committee duties and at our direction, the committee staff has developed the attached "A Guide to Utah's Independent Entities" which inventories current independent entities, reviews statutory provisions, and provides current information about each entity. This document is intended to be a starting point for further oversight and review of Utah independent entities.

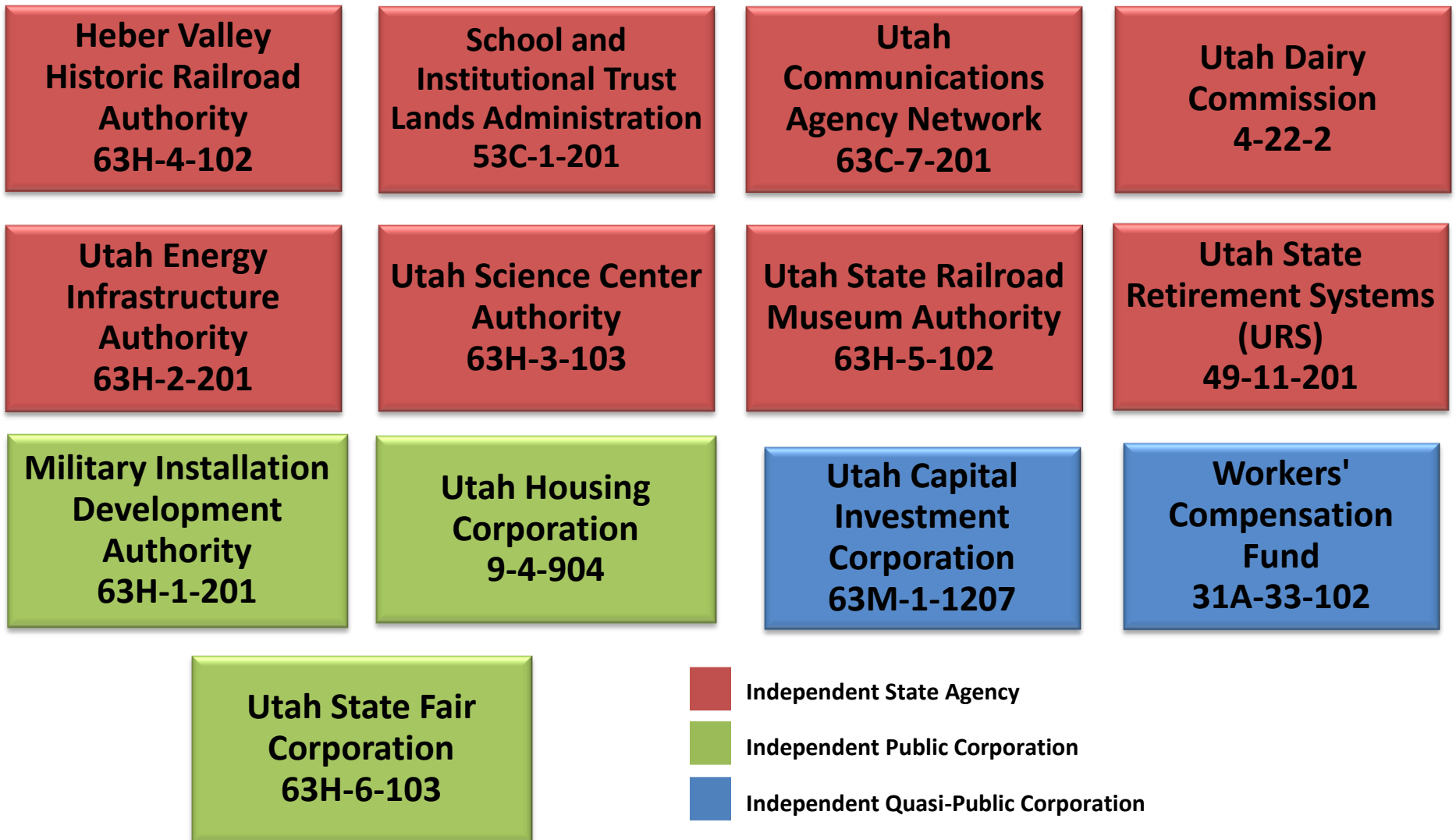
Sen. Todd Weiler

Rep. Don Ipson

Contents

Thirteen Entities by Type and Utah Code Section	7
Three Types of Independent Entities	8
Purpose	11
Exemptions.....	13
Governing Boards.....	15
Reporting Requirements.....	19
Contact Information.....	25
Current Governing Board Members (June 2012).....	26
State Services Used.....	29
Independent Entities Detail Pages	31
Heber Valley Historic Railroad Authority.....	33
School and Institutional Trust Lands Administration (SITLA).....	37
Utah Communications Agency Network (UCAN).....	41
Utah Dairy Commission.....	43
Utah Energy Infrastructure Authority.....	47
Utah Science Center Authority	49
Utah State Railroad Museum.....	51
Utah State Retirement Systems (URS).....	53
Military Installation Development Authority (MIDA)	55
Utah Housing Corporation	59
Utah State Fair Corporation.....	63
Utah Capital Investment Corporation.....	67
Workers Compensation Fund (WCF)	71
Independent Entities Code	75

Thirteen Entities by Type and Utah Code Section



Three Types of Independent Entities

Definitions*

Independent State Agencies

An entity created and owned by the state, but is independent of the Governor's direct supervisory control.

Independent Public Corporations

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.

Independent Quasi-Public Corporations

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.

*As defined by Title 63E, Independent Entities Code. Certain entities are specifically created as a nonprofit entity and/or a body politic and corporate in their creating statute. (See the Purpose table, page 11-12.)

INDEPENDENT STATE AGENCY

CHARACTERISTICS	<ul style="list-style-type: none">• Public purpose relating to the state or its citizens• Independent of governor's direct supervisory control• Public ownership• Exercises powers under authorizing statute
GOVERNANCE	<ul style="list-style-type: none">• Executive Director, Commission, Board of Trustees• Oversight is subject to recommendations and review by the Retirement and Independent Entities Committee
LIABILITY	<ul style="list-style-type: none">• May be sued in the name of the independent state agency• State may be liable for obligations, expenses, debts, and liabilities
OWNERSHIP OF ASSETS	<ul style="list-style-type: none">• State owns assets
LEGAL REPRESENTATION	<ul style="list-style-type: none">• May be represented by the attorney general
FLEXIBILITY FOR REORGANIZATION	<ul style="list-style-type: none">• Retirement and Independent Entities Committee may recommend reorganization• Legislature may reorganize
PARTICIPATION IN STATE SERVICES	<ul style="list-style-type: none">• May participate in the Utah Retirements Systems
APPLICATION OF STATE LAWS	<ul style="list-style-type: none">• State laws are presumed to apply to state agencies<ul style="list-style-type: none">◦ However, the Retirement and Independent Entities Committee is authorized to recommend which state laws each independent state agency should be exempted from in statute

INDEPENDENT PUBLIC CORPORATION

CHARACTERISTICS	<ul style="list-style-type: none">• Specific public purpose¹• Independent of governor's direct supervisory control• May sue or be sued• Exercises powers under authorizing statute and license or franchise
GOVERNANCE	<ul style="list-style-type: none">• Board of Directors• Subject to recommendations and review by the Retirement and Independent Entities Committee, unless exempt²• Subject to audits, examinations, and reviews by the Legislative Auditor General
LIABILITY	<ul style="list-style-type: none">• Sued in the name of the independent public corp.• State is not liable for obligations, expenses, debts, and liabilities
OWNERSHIP OF ASSETS	<ul style="list-style-type: none">• Corporation/shareholders/state - ownership varies across entities
LEGAL REPRESENTATION	<ul style="list-style-type: none">• May retain counsel independent of the Attorney General
FLEXIBILITY FOR REORGANIZATION	<ul style="list-style-type: none">• Retirement and Independent Entities Committee may recommend reorganization to the Legislature• Corporation must dissolve and distribute assets/liabilities prior to reorganization• Legislature may reorganize by statute
PARTICIPATION IN STATE SERVICES	<ul style="list-style-type: none">• May participate in the Utah Retirement Systems• May not participate in the following services: state fuel dispensing, motor pool, surplus property, risk management, information technology, or archives
APPLICATION OF STATE LAWS	<ul style="list-style-type: none">• State laws that apply to state agencies are presumed not to apply to independent public corporations• Independent public corporations are subject to the Open and Public Meetings Act (Title 52, Chapter 4), and GRAMA (Title 63G, Chapter 2)• Other exemptions may be recommended by the Retirement and Independent Entities Committee or are provided for in the authorizing statute

Source: Independent Entities Code, Title 63E (except where otherwise indicated).

INDEPENDENT QUASI-PUBLIC CORPORATION

CHARACTERISTICS	<ul style="list-style-type: none">• Specific public purpose¹• Independent of governor’s direct supervisory control• Private ownership as opposed to public ownership• May sue or be sued• Exercises powers under authorizing statute and license or franchise
GOVERNANCE	<ul style="list-style-type: none">• Board of Directors• Subject to recommendations and review by the Retirement and Independent Entities Committee, unless exempt²• Subject to audits, examinations, and reviews by the Legislative Auditor General
LIABILITY	<ul style="list-style-type: none">• Sued in the name of the independent quasi-public corporation• State is not liable for obligations, expenses, debts, and liabilities
OWNERSHIP OF ASSETS	<ul style="list-style-type: none">• Corporation/shareholders/state—may depend upon the specific public purposes, structure of the corporation, and funding<ul style="list-style-type: none">◦ The Utah Supreme Court held that the State has no ownership in the Workers’ Compensation Fund assets³
LEGAL REPRESENTATION	<ul style="list-style-type: none">• May retain counsel independent of the attorney general
FLEXIBILITY FOR REORGANIZATION	<ul style="list-style-type: none">• Retirement and Independent Entities Committee may recommend reorganization to the Legislature• Statute provides reorganization process
PARTICIPATION IN STATE SERVICES	<ul style="list-style-type: none">• May participate in the Utah Retirement Systems• May not participate in the following services: state fuel dispensing, motor pool, surplus property, risk management, information technology, or archives
APPLICATION OF STATE LAWS	<ul style="list-style-type: none">• State laws that apply to state agencies are presumed not to apply to independent quasi-public corporations.• Independent quasi-public corporations are subject to the Open and Public Meetings Act (Title 52, Chapter 4) and GRAMA (Title 63G, Chapter 2). Other exemptions can be authorized by the Retirement and Independent Entities Committee, which is thus provided in the authorizing statute. (See modifications regarding the Utah Workers’ Compensation Fund.)³

1. An independent public corporation must have a *specific public purpose*. The Legislature, prior to enacting its authorizing statute, must make a finding that: 1) the independent corporation needs to be created or authorized to exist and conduct its affairs as an independent corporation *in order for the entity to serve its public purpose*; 2) if the independent corporation receives ongoing state funding for operations, it must either perform a public purpose that is not performed by private entities, or *act as a trustee* over money held in trust; 3) if the corporation does not receive ongoing state funding, the corporation requires being *exempt from federal or state income tax*, or the *interest on its indebtedness* requires being exempt from federal or state income tax to meet its public purpose. §63E-2-103.
2. “The following independent entities are exempt from the study by the committee under Section 63E-1-202: (1) the Utah Housing Corporation created in Title 9, Chapter 4, Part 9, Utah Housing Corporation Act; and (2) the Workers’ Compensation Fund” (*Utah Code* §63E-1-203).
3. *Workers’ Compensation Fund v. State*, 125 P.3d 852, P31 (Utah 2005).

Source: Independent Entities Code, Title 63E (except where otherwise indicated).

Purpose

Independent Entity	Creating Statute in Utah Code	Purpose	Type	Nonprofit*	Body Politic & Corporate*
<i>Independent State Agencies</i>					
Heber Valley Historic Railroad Authority	63H-4-102	Operate and maintain a scenic and historic railroad in and around Heber Valley (<i>Utah Code §63H-4-106</i>).	Independent State Agency		x
School and Institutional Trust Lands Administration	53C-1-201	Manage lands that Congress granted to the state for the support of common schools and other beneficiary institutions (<i>Utah Code §53C-1-201</i>).	Independent State Agency		
Utah Communications Agency Network	63C-7-201	Provide public safety communications services and facilities for the benefit and use of public agencies and state and federal agencies (<i>Utah Code §63C-7-102</i>).	Independent State Agency		
Utah Dairy Commission	4-22-2	Investigate and participate in studies of problems peculiar to dairy producers in Utah and take action to promote, protect, and stabilize the state dairy industry (<i>Utah Code §4-22-4</i>).	Independent State Agency		
Utah Energy Infrastructure Authority	63H-2-201	Build or enhance the state’s energy delivery infrastructure, including studying qualifying transmission projects to increase the capacity for the delivery of energy or the capability of an existing energy delivery system to deliver energy (<i>Utah Code §63H-2-201</i>).	Independent State Agency		
Utah Science Center Authority	63H-3-103	Foster the development of science, technology, engineering, arts, tourism, cultural, and educational facilities (<i>Utah Code §63H-3-102</i>).	Independent State Agency		x
Utah State Railroad Museum	63H-5-102	Perform the following in and around Weber and Box Elder counties: facilitate or operate and maintain a scenic and historic railroad and one or more railroad history museums; facilitate the restoration, preservation, and display of railroad artifacts and heritage; and facilitate the restoration, preservation, and operation of historically significant railroad related properties (<i>Utah Code §63H-5-106</i>).	Independent State Agency		x
Utah State Retirement Systems	49-11-201	Administer the systems, plans, and programs of the Utah State Retirement Systems (<i>Utah Code §49-11-201</i>).	Independent State Agency		

*An entity indicated in these columns with an “x” is specifically defined in its authorizing statute by the term in the respective column heading.

Purpose

Independent Entity	Creating Statute in Utah Code	Purpose	Type	Nonprofit*	Body Politic & Corporate*
<i>Independent Public Corporations</i>					
Military Installation Development Authority	63H-1-201	Facilitate the development of military land within one or more project areas, including the ongoing operation of facilities within a project area (<i>Utah Code §63H-1-201</i>).	Independent Public Corporation	x	x
Utah Housing Corporation	35A-8-704	Assist in providing housing for low and moderate income persons who otherwise could not achieve decent, safe, and sanitary housing (<i>Utah Code §35A-8-702</i>).	Independent Public Corporation		x
Utah State Fair Corporation	63H-6-103	Manage, supervise, and control all activities relating to the state fair and state expositions (<i>Utah Code §63H-6-103</i>).	Independent Public Corporation	x	
<i>Independent Quasi-Public Corporations</i>					
Utah Capital Investment Corporation	63M-1-1207	Organize and operate the Utah Fund of Funds to make venture capital fund investments (<i>Utah Code §63M-1-1207</i>).	Independent Quasi-Public Corporation	x	
Workers Compensation Fund	31A-33-102	Insure Utah employers against liability for compensation based on job-related accidental injuries and occupational diseases and assure payment of this compensation to Utah employees who are entitled to it (<i>Utah Code §31A-33-102</i>).	Independent Quasi-Public Corporation	x	

* An entity indicated in these columns with an "x" is specifically defined in its authorizing statute by the term in the respective column heading.

Exemptions

Independent Entity	Utah Code	Statutory Exemptions
<i>Independent State Agencies</i>		
Heber Valley Historic Railroad Authority	63H-4-108 63H-4-111	Budgetary Procedures Act (Title 63J, Ch. 1) Funds Consolidation Act (Title 51, Ch. 5) Utah Administrative Services Code (Title 63A) Utah Procurement Code (Title 63G, Ch. 6) Utah State Personnel Management Act (Title 67, Ch. 19) Sales and Use Tax Act (Title 59, Ch. 12)
School and Institutional Trust Lands Administration (SITLA)	53C-1-201	Certain business proposals can be classified as protected under GRAMA (63G-2-305) Not subject to certain provisions of Utah Administrative Rulemaking Act (63G-3-301 (6) and (7) and 63G-3-601) Board-approved exemptions possible for: Utah Procurement Code (Title 63G, Ch. 6) Utah State Personnel Management Act (Title 67, Ch. 19)
Utah Communications Agency Network	63C-7-210	Administrative Procedures Act (Title 63G, Ch. 4) Budgetary Procedures Act (Title 63J, Ch. 1) Utah Administrative Services Code (Title 63A) - except as provided in Section 63A-4-205.5 Utah Procurement Code (Title 63G, Ch. 6) Utah State Personnel Management Act (Title 67, Ch. 19)
Utah Dairy Commission	4-22-4.5	Budgetary Procedures Act (Title 63J, Ch. 1) Funds Consolidation Act (Title 51, Ch. 5) State Money Management Act (Title 51, Ch. 7) Utah Administrative Services Code (Title 63A) Utah State Personnel Management Act (Title 67, Ch. 19)
Utah Energy Infrastructure Authority	63H-2-504	None
Utah Science Center Authority	63H-3-109	Budgetary Procedures Act (Title 63J, Ch. 1) Department of Administrative Services (Title 63A, Ch. 1) Funds Consolidation Act (Title 51, Ch. 5) Utah Procurement Code (Title 63G, Ch. 6) Utah State Personnel Management Act (Title 67, Ch. 19) Sales and Use Tax Act (Title 59, Ch. 12)
Utah State Railroad Museum	63H-5-108	Budgetary Procedures Act (Title 63J, Ch. 1) Funds Consolidation Act (Title 51, Ch. 5) Department of Administrative Services (Title 63A, Ch. 1) Utah Procurement Code (Title 63G, Ch. 6) Utah State Personnel Management Act (Title 67, Ch. 19)
Utah State Retirement Systems	49-11-201	All acts which are applicable to state and other governmental entities

Purpose

Independent Entity	Utah Code	Statutory Exemptions
<i>Independent Public Corporations</i>		
Military Installation Development Authority	63H-1-202	*Corporation Exemptions (Title 63E, Ch. 2, Part 109) Municipal Land Use, Development, and Management Act (Title 10, Ch. 9a) County Land Use, Development, and Management Act (Title 17, Ch. 27a)
Utah Housing Corporation	35A-8-707	*Corporation Exemptions (Title 63E, Ch. 2, Part 109) Corporation exemptions duplicated in the creating statute: Budgetary Procedures Act (Title 63J, Ch.1) Funds Consolidation Act (Title 51, Ch. 5) State Money Management Act (Title 51, Ch. 7) Utah Administrative Services Code (Title 63A) Utah Procurement Code (Title 63G, Ch. 6) Utah State Personnel Management Act (Title 67, Ch. 19) Exempt from study under Section 63E-1-202 by the Retirement and Independent Entities Committee (<i>Utah Code</i> §63E-1-203).
Utah State Fair Corporation	63H-6-103	*Corporation Exemptions (Title 63E, Ch. 2, Part 109) Corporation exemptions duplicated in the creating statute: Budgetary Procedures Act (Title 63J, Ch.1) Funds Consolidation Act (Title 51, Ch. 5) State Money Management Act (Title 51, Ch. 7) Utah Administrative Services Code (Title 63A) Utah Procurement Code (Title 63G, Ch. 6) Utah State Personnel Management Act (Title 67, Ch. 19)
<i>Independent Quasi-Public Corporations</i>		
Utah Capital Investment Corporation	63M-1-1224	*Corporation Exemptions (Title 63E, Ch. 2, Part 109) Open and Public Meetings Act (Title 52, Ch. 4) GRAMA (Title 63G, Ch. 2)
Workers Compensation Fund (WCF)	31A-33-104 63E-2-109	*Corporation Exemptions (Title 63E, Ch. 2, Part 109) Open and Public Meetings Act (Title 52, Ch. 4) GRAMA (Title 63G, Ch. 2) Corporation exemption duplicated in the creating statute: Administrative Procedures Act (Title 63G, Ch. 4) Board can specifically exempt from: Utah Procurement Code (Title 63G, Ch. 6) Utah State Personnel Management Act (Title 67, Ch. 19) Exempt from study under Section 63E-1-202 by the Retirement and Independent Entities Committee (<i>Utah Code</i> §63E-1-203).

* All independent corporations are exempt from the following statutes, according to Title 63E, Chapter 2, Part 109:

- Funds Consolidation Act (Title 51, Ch. 5)
- State Money Management Act (Title 51, Ch. 7)
- Utah Administrative Services Code (Title 63A)
- Utah Administrative Rulemaking Act (Title 63G, Ch. 3)
- Administrative Procedures Act (Title 63G, Ch. 4)
- Utah Procurement Code (Title 63G, Ch. 6)
- Budgetary Procedures Act (Title 63J, Ch. 1)
- Revenue Procedures and Control Act (Title 63J, Ch. 2)
- Utah Personnel Management Act (Title 67, Ch. 19).

Governing Boards

Independent Entity	Utah Code	Members of the Governing Board	Terms
<i>Independent State Agencies</i>			
Heber Valley Historic Railroad Authority	63H-4-102	8 members: -Member from county legislative body of Wasatch County -Mayor of Heber City -Mayor of Midway -Exec. Dir. of the Department of Transportation -Exec. Dir. of Parks and Rec. or designee -3 public members appointed by Governor: -1 rep. each from tourism industries of Wasatch and Utah Counties -1 rep from public at-large	-4-year staggered terms -1/2 of members' terms expire every 2 years -May not serve more than 2 full consecutive terms
School and Institutional Trust Lands Administration (SITLA)	53C-1-202	7 members: -6 appointed by Governor from Nominations Committee's list -1 member appointed by Governor Members must represent: -Nonrenewable resource management or development -Renewable resource management or development -Real estate	Nonconsecutive terms of 6 years
Utah Communications Agency Network	63C-7-203	5 State Representatives: -Utah State Treasurer -4 appointed by Governor PLUS , 1 representative from each of the public agencies that are members of the network	Governor's appointees: 4-year staggered terms
Utah Dairy Commission	4-22-2	13 members: -Commissioner of Agriculture and Food -Dean of the College of Agriculture at Utah State -President of Utah Dairy Women's Association -1 elected producer representative from each of 10 Districts <i>(Elected representatives must be active milk producers with 5 consecutive years of experience in Utah.)</i>	4-year terms
Utah Energy Infrastructure Authority	63H-2-202	7 members appointed by Governor: -Director of SITLA -1 member from GOED -1 rep of business entities that produce energy -1 member of the general public -3 members from a public utilities chosen from recommendations by each of the following: -investor-owned electric corporation -wholesale electric cooperative -electric interlocal entity	-4-year staggered terms -1/2 of members' terms expire every 2 years

Governing Boards

Independent Entity	Utah Code	Members of the Governing Board	Terms
<i>Independent State Agencies, cont.</i>			
Utah Science Center Authority	63H-3-103	13 members: -1 member appointed by Salt Lake County legislative body -1 member appointed by mayor of Salt Lake City -State Science Advisor 10 appointed by Governor: -3 members representing the informal science and arts community -3 members representing Utah industry, diverse regions of the state, and public at large -1 member from each: State Board of Education Department of Heritage and Arts Board of Tourism Development State Board of Regents	-4-year staggered terms -1/2 of members' terms expire every 2 years -May not serve more than 2 full consecutive terms
Utah State Railroad Museum	63H-5-102	11 members: -2 members of the county legislative body of Box Elder county -1 member of the county legislative body of Weber County -Executive Director of Department of Transportation -7 public members appointed by Governor: 1 member representing each of the following: -public at-large -tourism industry in Box Elder County -tourism industry in Weber County -Railroad and Locomotive Historical Society Golden Spike Chapter -Golden Spike Heritage Foundation -Golden Spike Association -Corinne Historical Society	-4-year staggered terms -1/2 of members' terms expire every 2 years -May not serve more than 2 full consecutive terms
Utah State Retirement Systems	49-11-202	7 members: -State Treasurer -6 appointed by Governor: -4 from general public with experience in investments or banking -1 school employee from nominations by school employees' association -1 public employee from nominations by public employee association	-4-year staggered terms -1/2 of members' terms expire every 2 years

Governing Boards

Independent Entity	Utah Code	Members of the Governing Board	Terms
<i>Independent Public Corporations</i>			
Military Installation Development Authority	63H-1-302 63H-1-303	7 members: -5 members appointed by Governor: -1 member interested in supporting military efforts -3 members are mayors or members of legislative bodies of municipalities or counties adjacent or close to project area. -1 member from GOED -2 members appointed by Legislature: -1 member each appointed by both President of the Senate and Speaker of the House	-4-year staggered terms -1/2 of members' terms expire every 2 years
Utah Housing Corporation	35A-8-704	9 members: -Executive Director of DWS -Commissioner of Dept. of Financial Institutions -State Treasurer -6 public members appointed by Governor: -2 people from each of the following industries: Mortgage lending Homebuilding and real estate Public at-large	-4-year staggered terms -1/2 of members' terms expire every 2 years
Utah State Fair Corporation	63H-6-104	11 Members appointed by Governor: -At least one member from each judicial district -2 members representing agricultural interests -2 members who are residents of each of the following areas: Salt Lake County 1 st Congressional District 2 nd Congressional District 3 rd Congressional District	-4-year staggered terms -1/4 of members' terms expire every year
<i>Independent Quasi-Public Corporations</i>			
Utah Capital Investment Corporation	63M-1-1209	Initial board has 5 members: -Future members are elected by remaining members	4-year staggered terms
Workers Compensation Fund (WCF)	31A-33-106	Board of 7 directors: -Executive Director of the Department of Administrative Services -Chief Executive Officer of the fund -5 public directors appointed by Governor: -3 directors who are owners, officers or employees of policyholders other than the state that has been insured by the WCF for at least on year -2 directors from the public at large <i>No two directors may represent or be employed by the same policyholder.</i>	-4-year staggered terms -No more than 2 terms expire in a calendar year

Reporting Requirements

Independent Entity	Utah Code	Reporting requirements from statute	Annual Audit Required	Annual Report to Legislature	Annual Report to Governor/ Executive Branch	Audit required (no time-frame specified)
<i>Independent State Agencies</i>						
Heber Valley Historic Railroad Authority	63H-4-108	“The authority is subject to audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the legislative auditor general pursuant to Section 36-12-15” (<i>Utah Code</i> Subsection 63H-4-108(2)).				X
School and Institutional Trust Lands Administration	53C-1-301 53C-1-303	<p>The board shall “annually report the director's compensation to the Legislature” (<i>Utah Code</i> Subsection 53C-1-301(4)(a)(i)).</p> <p>The director shall “submit to the board for public inspection an annual management budget and financial plan for operations of the administration and, after approval by the board, submit the budget to the governor” (<i>Utah Code</i> Subsection 53C-1-303(1)(e)) and “maintain appropriate records of trust activities to enable auditors appointed by appropriate state agencies or the board to conduct periodic audits of trust activities” (<i>Utah Code</i> Subsection 53C-1-303(1)(i)).</p> <p>The director is also required to “keep the board, beneficiaries, governor, Legislature, and the public informed about the work of the director and administration by reporting to the board in a public meeting at least once during each calendar quarter” (<i>Utah Code</i> Subsection 53C-1-303(1)(k)).</p>		X	X	X

Reporting Requirements

Independent Entity	Utah Code	Reporting requirements from statute	Annual Audit Required	Annual Report to Legislature	Annual Report to governor/ Executive Branch	Audit required (no time-frame specified)
<i>Independent State Agencies, cont...</i>						
Utah Communications Agency Network	63C-7-211	<p>“The Utah Communications Agency Network shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor and the Legislature.” (<i>Utah Code</i> §63C-7-211).</p> <p>“The state auditor shall at least once in each year audit the books and accounts of the Utah Communications Agency Network or shall contract with an independent certified public accountant for this audit” (<i>Utah Code</i> §63C-7-211).</p>	X	X	X	
Utah Dairy Commission	4-22-8	<p>“The accounts of the commission shall be audited once annually by a licensed accountant selected by the commission and approved by the state auditor. The results of the audit shall be submitted to the: (i) commissioner; (ii) commission; and (iii) Division of Finance. It is the responsibility of the commission to send annually a financial report to each producer” (<i>Utah Code</i> Subsection 4-22-8(5)).</p>	X		X	
Utah Energy Infrastructure Authority	63H-2-503	<p>“The state auditor may audit or contract with an independent certified public accountant to audit the books and accounts of the authority, including compliance with this chapter” (<i>Utah Code</i> §63H-2-503).</p>				X

Reporting Requirements

Independent Entity	Utah Code	Reporting requirements from statute	Annual Audit Required	Annual Report to Legislature	Annual Report to governor/ Executive Branch	Audit required (no time-frame specified)
<i>Independent State Agencies, cont...</i>						
Utah Science Center Authority	63H-3-109	<p>“The authority is 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” (<i>Utah Code</i> Subsection 63H-3-109(2)).</p> <p>The authority shall annually report to the Retirement and Independent Entities Committee created under Section 63E-1-201 concerning the authority's implementation of this part” (<i>Utah Code</i> Subsection 63H-3-109(3)).</p>		X		X
Utah State Railroad Museum	63H-5-108	“The authority is subject to audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the legislative auditor general pursuant to Section 36-12-15” (<i>Utah Code</i> Subsection 63H-5-108(2)).				X
Utah State Retirement Systems	49-11-306 49-11-307	<p>The Utah State Retirement Office “shall prepare an annual report of public fund investments in scrutinized companies” (<i>Utah Code</i> Subsection 49-11-307 (3)) and “the report shall be provided to the governor, the board, the president of the Senate, the speaker of the House of Representatives, and to each member and staff of the Retirement and Independent Entities Committee created under Section 63E-1-201” (<i>Utah Code</i> Subsection 49-11-307 (5)).</p> <p>“The office shall report the funded status of the Utah State Retirement Investment Fund to the Retirement and Independent Entities Committee created under Section 63E-1-201” (<i>Utah Code</i> Subsection 49-11-307 (1)).</p>		X	X	

Reporting Requirements

Independent Entity	Utah Code	Reporting requirements from statute	Annual Audit Required	Annual Report to Legislature	Annual Report to governor/ Executive Branch	Audit required (no time-frame specified)
<i>Independent Public Corporations</i>						
Military Installation Development Authority	63H-1-704 63H-1-705	<p>“The authority shall comply with the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act” (<i>Utah Code</i> §63H-1-704).</p> <p>“The authority shall, within 180 days after the end of the authority's fiscal year, file a copy of the audit report with the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity that levies a tax on property from which the authority collects tax increment” (<i>Utah Code</i> §63H-1-705).</p>	X		X	
Utah Housing Corporation	35A-8-721	<p>“The corporation shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor and the Legislature,” and “at least once each year, an independent certified public accountant shall audit the books and accounts of the corporation” (<i>Utah Code</i> §35A-8-721).</p> <p>This entity is “exempt from the study by the committee under Section 63E-1-202” (<i>Utah Code</i> §63E-1-203).</p>	X	X	X	
Utah State Fair Corporation	63H-6-106	<p>“The corporation shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor and the Legislature” (<i>Utah Code</i> §63H-6-106).</p>	X	X	X	

Reporting Requirements

Independent Entity	Utah Code	Reporting requirements from statute	Annual Audit Required	Annual Report to Legislature	Annual Report to governor/ Executive Branch	Audit required (no time-frame specified)
<i>Independent Quasi-Public Corporations</i>						
Utah Capital Investment Corporation	63M-1-1206 63M-1-1217	<p>“The board shall, in consultation with the corporation, publish an annual report of the activities conducted by the Utah fund of funds, and submit the report to the governor and the Economic Development and Revenue Appropriations Subcommittee” (<i>Utah Code</i> §63M-1-1206).</p> <p>“Each calendar year, an audit of the activities of the Utah fund of funds shall be made as described in this section. The audit shall be conducted by: (i) the state auditor; or (ii) an independent auditor engaged by the state auditor” (<i>Utah Code</i> §63M-1-1217).</p>	X	X	X	
Workers Compensation Fund	31A-33-110	<p>“The Workers' Compensation Fund shall annually obtain an audit...The fund shall provide the audit performed under Subsection (1)(a) to the state auditor within 30 days of its completion” (<i>Utah Code</i> §31A-33-110(1)).</p> <p>“The insurance commissioner shall examine the Injury Fund according to the purposes and procedures provided in Sections 31A-2-203 through 31A-2-205 at least once every five years” (<i>Utah Code</i> Subsection 31A-33-110(2)).</p> <p>This entity is “exempt from the study by the committee under Section 63E-1-202” (<i>Utah Code</i> §63E-1-203).</p>	X		X	

Contact Information

Independent Entity	Name	Address	Phone Numbers	Email
<i>Independent State Agencies</i>				
Heber Valley Historic Railroad Authority	Mark Nelson, General Mngr.	450 S. 600 W. Heber, UT 84032	Office: 435-654-5601 x101 Cell: 801-376-8028 Fax: 435-654-3667	mark@hebervalleybusiness.com
School and Institutional Trust Lands Administration (SITLA)	Kevin Carter, Director	675 E. 500 S. Ste 500 Salt Lake, UT 84102	Office: 801-538-5101 Cell: 801-641-5355 Fax: 801-538-5118	kevincarter@utah.gov
Utah Communications Agency Network	Steve Proctor, Exec. Director	5360 S. Ridge Village Dr. Salt Lake, UT 84118	Office: 801-840-4201 Cell: 801-580-3600 Fax: 801-840-4242	steve@ucan800.org
Utah Dairy Commission	Karen Koncar, Exec. Director	1213 E. 2100 S. Salt Lake, UT 84106	Office: 801-487-9976 Cell: 801-699-5771 Fax: 801-487-6975	karen@dairycouncilutnv.com
Utah Energy Infrastructure Authority	Jeffrey Barrett, Mngr.	60 E. South Temple, 3 rd Flr. Salt Lake, UT 84111	Cell: 801-739-5191 Fax: 855-271-4373	jhbarrett@utah.gov
Utah Science Center Authority	Alexandra Hesse, Exec. Director	209 E. 500 S. Salt Lake, UT 84111	Office: 801-531-9800 x105 Cell: 801-722-5262 Fax: 801-531-9801	ahesse@theleonardo.org
Utah State Railroad Museum	Roberta Beverly, Director	2501 Wall Ave. Ogden, UT 84401	Office: 801-393-9882 Cell: 801-941-0947 Fax: 801-621-0230	roberta@theunionstation.org
Utah State Retirement Systems	Robert Newman, Exec. Director	560 E. 200 S. Salt Lake, UT 84102	Office: 801-366-7343 Cell: 801-558-3530 Fax: 801-328-7343	robert.newman@urs.org
<i>Independent Public Corporations</i>				
Military Installation Development Authority	Rick Mayfield, Exec. Director	450 Simmons Way Suite 400 Kaysville, UT 84037	Office: 801-593-2112 Cell: 801-580-0454	rjmayfield@msn.com
Utah Housing Corporation	Grant Whitaker, President	2479 Lake Park West Valley, UT 84120	Office: 801-902-8290 Cell: 801-550-5853 Fax: 801-902-8390	gwhitaker@uthc.org
Utah State Fair Corporation	Clark Caras, Exec. Director	155 N. 1000 W. Salt Lake, UT 84116	Office: 801-538-8449 Cell: 801-201-9276 Fax: 801-538-8455	clark@utahstatefair.com
<i>Independent Quasi-Public Corporations</i>				
Utah Capital Investment Corporation	Matt Peterson, Vice President	170 S. Main Suite 1130 Salt Lake, UT 84101	Office: 801-931-4557 Cell: 801-448-4606 Fax: 801-521-3079	matt@utahfof.com
Workers Compensation Fund (WCF)	Ray Pickup, President & CEO	100 W. Towne Ridge Pkwy Sandy, UT 84070	Office: 385-351-8122 Cell: 801-243-5404 Fax: 385-351-8983	rpickup@wcfgroup.com

Current Governing Board Members (June 2012)

Independent Entity	Board Members	Term Ends	Qualification
<i>Independent State Agencies</i>			
Heber Valley Historic Railroad Authority http://hebervalleyrr.org	David Philips	Ex-officio	Mayor of Heber City
	Lynn Rasband	Ex-officio	Midway City
	John Clarkson	Ex-officio	UDOT
<i>(Note: This authority has not been formally organized, and members have not been appointed.)</i>			
School and Institutional Trust Lands Administration (SITLA) http://trustlands.utah.gov	Daniel Lofgren	6/30/2013	Nominee
	Steven Ostler	6/30/2014	Nominee
	David Ure	6/30/2015	Nominee
	Louis Cononelos	6/16/2016	Nominee
	James Lekas	6/30/2014	Nominee
	Thomas Bachtell	6/30/2018	Nominee
	Michael Mower	n/a	Governor's Designee
Utah Communications Agency Network http://www.ucan800.org	Steven McCarthy	9/30/2011	UDOT
	Jerry Pope	9/30/2011	Dept. of Corrections
	Alan Workman	9/30/2011	Dept. of Public Safety
	Douglas Chandler	10/1/2011	Dept. of Technology Services
	Richard Ellis	n/a	State Treasurer
Utah Dairy Commission http://www.utahdairycouncil.com	Reed Zaugg		North Cache, District 1
	Kyle Anderson		Central Cache, District 2
	Hal Olsen		South Cache, District 3
	Jeff Hardy		Box Elder, District 4
	Scott Wayment		Weber & Morgan, District 5
	Jason Bateman		Salt Lake, Tooele & Davis, District 6
	*Grant Kohler		Wasatch, Summit, Uintah, Duchesne, & Daggett, District 7
	Tony Stanworth		Millard, Beaver, Iron, & Washington, District 8
	Tuanya Otten		Sanpete, Carbon, Emery, Grand, Juab, & San Juan, District 9
	Chace Fullmer		Sevier, Piute, Wayne, & Garfield, District 10
	Steve Frischknect		United Dairy Industry
	Caralee Kohler		Utah Dairy Women's President
	Mark Gibbons		Utah Dairyman's Association President
	Mike Kohler		Utah Dairy Products
	Brent Munk		Dairy Farmers of America
	Kyle Stephens		Utah Dept. of Agriculture
Don McMahan		Utah State University	
Utah Energy Infrastructure Authority http://www.energy.utah.gov/ugreen http://www.business.utah.gov/programs/ugreen	*Spencer Eccles		Exec. Director of GOED
	Doug Bennion	9/30/2013	Investor-owned electric corp.
	Kevin Carter	9/30/2013	Exec. Director of SITLA
	Richard Clayton	9/30/2013	Renewable Energy Company
	Robert Dalley	9/30/2013	Wholesale Electric Co-op
	Ryan Davies	9/30/2013	Renewable Energy Development Company
	Leon Pexton	9/30/2013	Electric interlocal

* Board chair

Current Governing Board Members (June 2012)

Independent Entity	Board Members	Term Ends	Qualification
<i>Independent State Agencies, cont.</i>			
Utah Science Center Authority http://www.theleonardo.org	DISSOLVED. Absorbed by The Leonardo.		
	Utah State Railroad Museum http://theunionstation.org	DeVerle Wells	6/30/2016
	Norman Nelson	6/30/2016	Golden Spike Association
	Jack McDonald	6/30/2016	Golden Spike Heritage Foundation
	Michael Burdett	6/30/2016	Railroad & Locomotive Historical Society Golden Spike Chapter
	Darin Duersch	6/30/2016	UDOT Director or designee
	Joan Hammer	6/30/2016	Tourism representative from Box Elder County
	Sara Toliver	6/30/2016	Tourism representative from Weber County
	Jan Zogmaister	6/30/2016	Weber County's legislative member
	Luann Adams	6/30/2016	Box Elder County's legislative member
	Brian Shaffer	6/30/2016	Box Elder County's legislative member
	Vacant		Public Member
Utah State Retirement Systems https://www.urs.org	John Lunt	7/1/2013	Experience in banking and investments
	Kathy Jones-Price	7/1/2013	Experience in banking and investments
	Phillip Clinger	7/1/2013	Experience in banking and investments
	Edward Alter	7/1/2015	Experience in banking and investments
	Sheri Nelson	7/1/2015	UPEA Representative
	Scott Berryessa	7/1/2015	UEA Representative
	Richard Ellis	Ex-officio	State Treasurer
<i>Independent Public Corporations</i>			
Military Installation Development Authority	Michael Ostermiller	9/13/2011	Senate Appointee
	Stuart Adams	9/13/2013	Legislative appointee
	Jerry Stevenson	9/13/2013	Former President of Utah Defense Alliance
	Gary Harter	9/13/2013	GOED representative
	Don Wood	9/13/2015	Mayor of Clearfield
	Joe Ritchie	9/13/2015	Mayor of Roy
	Derk Timothy	9/13/2015	Mayor of Bluffdale
Utah Housing Corporation http://utahhousingcorp.org	Bruce Tucker	5/30/2013	Real estate industry
	Lucy Delgadillo	5/30/2013	Public at large
	Kay Ashton	5/30/2013	Mortgage lending industry
	*Douglas DeFries	6/1/2015	Mortgage lending industry
	Robert Whatcott	6/1/2015	Public at large
	Mark Cohen	6/1/2015	Home building industry
	Kristen Cox	Ex-officio	Exec. Dir. of Department of Workforce Services
	G. Edward Leary	Ex-officio	Commissioner of Dept. of Financial Institutions
	Richard Ellis	Ex-officio	State Treasurer

* Board chair

Current Governing Board Members (June 2012)

Independent Entity	Board Members	Term Ends	Qualification
<i>Independent Public Corporations, cont.</i>			
Utah State Fair Corporation http://www.utahstatefair.com	Kent Buttars	12/1/2011	Judicial District 1, Congressional District 1, Agriculture Rep
	Steven Barth	12/1/2011	Judicial District 3, Congressional District 2, Salt Lake County
	Maura Carabello	12/1/2011	Judicial District 3, Congressional District 2, Salt Lake County
	Steve Frischknect	12/1/2012	Judicial District 6, Congressional District 3, Agriculture Rep
	Gary Arrington	12/1/2012	Judicial District 7, Congressional District 2
	Clay Nielsen	12/1/2014	Judicial District 4, Congressional District 3, Agriculture Rep
	*Roger Beattie	12/1/2014	Judicial District 2, Congressional District 1
	Ginger Casper	12/1/2014	Judicial District 8, Congressional District 2
	Donald Marchant	12/1/2015	Judicial District 5, Congressional District 2
	Randall Parker	12/1/2015	Judicial District 3, Congressional District 2, Agriculture Rep, Salt Lake County
Lowell Peterson	12/1/2015	Judicial District 2, Congressional District 1	
<i>Independent Quasi-Public Corporations</i>			
Utah Capital Investment Corporation www.utahfundoffunds.com	Bob Majka		
	Spencer Eccles		
	Richard K. Ellis		
	Taylor Randall		
	Samuel C. Straight		
Workers Compensation Fund (WCF) www.wcf-utah.com	Roger Livingston	6/30/2016	Public member
	Heidi E. C. Leithead	6/30/2016	Policyholder member
	David Layton	6/30/2014	Policyholder member
	*Dallas Bradford	6/30/2014	Public member
	Lane Summerhays	6/30/2015	Policyholder member
	Ray Pickup	Ex-officio	CEP of WCF
	Kim Hood	Ex-officio	Exec. Dir. of Administrative Services

* Board chair

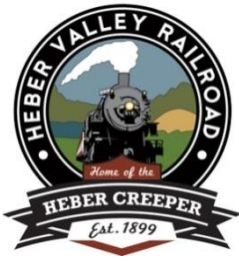
State Services Used

	Fuel Dispensing	Motor Pool	Surplus Property	Risk Management	Archives Services	Information Technology Services	Travel	Purchasing	Retirement Systems
<i>Independent State Agencies</i>									
Heber Valley Historic Railroad Authority			X	X		X		X	X
School and Institutional Trust Lands Administration (SITLA)	X	X		X	X	X	X	X	
Utah Communications Agency Network			X	X		X	X	X	X
Utah Dairy Commission				Not Eligible (4-22-9.5)					X
Utah Energy Infrastructure Authority									
Utah Science Center Authority									
Utah State Railroad Museum									
Utah State Retirement Systems					X	X	X	X	X
<i>Independent Public Corporations</i>									
Military Installation Development Authority							X		X
Utah Housing Corporation					X ¹	X	X	X	X
Utah State Fair Corporation				X		X		X	X
<i>Independent Quasi-Public Corporations</i>									
Utah Capital Investment Corporation									
Workers Compensation Fund (WCF)					X			X	X

¹ Uses Public Notice Website only

Independent Entities Detail Pages

Heber Valley Historic Railroad Authority	33
School and Institutional Trust Lands Administration (SITLA).....	37
Utah Communications Agency Network (UCAN)	41
Utah Dairy Commission.....	43
Utah Energy Infrastructure Authority	47
Utah Science Center Authority	49
Utah State Railroad Museum	51
Utah State Retirement Systems (URS)	53
Military Installation Development Authority (MIDA)	55
Utah Housing Corporation	59
Utah State Fair Corporation	63
Utah Capital Investment Corporation.....	67
Workers Compensation Fund (WCF)	71



Heber Valley Historic Railroad Authority

Mark Nelson, General Manager

Office: 435-654-5601 x101

Cell: 801-376-8028

Fax: 435-654-3667

mark@hebervalleybusiness.com

450 South 600 West

Heber, UT 84032

Website: <http://hebervalleyrr.org/>

This authority has not been formally organized and members have not been appointed.

General Information

Purpose

Operate and maintain a scenic and historic railroad in and around Heber Valley (*Utah Code §63H-4-106*).

History

The Heber Valley Historic Railroad’s history began in 1899, when trains served the pioneers who first settled the valley. In the early 1970’s, the railroad became the “Heber Creeper,” a tourist passenger train operating on a seasonal basis. They now operate as a non-profit organization focused on tourism, education and the restoration of historical railroad equipment. (Source: <http://hebervalleyrr.org>)

Created

It was initially created as an independent state agency by statute in 1992. The creating statute was repealed in 2009, but reenacted in 2010 (*Utah Code Annotated §63H-4-102*).

Independent State Agency - Definition

An entity created and owned by the state, but is independent of the Governor’s direct supervisory control (*Utah Code §63E-1-102*).

State Involvement

The authorizing statute provides that the agency does not have the authority to incur liability on behalf of the state (*Utah Code §63H-4-107*).

Reporting Requirements

“The authority is subject to audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the legislative auditor general pursuant to Section 36-12-15” (*Utah Code Subsection 63H-4-108(2)*).

Composition of Governing Board

(*Utah Code §63H-4-102*)

8 total members:

- 1 member from the county legislative body of Wasatch County
- Mayor of Heber City
- Mayor of Midway
- Executive Director of the Department of Transportation or designee
- Executive Director of Parks and Recreation or designee
- 3 public members appointed by Governor:
 - 1 representative from each of the tourism industries of Wasatch and Utah Counties
 - 1 representative from the public at-large

Terms

(*Utah Code §63H-4-102*)

Board members serve four-year staggered terms where one-half of members' terms expire every two years. They may not serve more than two full consecutive terms

Exemptions

(See *Utah Code §63H-4-108* and *§63H-4-111*)

Exempt from the following statutes:

- Budgetary Procedures Act (Title 63J, Ch. 1)
- Funds Consolidation Act (Title 51, Ch. 5)
- Utah Administrative Services Code (Title 63A)
- Utah Procurement Code (Title 63G, Ch. 6)
- Utah State Personnel Management Act (Title 67, Ch. 19)
- Sales and Use Tax Act (Title 59, Ch. 12)

Current Information

Current Board of Directors

Board Members	Term Ends	Qualification
David Philips	Ex-officio	Mayor of Heber City
Lynn Rasband	Ex-officio	Midway City
John Clarkson	Ex-officio	UDOT

Public members not appointed.

State Services Used

- Motor Pool Services
- Risk Management Fund - Participates in the state's Risk Management Fund
- Purchasing Services
- Utah Retirement Systems (noncontributory plan)
- Information Technology services - uses network and telecommunications services offered by the Department of Technology Services

Contact Information

Mark Nelson, General Manager

Office: 435-654-5601 x101

Cell: 801-376-8028

Fax: 435-654-3667

mark@hebervalleybusiness.com

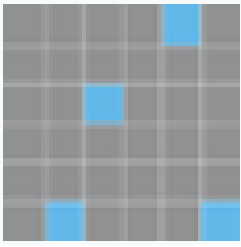
450 South 600 West

Heber, UT 84032

Website: <http://hebervalleyrr.org/>

Budget/Financial Information

Recent budget/financial information is not available online.



School and Institutional Trust Lands Administration (SITLA)

Kevin Carter, Director

Office: 801-538-5101

Cell: 801-641-5355

Fax: 801-538-5118

kevincarter@utah.gov

675 East 500 South

Suite 500

Salt Lake City, UT 84102

Website: <http://trustlands.utah.gov>

General Information

Purpose

Manage lands that Congress granted to the state for the support of common schools and other beneficiary institutions (*Utah Code §53C-1-201*).

History

In 1785, prior to passage of the U.S. Constitution, the Continental Congress reserved one square mile out of every thirty-six square mile township “for the maintenance of public schools.” Beginning in 1850, two square miles were granted to schools. Then, in 1894, with Utah, Arizona, and New Mexico, four square miles per township were granted. Utah accepted the responsibilities of trustee, requiring the state to act with undivided loyalty in the best interest of the schools and other institutions that also received lands. Proceeds from the lands were to be placed in permanent funds to support the schools. (Source: <http://trustlands.utah.gov/about/>)

Created

The administration was initially created by statute in 1993. It was established as an independent state agency by statute in 1994 (*Utah Code Annotated §53C-1-201*).

Independent State Agency - Definition

An entity created and owned by the state, but is independent of the Governor’s direct supervisory control (*Utah Code §63E-1-102*).

State Involvement

The authorizing statute provides that the Attorney General shall represent the board, director, or administration in any legal action (*Utah Code §53C-1-305*).

Reporting Requirement

The board shall “annually report the director's compensation to the Legislature” (*Utah Code Subsection 53C-1-301(4)(a)(i)*).

The director shall “submit to the board for public inspection an annual management budget and financial plan for operations of the administration and, after approval by the board, submit the budget to the governor” (*Utah Code Subsection 53C-1-303(1)(e)*) and “maintain appropriate records of trust activities to enable auditors appointed by appropriate state agencies or the board to conduct periodic audits of trust activities” (*Utah Code Subsection 53C-1-303(1)(i)*).

The director is also required to “keep the board, beneficiaries, governor, Legislature, and the public informed about the work of the director and administration by reporting to the board in a public meeting at least once during each calendar quarter” (*Utah Code Subsection 53C-1-303(1)(k)*).

Composition of Governing Board

(Utah Code §53C-1-202)

7 total members:

- 6 appointed by Governor from Nominations Committee's list
- 1 member appointed by Governor
- Members must represent:
 - Nonrenewable resource management or development
 - Renewable resource management or development
 - Real estate

Terms

(Utah Code §53C-1-202)

Board members serve nonconsecutive terms of six years.

Exemptions

(See Utah Code §53C-1-201)

Board-approved exemptions possible for:

- Utah Procurement Code (Title 63G, Ch. 6)
- Utah State Personnel Management Act (Title 67, Ch. 19)

Certain business proposals can be classified as protected under GRAMA (63G-2-305)

Not subject to certain provisions of Utah Administrative Rulemaking Act (63G-3-301 (6) and (7) and 63G-3-601)

Current Information

Current Board of Directors

Board Members	Term Ends	Qualification
Daniel Lofgren	6/30/2013	Nominee
Steven Ostler	6/30/2014	Nominee
David Ure	6/30/2015	Nominee
Louis Cononelos	6/16/2016	Nominee
James Lekas	6/30/2014	Nominee
Thomas Bachtell	6/30/2018	Nominee
Michael Mower	n/a	Governor's Designee

State Services Used

- Fuel Dispensing services
- Motor Pool Services
- Risk Management Fund
- Travel Services
- Purchasing Services
- Information Technology services - uses database, desktop management, network and telecommunications services offered by the Department of Technology Services

Contact Information

Kevin Carter, Director
 Office: 801-538-5101
 Cell: 801-641-5355
 Fax: 801-538-5118
kevincarter@utah.gov

675 East 500 South
 Suite 500
 Salt Lake City, UT 84102
 Website: <http://trustlands.utah.gov>

Budget/Financial Information

Financial information can be found on the entity's website.

Statement of Revenue, Expenses, and Distributions for FY 2011

<http://trustlands.utah.gov/financial/documents/02ConsolidatedRevenuesExpensesandDistributions.pdf>



Utah Communications Agency Network (UCAN)

Steve Proctor, Executive Director

Office: 801-840-4201
Cell: 801-580-3600
Fax: 801-840-4242
steve@ucan800.org

5360 S. Ridge Village Dr.
Salt Lake City, UT 84118
Website: <http://www.ucan800.org>

General Information

Purpose

Provide public safety communications services and facilities for the benefit and use of public agencies and state and federal agencies (*Utah Code §63C-7-102*).

History

The Network was originally established as the Utah Wireless Interagency Network by executive order of the Governor on June 6, 1996 (Laws of Utah 1997).

The network managed by UCAN currently serves 150 agencies of government with public safety communications services. It is a local and state government cooperative network managed by the users. (Source: Email from Steve Proctor, Executive Director of UCAN)

Created

It was created as an independent state agency by statute in 1997 (*Utah Code Annotated §63C-7-102*).

Exemptions

(See *Utah Code §63C-7-210*)

Exempt from the following statutes:

- Administrative Procedures Act (Title 63G, Ch. 4)
- Budgetary Procedures Act (Title 63J, Ch. 1)
- **Utah Administrative Services Code (Title 63A)
- Utah Procurement Code (Title 63G, Ch. 6)
- Utah State Personnel Management Act (Title 67, Ch. 19)

** Except as provided in Section 63A-4-205.5

Independent State Agency - Definition

An entity created and owned by the state, but is independent of the Governor’s direct supervisory control (*Utah Code §63E-1-102*).

Reporting Requirement

“The Utah Communications Agency Network shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor and the Legislature” (*Utah Code §63C-7-211*).

“The state auditor shall at least once in each year audit the books and accounts of the Utah Communications Agency Network or shall contract with an independent certified public accountant for this audit” (*Utah Code §63C-7-211*).

Composition of Governing Board (*Utah Code §63C-7-203*)

5 State Representatives:

- Utah State Treasurer
- 4 appointed by Governor

PLUS, 1 representative from each of the public agencies that are members of the network

The Executive Committee is comprised of the 5 state representatives as well as 12 member representatives elected by the board (*Utah Code §63C-7-205*).

Terms

(*Utah Code §63C-7-203*)

Governor’s appointees serve four-year staggered terms.

Current Information

Current Board of Directors

Board Members	Term Ends	Qualification
Steven McCarthy	9/30/2011	UDOT
Jerry Pope	9/30/2011	Dept. of Corrections
Alan Workman	9/30/2011	Dept. of Public Safety
Douglas Chandler	10/1/2011	Dept. of Technology Services
Richard Ellis	n/a	State Treasurer

State Services Used

- Surplus Property Services
- Risk Management Fund
- Travel Services
- Purchasing Services
- Utah Retirement Systems (noncontributory plan)
- Information Technology services - uses microwave services offered by the Department of Technology Services

Contact Information

Steve Proctor, Executive Director

Office: 801-840-4201

Cell: 801-580-3600

Fax: 801-840-4242

steve@ucan800.org

5360 S. Ridge Village Dr.

Salt Lake City, UT 84118

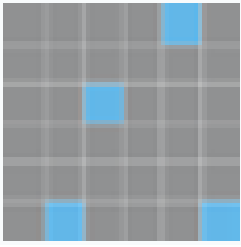
Website: <http://www.ucan800.org>

Budget/Financial Information

Financial information can be found on the state auditor's website.

Financial Report For the Fiscal Year Ended June 30, 2011

http://www.sao.utah.gov/_finAudit/rpts/2011/11%20UCAN-fs.pdf



Utah Dairy Commission

Karen Koncar, Executive Director

Office: 801-487-9976

Cell: 801-699-5771

Fax: 801-487-6975

karen@dairycouncilutnv.com

1213 East 2100 South

Salt Lake City, UT 84106

Website: <http://www.utahdairycouncil.com>

General Information

Purpose

Investigate and participate in studies of problems peculiar to dairy producers in Utah and take action to promote, protect, and stabilize the state dairy industry (*Utah Code §4-22-4*).

History

Since 1915, the National Dairy Council has led the country in dairy nutrition research, education, and communication and is a nationally recognized leader in educating school children – most recently through its Fuel Up to Play 60 Program. Founded in 1953, the Dairy Council of UT/NV is one of 18 state and regional organizations that works with the national office to conduct research and communicate with media and health professionals. (Source: http://www.utahdairycouncil.com/about_us.html)

“The Dairy Council and Dairy Producers are legally separate entities but for all practical purposes function as a part of the Commission and are an integral part of the financial activity of the Commission” (2010 Financial Statements, page 3).

Created

It was initially created as an independent state agency by statute in 1979 (*Utah Code Annotated §4-22-2*).

Independent State Agency - Definition

An entity created and owned by the state, but is independent of the Governor’s direct supervisory control (*Utah Code §63E-1-102*).

State Involvement

The authorizing statute states that “the state is not liable for the acts or omissions of the commission, its officers, agents, or employees” (*Utah Code §4-22-9*).

Reporting Requirements

“The accounts of the commission shall be audited once annually by a licensed accountant selected by the commission and approved by the state auditor. The results of the audit shall be submitted to the: (i) commissioner; (ii) commission; and (iii) Division of Finance. It is the responsibility of the commission to send annually a financial report to each producer” (*Utah Code Subsection 4-22-8(5)*).

Composition of Governing Board

(Utah Code §4-22-2)

13 members:

- Commissioner of Agriculture and Food
- Dean of the College of Agriculture at Utah State University
- President of Utah Dairy Women’s Association
- Elected producer representatives from each of 10 districts

Elected members must be active milk producers with 5 consecutive years of experience in Utah.

Terms

Board members serve four-year terms *(Utah Code §4-22-2)*.

Exemptions

(See Utah Code §4-22-4.5)

Exempt from the following statutes:

- Budgetary Procedures Act (Title 63J, Ch.1)
- Funds Consolidation Act (Title 51, Ch. 5)
- State Money Management Act (Title 51, Ch. 7)
- Utah Administrative Services Code (Title 63A)
- Utah State Personnel Management Act (Title 67, Ch. 19)

Current Information

Current Board of Directors

Board Members	Term Ends	Qualification
Reed Zaugg		North Cache, District 1
Kyle Anderson		Central Cache, District 2
Hal Olsen		South Cache, District 3
Jeff Hardy		Box Elder, District 4
Scott Wayment		Weber & Morgan, District 5
Jason Bateman		Salt Lake, Tooele, & Davis, District 6
*Grant Kohler		Wasatch, Summit, Uintah, Duchesne, & Daggett, District 7
Tony Stanworth		Millard, Beaver, Iron, & Washington, District 8
Tuanya Otten		Sanpete, Carbon, Emery, Grand, Juab, & San Juan, District 9
Chace Fullmer		Sevier, Piute, Wayne, & Garfield, District 10
Steve Frischknecht		United Dairy Industry
Caralee Kohler		Utah Dairy Women's President
Mark Gibbons		Utah Dairyman's Association President
Mike Kohler		Utah Dairy Products
Brent Munk		Dairy Farmers of America
Kyle Stephens		Utah Dept. of Agriculture
Don McMahon		Utah State University

State Services Used

- Authorizing statute states that the Utah Dairy Commission is not eligible for coverage under the Risk Management Fund (*Utah Code §4-22-9.5*).
- Utah Retirement Systems (noncontributory plan)

Contact Information

Karen Koncar, Executive Director

Office: 801-487-9976

Cell: 801-699-5771

Fax: 801-487-6975

karen@dairycouncilutnv.com

1213 East 2100 South

Salt Lake City, UT 84106

Website: <http://www.utahdairycouncil.com>

Budget/Financial Information

Financial information can be found on the state auditor's website.

Financial Statements and Independent Auditors' Report For the Year Ended December 31, 2010

http://www.sao.utah.gov/_finAudit/rpts/2010/10%20Dairy-fs.pdf



Utah Energy Infrastructure Authority

Jeffrey Barrett, Manager

Cell: 801-739-5191

Fax: 855-271-4373

jhbarrett@utah.gov

60 E. South Temple, 3rd Floor

Salt Lake City, UT 84111

Website: <http://www.energy.utah.gov/ugreen/>

<http://www.business.utah.gov/programs/ugreen/>

General Information

Purpose

Build or enhance the state's energy delivery infrastructure, including studying qualifying transmission projects to increase the capacity for the delivery of energy or the capability of an existing energy delivery system to deliver energy (*Utah Code* §63H-2-201).

History

The Utah Generated Renewable Energy Electricity Network (UGREEN) was created by the 2009 Utah Legislature as a bonding authority to support the development of renewable energy transmission projects. Currently, it is housed within the Governor's Office of Economic Development. (Source: <http://www.energy.utah.gov/ugreen/>)

Created

It was initially created as an independent state agency by statute in 2009 (*Utah Code Annotated* §63H-2-201). During the 2012 General Session It was renamed to the Utah Energy Infrastructure Authority (Energy Changes, HB 137, 2012 General Session, Utah Legislature).

Exemptions

(*Utah Code* §63H-2-504)

This entity is subject to all the state laws that apply to state agencies.

Terms

(*Utah Code* §63H-2-202)

Board members serve four-year staggered terms where one-half of members' terms expire every two years.

Independent State Agency - Definition

An entity created and owned by the state, but is independent of the Governor's direct supervisory control (*Utah Code* §63E-1-102).

State Involvement

The authorizing statute states that "unless expressly provided in this chapter, the state is not liable for an obligation, expense, debt, or liability of the authority" (*Utah Code* §63H-2-201).

Reporting Requirements

"The state auditor may audit or contract with an independent certified public accountant to audit the books and accounts of the authority, including compliance with this chapter" (*Utah Code* §63H-2-503).

Composition of Governing Board

(*Utah Code* §63H-2-202)

7 members appointed by Governor:

- Director of SITLA
- 1 representative from the Governor's Office of Economic Development (GOED)
- 1 representative of business entities that produce energy
- 1 member of the general public
- 3 members from public utilities chose from recommendations by each of the following:
 - Investor-owned electric corporation
 - Wholesale electric cooperative
 - Electric interlocal entity

Current Information

Current Board of Directors

Board Members	Term Ends	Qualification
*Spencer Eccles		Exec. Director of GOED
Doug Bennion	9/30/2013	Investor-owned electric corp.
Kevin Carter	9/30/2013	Exec. Director of SITLA
Richard Clayton	9/30/2013	Renewable energy company
Robert Dalley	9/30/2013	Wholesale electric co-op
Ryan Davies	9/30/2013	Renewable energy development company
Leon Pexton	9/30/2013	Electric interlocal

* Board chair

State Services Used

- This entity does not use any state services.

Contact Information

Jeffrey Barrett, Manager

Cell: 801-739-5191

Fax: 855-271-4373

jhbarrett@utah.gov

60 E. South Temple, 3rd Floor

Salt Lake City, UT 84111

Website: <http://www.energy.utah.gov/ugreen/>

<http://www.business.utah.gov/programs/ugreen/>

Budget/Financial Information

Recent budget/financial information is not available online.



Utah Science Center Authority

Alexandra Hesse, Executive Director

Office: 801-531-9800 x 105

Cell: 801-722-5262

Fax: 801-531-9801

ahesse@theleonardo.org

209 East 500 South

Salt Lake City, UT 84111

Website: <http://www.theleonardo.org>

This Authority as written in statute is not operating but has been absorbed by The Leonardo.

General Information

Purpose

Foster the development of science, technology, engineering, arts, tourism, cultural, and educational facilities (*Utah Code §63H-3-102*).

History

According to an email from the State Science Advisor, the Utah Science Center Authority was the original governing body for the partnership between the Utah Science Center, YouthArtways and the Center for Documentary Arts. This partnership was dissolved with the creation of The Leonardo and the Authority was not reinstated.

Created

It was initially created as an independent state agency by statute in 1993 (*Utah Code Annotated §63H-3-103*).

Exemptions

(*Utah Code §63H-3-109*)

Exempt from the following statutes:

- Budgetary Procedures Act (Title 63J, Ch. 1)
- Department of Administrative Services (Title 63A, Ch. 1)
- Utah Procurement Code (Title 63G, Ch. 6)
- Utah State Personnel Management Act (Title 67, Ch. 19)
- Sales and Use Tax Act (Title 59, Ch. 12)

Terms

Board members serve four-year staggered terms where one-half of members' terms expire every two years. They may not serve more than two full consecutive terms (*Utah Code §63H-3-103*).

Independent State Agency - Definition

An entity created and owned by the state, but is independent of the Governor's direct supervisory control (*Utah Code §63E-1-102*).

Reporting Requirements

"The authority is 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" (*Utah Code Subsection 63H-3-109(2)*). The authority shall annually report to the Retirement and Independent Entities Committee created under Section 63E-1-201 concerning the authority's implementation of this part" (*Utah Code Subsection 63H-3-109(3)*).

Composition of Governing Board

(*Utah Code §63H-3-103*)

13 members:

- 1 member appointed by Salt Lake County legislative body
- 1 member appointed by mayor of Salt Lake City
- State Science Advisor or designee
- 10 members appointed by Governor:
 - 3 members representing the informal science and arts community
 - 3 members representing Utah industry, diverse regions of the state and public at large.
 - 1 member from State Board of Education
 - 1 member from Department of Heritage and Arts
 - 1 member from Board of Tourism Development
 - 1 member from State Board of Regents

Current Information

Current Board of Directors

Board Members	Term Ends	Qualification
DISSOLVED. Absorbed by The Leonardo.		

State Services Used

- This entity does not use any state services.

Contact Information

Alexandra Hesse, Executive Director

Office: 801-531-9800 x 105

Cell: 801-722-5262

Fax: 801-531-9801

ahesse@theleonardo.org

209 East 500 South

Salt Lake City, UT 84111

Website: <http://www.theleonardo.org>

Budget/Financial Information

Recent budget/financial information is not available online.



Utah State Railroad Museum

Roberta Beverly, Director

Office: 801-393-9882

Cell: 801-941-0947

Fax: 801-621-0230

roberta@theunionstation.org

2501 Wall Avenue

Ogden, UT 84401

Website: <http://theunionstation.org>

General Information

Purpose

Perform the following in and around Weber and Box Elder counties: facilitate or operate and maintain a scenic and historic railroad and one or more railroad history museums; facilitate the restoration, preservation, and display of railroad artifacts and heritage; and facilitate the restoration, preservation, and operation of historically significant railroad related properties (*Utah Code §63H-5-106*).

Created

It was initially created as an independent state agency by statute in 2010 (*Utah Code Annotated §63H-5-102*).

Exemptions

(*Utah Code §63H-5-108*)

Exempt from the following statutes:

- Budgetary Procedures Act (Title 63J, Ch. 1)
- Funds Consolidation Act (Title 51, Ch. 5)
- Department of Administrative Services (Title 63A, Ch. 1)
- Utah Procurement Code (Title 63G, Ch. 6)
- Utah State Personnel Management Act (Title 67, Ch. 19)

Terms

(*Utah Code §63H-5-102*)

Board members serve four-year staggered terms where one-half of members' terms expire every two years. They may not serve more than two full consecutive terms.

Independent State Agency - Definition

An entity created and owned by the state, but is independent of the Governor's direct supervisory control (*Utah Code §63E-1-102*).

State Involvement

The authorizing statute provides that the obligations or liabilities of the authority do not constitute debts or liabilities or the loaning of credit of the state or any of its political subdivisions (*Utah Code §63H-5-107*).

Reporting Requirement

"The authority is subject to audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the legislative auditor general pursuant to Section 36-12-15" (*Utah Code Subsection 63H-5-108(2)*).

Composition of Governing Board

(*Utah Code §63H-5-102*)

11 members:

- 2 members of the county legislative body of Box Elder County
- 1 member of the county legislative body of Weber County
- Executive Director of UDOT or designee
- 7 public members appointed by Governor:
 - 1 member representing each of the following:
 - Public at-large
 - Tourism industry in Box Elder County
 - Tourism industry in Weber County
 - Railroad and Locomotive Historical Society Golden Spike Chapter
 - Golden Spike Heritage Foundation
 - Golden Spike Association
 - Corinne Historical Society

Current Information

Current Board of Directors

Board Members	Term Ends	Qualification
DeVerle Wells	6/30/2016	Corinne Historical Society
Norman Nelson	6/30/2016	Golden Spike Association
Jack McDonald	6/30/2016	Golden Spike Heritage Foundation
Michael Burdett	6/30/2016	Railroad & Locomotive Historical Society Golden Spike Chapter
Joan Hammer	6/30/2016	Tourism representative from Box Elder County
Sara Toliver	6/30/2016	Tourism representative from Weber County
Jan Zogmaister	6/30/2016	Weber County's legislative member
Luann Adams	6/30/2016	Box Elder County's legislative member
Brian Shaffer	6/30/2016	Box Elder County's legislative member
Darin Duersch	6/30/2016	UDOT Director or designee
Vacant	6/30/2016	Public member

State Services Used

- This entity does not use any state services.

Contact Information

Roberta Beverly, Director

Office: 801-393-9882

Cell: 801-941-0947

Fax: 801-621-0230

roberta@theunionstation.org

2501 Wall Avenue

Ogden, UT 84401

Website: <http://theunionstation.org>

Budget/Financial Information

Recent budget/financial information is not available online.



Utah State Retirement Systems (URS)

Robert Newman, Executive Director

Office: 801-366-7343

Cell: 801-558-3530

Fax: 801-328-7343

robert.newman@urs.org

560 East 200 South

Salt Lake City, UT 84102

Website: <https://www.urs.org/>

General Information

Purpose

Administer the systems, plans, and programs of the Utah State Retirement Systems (*Utah Code §49-11-201*).

History

There have been various retirement systems for public employees throughout the 20th century. Originally conceived as local systems for teachers, other systems were added to cover other classes of public employees over the years. In 1963, a single board for all retirement systems is created and in 1967 the separate school and public retirement systems are consolidated and the Retirement Board gains custody of the retirement fund. (Source: <https://www.urs.org/Pages/History.aspx>)

Created

Utah Retirement Systems was established as an independent state agency by statute in 1987 (*Utah Code Annotated §49-11-201*).

Exemptions

(*Utah Code §49-11-201*)

Exempt from all acts which are applicable to state and other governmental entities.

Terms

(*Utah Code §49-11-202*)

Board members serve four-year staggered terms where one-half of members' terms expire every two years.

Independent State Agency - Definition

An entity created and owned by the state, but is independent of the Governor's direct supervisory control (*Utah Code §63E-1-102*).

Reporting Requirements

The Utah State Retirement Office "shall prepare an annual report of public fund investments in scrutinized companies" (*Utah Code Subsection 49-11-307 (3)*) and "the report shall be provided to the governor, the board, the president of the Senate, the speaker of the House of Representatives, and to each member and staff of the Retirement and Independent Entities Committee created under Section 63E-1-201" (*Utah Code Subsection 49-11-307 (5)*).

"The office shall report the funded status of the Utah State Retirement Investment Fund to the Retirement and Independent Entities Committee created under Section 63E-1-201" (*Utah Code Subsection 49-11-307 (1)*).

Composition of Governing Board

(*Utah Code §49-11-202*)

7 members:

- State Treasurer
- 6 members appointed by Governor:
 - 4 from the general public with experience in investments or banking
 - 1 school employee from nominations by school employees' association
 - 1 public employee from nominations by public employee association

Current Information

Current Board of Directors

Board Members	Term Ends	Qualification
John Lunt	7/1/2013	Experience in banking and investments
Kathy Jones-Price	7/1/2013	Experience in banking and investments
Phillip Clinger	7/1/2013	Experience in banking and investments
Edward Alter	7/1/2015	Experience in banking and investments
Sheri Nelson	7/1/2015	UPEA Representative
Scott Berryessa	7/1/2015	UEA Representative
Richard Ellis	Ex-officio	State Treasurer

State Services Used

- Archives Services
- Travel Services
- Purchasing Services
- Utah Retirement Systems (noncontributory plan)
- Information Technology services - uses telecommunications services offered by the Department of Technology Services

Contact Information

Robert Newman, Executive Director

Office: 801-366-7343

Cell: 801-558-3530

Fax: 801-328-7343

robert.newman@urs.org

560 East 200 South

Salt Lake City, UT 84102

Website: <https://www.urs.org>

Budget/Financial Information

Financial information can be found on the entity's website.

Comprehensive Annual Financial Report For the Year Ended December 31, 2010

<https://www.urs.org/pdf/AnnualReport/2010/annualReport.pdf>



Military Installation Development Authority (MIDA)

Rick Mayfield, Executive Director

Office: 801-593-2112

Cell: 801-580-0454

rjmayfield@msn.com

450 Simmons Way

Suite 400

Kaysville, UT 84037

General Information

Purpose

Facilitate the development of military land within one or more project areas, including the ongoing operation of facilities within a project area (*Utah Code §63H-1-201*).

Created

It was initially created as an independent public corporation by statute in 2007 (*Utah Code Annotated §63H-1-201*).

Exemptions

(See *Utah Code §63H-1-202* and *63E-2-109*)

Exempt from the following statutes:

- Municipal Land Use, Development, and Management Act (Title 10, Ch. 9a)
- County Land Use, Development, and Management Act (Title 17, Ch. 27a)
- Corporation Exemptions (63E-2-109):
 - Funds Consolidation Act (Title 51, Ch. 5)
 - State Money Management Act (Title 51, Ch. 7)
 - Utah Administrative Services Code (Title 63A)
 - Utah Administrative Rulemaking Act (Title 63G, Ch. 3)
 - Administrative Procedures Act (Title 63G, Ch. 4)
 - Utah Procurement Code (Title 63G, Ch. 6)
 - Budgetary Procedures Act (Title 63J, Ch. 1)
 - Revenue Procedures and Control Act (Title 63J, Ch. 2)
 - Utah Personnel Management Act (Title 67, Ch. 19)

Independent Public Corporation - Definition

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 (*Utah Code §63E-1-102*).

State Involvement

The state is not liable for the corporation's obligations, expenses, debts, and liabilities (*Utah Code §63E-2-111*).

Reporting Requirements

"The authority shall comply with the audit requirements of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act" (*Utah Code §63H-1-704*).

"The authority shall, within 180 days after the end of the authority's fiscal year, file a copy of the audit report with the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity that levies a tax on property from which the authority collects tax increment" (*Utah Code §63H-1-705*).

Composition of Governing Board

(Utah Code §63H-1-302)

7 total members:

5 members appointed by Governor:

- 1 member interested in supporting military efforts
- 3 members are mayors or members of legislative bodies of municipalities or counties adjacent or close to project area.
- 1 member from Governor’s Office of Economic Development

2 members appointed by Legislature:

- 1 member each appointed by both President of the Senate and Speaker of the House

Terms

(Utah Code §63H-1-303)

Board members serve four-year staggered terms where one-half of members’ terms expire every two years.

Current Information

Current Board of Directors

Board Members	Term Ends	Qualification
Michael Ostermiller	9/13/2011	Senate Appointee
Stuart Adams	9/13/2013	Legislative appointee
Jerry Stevenson	9/13/2013	Former President of Utah Defense Alliance
Gary Harter	9/13/2013	GOED representative
Don Wood	9/13/2015	Mayor of Clearfield
Joe Ritchie	9/13/2015	Mayor of Roy
Derk Timothy	9/13/2015	Mayor of Bluffdale

State Services Used

- Travel Services
- Utah Retirement Systems (noncontributory plan)

Contact Information

Rick Mayfield, Executive Director

Office: 801-593-2112

Cell: 801-580-0454

rjmayfield@msn.com

450 Simmons Way
Suite 400
Kaysville, UT 84037

Budget/Financial Information

Financial information can be found on the state auditor's website.

Financial Statements with Independent Auditors' Report, June 30,

<http://www.sao.state.ut.us/lgr/special/2011/11dfmida.pdf>.



Utah Housing Corporation

Grant Whitaker, President

Office: 801-902-8290

Cell: 801-550-5853

Fax: 801-902-8390

gwhitaker@uthc.org

2479 Lake Park

West Valley City, UT 84120

Website: <http://utahhousingcorp.org>

General Information

Purpose

Assist in providing housing for low- and moderate-income persons who otherwise could not achieve decent, safe, and sanitary housing (*Utah Code §35A-8-702*).

History

Utah Housing Corporation (UHC) was created by state legislation in 1975 to raise funds to assist in the creation of affordable housing opportunities for lower-income Utah households. UHC does not receive any funding from the state of Utah. It is totally self-supporting and each year raises hundreds of millions of dollars to fund its first-time homebuyer mortgage and multifamily programs and other programs. UHC forms partnerships with private sector banking and lending institutions, developers, real estate agents, and others to bring the maximum amount of expertise together in administering these extremely complex and sophisticated programs.

(Source: <http://utahhousingcorp.org/HTML/abtOrganizationOverview.shtml>)

Created

It was initially created by statute in 1975 (*Utah Code Annotated §35A-8-704*).

Terms

(*Utah Code §35A-8-704*)

Board members serve four-year staggered terms where one-half of members' terms expire every two years.

Independent Public Corporation - Definition

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 (*Utah Code §63E-1-102*).

State Involvement

The state is not liable for the corporation's obligations, expenses, debts, and liabilities (*Utah Code §63E-2-111*).

Reporting Requirement

"The corporation shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor and the Legislature" and "at least once each year, an independent certified public accountant shall audit the books and accounts of the corporation" (*Utah Code §35A-8-721*).

This entity is "exempt from the study by the committee under Section 63E-1-202" (*Utah Code §63E-1-203*).

Composition of Governing Board

(*Utah Code §35A-8-704*)

9 total members:

- Executive Director of Department of Workforce Services or designee
- Commissioner of Department of Financial Institutions or designee
- State Treasurer or designee
- 6 public members appointed by Governor:
 - 2 people from each of the following industries:
 - Mortgage lending
 - Homebuilding and real estate
 - Public at-large

Exemptions

(See *Utah Code* §35a-8-707 and 63E-2-109)

Exempt from the following statutes:

- Corporation Exemptions (63E-2-109):
 - Budgetary Procedures Act (Title 63J, Ch. 1)
 - Funds Consolidation Act (Title 51, Ch. 5)
 - State Money Management Act (Title 51, Ch. 7)
 - Utah Administrative Services Code (Title 63A)
 - Utah Procurement Code (Title 63G, Ch. 6)
 - Utah Personnel Management Act (Title 67, Ch. 19)
 - Utah Administrative Rulemaking Act (Title 63G, Ch. 3)
 - Administrative Procedures Act (Title 63G, Ch. 4)
 - Revenue Procedures and Control Act (Title 63J, Ch. 2)

Current Information

Current Board of Directors

Board Members	Term Ends	Qualification
Bruce Tucker	5/30/2013	Real estate industry
Lucy Delgadillo	5/30/2013	Public at large
Kay Ashton	5/30/213	mortgage lending industry
*Douglas DeFries	6/1/2015	mortgage lending industry
Robert Whatcott	6/1/2015	Public at large
Mark Cohen	6/1/2015	home building industry
Kristen Cox	Ex-officio	Executive Director of Department of Workforce Services
G. Edward Leary	Ex-officio	Commissioner of Dept. of Financial Institutions
Richard Ellis	Ex-officio	State Treasurer

*Board Chair

State Services Used

- Archive Services-Uses Public Notice Website only
- Travel Services
- Purchasing Services
- Utah Retirement Systems (noncontributory and contributory plan)
- Information Technology Services - uses desktop management, web hosting and development, and network services offered by the Department of Technology Services

Contact Information

Grant Whitaker, President

Office: 801-902-8290

Cell: 801-550-5853

Fax: 801-902-8390

gwhitaker@uthc.org

2479 Lake Park

West Valley City, UT 84120

Website: <http://utahhousingcorp.org>

Budget/Financial Information

Financial information can be found on the state auditor's website.

Financial Statements as of and for the Year Ended June 30, 2010

http://www.sao.utah.gov/_finAudit/rpts/2010/10%20UHC-fs.pdf



Utah State Fair Corporation

Clark Caras, Executive Director

Office: 801-538-8449

Cell: 801-201-9276

Fax: 801-538-8455

clark@utahstatefair.com

155 North 1000 West

Salt Lake City, UT 84116

Website: <http://www.utahstatefair.com>

General Information

Purpose

Manage, supervise, and control all activities relating to the state fair and state expositions (*Utah Code* §63H-6-103).

History

Nine years after the pioneers arrived in the Salt Lake Valley, they held their first state fair in October of 1856, then called the "Deseret Fair". Although the exhibits were described as meager, the public showed keen interest and eagerly sought space to display some of the finest products from their own homes, shops, and fields. In 1902, the Legislature purchased the 65 acres of the Fairpark, originally called "Agriculture Park." The Legislature privatized the Utah State Fair Organization in 1995, giving the gubernatorial-appointed board of directors a mandate to make the fair profitable. The desire was to allow the fair to no longer be subsidized by taxpayers. (Source: <http://www.utahstatefair.com/history>)

Created

It was initially created as an independent public corporation by statute in 1995 (*Utah Code Annotated* §63H-6-103).

Independent Public Corporation - Definition

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 (*Utah Code* §63E-1-102).

State Involvement

The state is not liable for the corporation's obligations, expenses, debts, and liabilities (*Utah Code* §63E-2-111).

Reporting Requirement

"The corporation shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor and the Legislature" (*Utah Code* §63H-6-106).

Composition of Governing Board

(*Utah Code* §63H-6-104)

11 members appointed by Governor:

- At least one member from each judicial district
- 2 members representing agricultural interests
- 2 members who are residents of each of the following areas:
 - Salt Lake County
 - 1st Congressional District
 - 2nd Congressional District
 - 3rd Congressional District

Terms

(*Utah Code* §63H-6-104)

Board members serve four-year staggered terms where one quarter of members' terms expire every year.

Exemptions

(See *Utah Code* §63H-6-103 and 63E-2-109)

Exempt from the following statutes:

- Corporation Exemptions (63E-2-109):
 - Budgetary Procedures Act (Title 63J, Ch. 1)
 - Funds Consolidation Act (Title 51, Ch. 5)
 - Revenue Procedures and Control Act (Title 63J, Ch. 2)
 - Utah Administrative Rulemaking Act (Title 63G, Ch. 3)
 - Administrative Procedures Act (Title 63G, Ch. 4)
 - State Money Management Act (Title 51, Ch. 7)
 - Utah Administrative Services Code (Title 63A)
 - Utah Procurement Code (Title 63G, Ch. 6)
 - Utah Personnel Management Act (Title 67, Ch. 19)

Current Information

Current Board of Directors

Board Members	Term Ends	Qualification
Kent Buttars	12/1/2011	Judicial District 1, Congressional District 1, Agriculture Rep
Steven Barth	12/1/2011	Judicial District 3, Congressional District 2, Salt Lake County
Maura Carabello	12/1/2011	Judicial District 3, Congressional District 2, Salt Lake County
Steve Frischknect	12/1/2012	Judicial District 6, Congressional District 3, Agriculture Rep
Gary Arrington	12/1/2012	Judicial District 7, Congressional District 2
Clay Nielsen	12/1/2014	Judicial District 4, Congressional District 3, Agriculture Rep
*Roger Beattie	12/1/2014	Judicial District 2, Congressional District 1
Ginger Casper	12/1/2014	Judicial District 8, Congressional District 2
Donald Marchant	12/1/2015	Judicial District 5, Congressional District 2
Randall Parker	12/1/2015	Judicial District 3, Congressional District 2, Agriculture Rep, Salt Lake County
Lowell Peterson	12/1/2015	Judicial District 2, Congressional District 1

* Board chair

State Services Used

- Risk Management Fund
- Purchasing Services
- Utah Retirement Systems (noncontributory plan)
- Information Technology Services - uses telecommunications services offered by the Department of Technology Services

Contact Information

Clark Caras, Executive Director

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Fax: 801-538-8455

clark@utahstatefair.com

155 North 1000 West

Salt Lake City, UT 84116

Website: <http://www.utahstatefair.com>

Budget/Financial Information

Financial information can be found on the state auditor's website.

Annual Financial Report and Government Auditing Standards Report For the Year Ended December 31, 2011

http://www.sao.utah.gov/_finAudit/rpts/2011/11-61.pdf



Utah Capital Investment Corporation

Matt Peterson, Vice President

Office: 801-931-4557

Cell: 801-448-4606

Fax: 801-521-3079

matt@utahfof.com

170 South Main

Suite 1130

Salt Lake City, UT 84101

Website: www.utahfundoffunds.com

General Information

Purpose

Organize and operate the Utah Fund of Funds to make venture capital fund investments (*Utah Code* §63M-1-1207).

History

The Utah Fund of Funds is a \$300 million state of Utah economic development program aimed at providing access to alternative or non-traditional capital to Utah entrepreneurs. The Utah Fund of Funds invests in venture capital and private equity funds that commit to establishing a working relationship with the Utah Fund of Funds, Utah's start-up and business community, and commit to making investments in qualifying companies. (Source: <http://www.utahfundoffunds.com/about.html>)

Created

It was initially created as an independent quasi-public corporation by statute in 2003 (*Utah Code Annotated* §63M-1-1207).

Independent Quasi-Public Corporation - Definition

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 (*Utah Code* §63E-1-102).

State Involvement

According to the authorizing statute, the obligations of the corporation are not obligations of the state or any political subdivision of the state within the meaning of any constitutional or statutory debt limitations, but are obligations of the corporation payable solely and only from the corporation's funds (*Utah Code* §63M-1-1207).

Reporting Requirement

"The board shall, in consultation with the corporation, publish an annual report of the activities conducted by the Utah fund of funds, and submit the report to the governor and the Economic Development and Revenue Appropriations Subcommittee" (*Utah Code* §63M-1-1206).

"Each calendar year, an audit of the activities of the Utah fund of funds shall be made as described in this section. The audit shall be conducted by: (i) the state auditor; or (ii) an independent auditor engaged by the state auditor" (*Utah Code* §63M-1-1217).

Composition of Governing Board

(Utah Code §63M-1-1209)

Initial board has five members. All future members are elected by the remaining members.

Terms

(Utah Code §63M-1-1209)

Board members serve four-year staggered terms.

Exemptions

(See Utah Code §63M-1-1224)

Exempt from the following statutes:

- Open and Public Meetings Act (Title 52, Ch. 4)
- GRAMA (Title 63G, Ch. 2)
- Corporation Exemptions (63E-2-109):
 - Funds Consolidation Act (Title 51, Ch. 5)
 - State Money Management Act (Title 51, Ch. 7)
 - Utah Administrative Services Code (Title 63A)
 - Utah Administrative Rulemaking Act (Title 63G, Ch. 3)
 - Administrative Procedures Act (Title 63G, Ch. 4)
 - Utah Procurement Code (Title 63G, Ch. 6)
 - Budgetary Procedures Act (Title 63J, Ch. 1)
 - Revenue Procedures and Control Act (Title 63J, Ch. 2)
 - Utah Personnel Management Act (Title 67, Ch. 19)

Current Information

Current Board of Directors

Board Members	Term Ends	Qualification
Bob Majka		
Spencer Eccles		
Richard K. Ellis		
Taylor Randall		
Samuel C. Straight		

State Services Used

- This entity does not use any state services.

Contact Information

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170 South Main

Suite 1130

Salt Lake City, UT 84101

Website: www.utahfundoffunds.com

Budget/Financial Information

Recent budget/financial information is not available online.



Workers Compensation Fund (WCF)

Ray Pickup, President & CEO

Office: 385-351-8122

Cell: 801-243-5404

Fax: 385-351-8983

rpickup@wcfgroup.com

100 W. Towne Ridge Parkway

Sandy, UT 84070

Website: www.wcfgroup.com

General Information

Purpose

Insure Utah employers against liability for compensation based on job-related accidental injuries and occupational diseases and assure payment of this compensation to Utah employees who are entitled to it (*Utah Code §31A-33-102*).

(Utah employers can obtain workers' compensation insurance coverage from WCF, licensed private carriers, or through approved self-insurance.)

History

In 1917, the Utah Legislature passed the Workers' Compensation Act, requiring all employers to obtain workers' compensation insurance coverage. The Workers Compensation Fund (WCF) was created to provide competitively priced insurance to Utah employers. The 1917 Legislature appropriated \$40,000 from the State Treasury for WCF to begin writing insurance. The loan was repaid in four years, and from that time WCF has operated financially independent of the state.

A formal organizational study of WCF was completed in 1987. It recommended autonomy from State administration by establishing a quasi-public corporation with a Board of Directors comprised of policyholders. (Source:

<https://www.wcfgroup.com/history>)

Independent Quasi-Public Corporation - Definition

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 (*Utah Code §63E-1-102*).

Created

It was initially created as an independent quasi-public corporation by statute in 1988 (*Utah Code Annotated §31A-33-102*).

(WCF has articles of incorporation and bylaws filed with and approved by the Utah Department of Commerce and the Department of Insurance.)

State Involvement

According to the authorizing statute, the state is not liable for the expenses, liabilities, or debts for the WCF, its subsidiaries, or a joint enterprise in which it participates (*Utah Code §31A-33-105*).

In the 2005 case of *Workers' Compensation Fund v. State of Utah*, the Utah Supreme Court ruled that the State had no ownership interest in WCF or its assets other than as a policyholder (*Workers' Compensation Fund v. State*, 125 P.3d 852, P31).

(The Utah Department of Insurance and the Utah Labor Commission regulate WCF.)

(WCF has a certificate of authority issued by the Department of Insurance that allows WCF to write workers' compensation coverage as a licensed property casualty insurer in Utah.)

Reporting Requirement

“The Workers' Compensation Fund shall annually obtain an audit...The fund shall provide the audit performed under Subsection (1)(a) to the state auditor within 30 days of its completion” (*Utah Code* §31A-33-110(1)).

“The insurance commissioner shall examine the Injury Fund according to the purposes and procedures provided in Sections 31A-2-203 through 31A-2-205 at least once every five years” (*Utah Code* Subsection 31A-33-110(2)).

This entity is “exempt from the study by the committee under Section 63E-1-202” (*Utah Code* §63E-1-203).

Composition of Governing Board

(*Utah Code* §31A-33-106)

Board of 7 directors:

- Executive Director of the Department of Administrative Services
- Chief Executive Officer of the fund
- 5 public directors appointed by Governor:
- 3 directors who are owners, officers or employees of policyholders other than the state that has been insured by the WCF for at least on year
- 2 directors from the public at large

No two directors may represent or be employed by the same policyholder.

Terms

(*Utah Code* §31A-33-106)

Board members serve four-year staggered terms. No more than two terms expire in a calendar year.

Exemptions

(See *Utah Code* §31A-33-104 and 63E-2-109)

Exempt from the following statutes:

- Open and Public Meetings Act (Title 52, Ch. 4)
- GRAMA (Title 63G, Ch. 2)

Board can specifically exempt from:

- Utah Procurement Code (Title 63G, Ch. 6)
- Utah State Personnel Management Act (Title 67, Ch. 19)
- Corporation Exemptions (63E-2-109):
 - Funds Consolidation Act (Title 51, Ch. 5)
 - State Money Management Act (Title 51, Ch. 7)
 - Utah Administrative Services Code (Title 63A)
 - Utah Administrative Rulemaking Act (Title 63G, Ch. 3)
 - Administrative Procedures Act (Title 63G, Ch. 4)
 - Utah Procurement Code (Title 63G, Ch. 6)
 - Budgetary Procedures Act (Title 63J, Ch. 1)
 - Revenue Procedures and Control Act (Title 63J, Ch. 2)
 - Utah Personnel Management Act (Title 67, Ch. 19)

(*WCF has a federal income tax exemption (IRC 501(c)(27)(B)):*

- *WCF is Utah's carrier of last resort for workers' compensation insurance for employers unable to obtain coverage in the voluntary market.)*

Current Information

Current Board of Directors

Board Members	Term Ends	Qualification
**Roger Livingston	6/30/2016	Public member
Heidi E. C. Leithead	6/30/2016	Policyholder member
David Layton	6/30/2014	Policyholder member
*Dallas Bradford	6/30/2014	Public member
Lane Summerhays	6/30/2015	Policyholder member
Ray Pickup	Ex-officio	CEO of WCF
Kim Hood	Ex-officio	Exec. Dir. Of Administrative Services

*Board Chairman

**Board Vice Chairman

State Services Used

- This entity does not use any state services.

(WCF, like all other workers' compensation insurance carriers doing business in Utah, pays all appropriate state taxes, including premium tax.)

Contact Information

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100 W. Towne Ridge Parkway

Salt Lake City, UT 84070

Website: www.wcfgroup.com

Budget/Financial Information

Financial information can be found on the entity's website.

Workers Compensation Fund 2011 Annual Report

<https://www.wcfgroup.com/sites/default/files/2011%20WCF%20Annual%20Report.pdf>

(Parenthetical statements were contributed by Ray Pickup, President & CEO of WCF.)

Independent Entities Code

May 8, 2012

63E-1-101. Title.

- (1) This title is known as the "Independent Entities Code."
- (2) This chapter is known as the "Independent Entities Act."

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 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) Heber Valley Historic Railroad Authority created in Title 63H, Chapter 4, Heber Valley Historic Railroad Authority;
 - (iii) Utah State Railroad Museum Authority created in Title 63H, Chapter 5, Utah State Railroad Museum Authority;
 - (iv) Utah Science Center Authority created in Title 63H, Chapter 3, Utah Science Center Authority;
 - (v) Utah Housing Corporation created in Title 35A, Chapter 8, Part 7, Utah Housing Corporation Act;
 - (vi) Utah State Fair Corporation created in Title 63H, Chapter 6, 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;
 - (x) Utah Communications Agency Network created in Title 63C, Chapter 7, Utah Communications Agency Network Act;
 - (xi) Utah Generated Renewable Energy Electricity Network Authority created in Title 63H, Chapter 2, Utah Generated Renewable Energy Electricity Network Authority Act; and
 - (xii) Utah Capital Investment Corporation created in Title 63M, Chapter 1, Part 12, Utah Venture Capital Enhancement 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 local district under Title 17B, Limited Purpose Local Government Entities - Local Districts; or
 - (vi) a special service district under Title 17D, Chapter 1, Special Service District Act.
- (5) "Independent state agency" means an entity that is created by the state, but is independent of the governor's direct supervisory control.
- (6) "Money held in trust" means money 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.

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

- (1) There is created the Retirement and Independent Entities Committee composed of 15 legislators appointed as follows:
- (a) six 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.

63E-1-202. Duties of the committee.

- (1) The committee shall:
- (a) study the scope of this title and determine what entities should be treated under this title as independent entities;
 - (b) study the provisions of the Utah Code that govern each independent entity, including whether or not there should be consistency in these provisions;
 - (c) study what provisions of the Utah Code, if any, from which each independent entity should be exempted;
 - (d) study whether or not the state should receive services from or provide services to each independent entity;
 - (e) request and hear reports from each independent entity;
 - (f) review the annual audit of each independent entity that is performed in accordance with the statutes governing the independent entity;
 - (g) comply with Part 3, Creation of Independent Entities, in reviewing a proposal to create a new independent entity;
 - (h) if the committee recommends a change in the organizational status of an independent entity as provided in Subsection (2) and subject to Part 4, Privatization of Independent Entities, recommend the appropriate method of changing the organizational status of the independent entity;
 - (i) study the following concerning an entity created by local agreement under Title 11, Chapter 13, Interlocal Cooperation Act, if the state is a party to the agreement creating the entity:
 - (i) whether or not the entity should be subject to this chapter;
 - (ii) whether or not the state should receive services from or provide services to the entity;
 - (iii) reporting and audit requirements for the entity; and
 - (iv) the need, if any, to modify statutes related to the entity;

- (j) make a recommendation on the organizational status of each independent entity prior to the 2002 General Session; and
 - (k) report annually to the Legislative Management Committee by no later than the Legislative Management Committee's November meeting.
- (2) The committee may:
- (a) establish a form for any report required under Subsection (1);
 - (b) make recommendations to the Legislature concerning the organizational status of an independent entity;
 - (c) advise the Legislature concerning issues involving independent entities; and
 - (d) study issues related to the implementation of Title 49, Utah State Retirement and Insurance Benefit Act.

63E-1-203. Exemptions from committee activities.

Notwithstanding the other provisions of this Part 2 and Subsection 63E-1-102(4), the following independent entities are exempt from the study by the committee under Section 63E-1-202:

- (1) the Workers' Compensation Fund created in Title 31A, Chapter 33, Workers' Compensation Fund; and
- (2) the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7, Utah Housing Corporation Act.

63E-1-301. Definitions.

As used in this part, "government requestor" means:

- (1) the governor;
- (2) an executive branch officer other than the governor;
- (3) an executive branch agency;
- (4) a legislator, including a legislative sponsor of legislation creating an independent entity; or
- (5) a legislative committee.

63E-1-302. Review by committee required for creating an independent entity.

- (1) If a government requestor proposes that the Legislature create an independent entity, that government requestor shall request that the committee review the proposal.

- (2) After receiving a request for review under Subsection (1), the chairs of the committee:
 - (a) shall schedule a meeting of the committee to review the proposal; and
 - (b) may request information from executive and legislative branch entities and officers concerning the proposal including:
 - (i) whether or not the proposed independent entity should be exempt from any state statute;
 - (ii) the need for oversight of the proposed independent entity by an executive branch agency;
 - (iii) the need for and requirements of audits of the proposed independent entity;
 - (iv) the custody of the proposed independent entity's funds;
 - (v) the legal representation of the proposed independent entity;
 - (vi) whether or not the state should receive services from or provide services to the proposed independent entity; and
 - (vii) the legal liability, if any, to the state if the proposed independent entity is created.
- (3) In requesting information from executive and legislative branch entities or officers under Subsection (2), the committee should specifically consider seeking information from:
 - (a) the state auditor;
 - (b) the state treasurer;
 - (c) the attorney general;
 - (d) the risk manager; and
 - (e) the executive director of the Department of Administrative Services.

63E-1-303. Recommendations of the committee.

After the committee has reviewed a proposal to create an independent entity in accordance with Section 63E-1-302, the committee shall make a report to the Legislature stating whether the committee:

- (1) recommends creation of the proposed independent entity;
- (2) recommends that the proposed independent entity not be created; or
- (3) makes no recommendation regarding the creation of the proposed independent entity.

63E-1-401. Definitions.

As used in this part:

- (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and includes:
 - (a) cash, except reasonable compensation or salary for services rendered;
 - (b) stock or other investments;
 - (c) goodwill;
 - (d) real property;
 - (e) an ownership interest;
 - (f) a license;
 - (g) a cause of action; and
 - (h) any similar property.
- (2) "Business interest" means:
 - (a) holding the position of trustee, director, officer, or other similar position with a business entity; or
 - (b) the ownership, either legally or equitably, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity, being held by:
 - (i) an individual;
 - (ii) the individual's spouse;
 - (iii) a minor child of the individual; or
 - (iv) any combination of Subsections (2)(b)(i) through (iii).
- (3) "Interested party" means a person that held or holds the position of trustee, director, officer, or other similar position with an independent entity within:
 - (a) five years prior to the date of an action described in Subsection (5); or
 - (b) during the privatization of an independent entity.
- (4) "Lobbyist" is a person that provided or provides services as a lobbyist, as defined in Section 36-11-102, within:
 - (a) five years prior to the date of an action described in Subsection (5); or
 - (b) during the privatization of an independent entity.
- (5) (a) "Privatized" means an action described in Subsection (5)(b) taken under circumstances in which the operations of the independent entity are continued by a successor entity that:
 - (i) is privately owned;
 - (ii) is unaffiliated to the state; and

(iii) receives any asset of the independent entity.

- (b) An action referred to in Subsection (5)(a) includes:
 - (i) the repeal of the authorizing statute of an independent entity and the revision to state laws to terminate the relationship between the state and the independent entity;
 - (ii) the dissolution of the independent entity;
 - (iii) the merger or consolidation of the independent entity with another entity; or
 - (iv) the sale of all or substantially all of the assets of the independent entity.

63E-1-402. Benefits to interested parties of an independent entity.

- (1) If an independent entity is privatized, the following may not receive any benefit prohibited under Subsection (2):
 - (a) an interested party of the independent entity;
 - (b) an entity in which an interested party holds a business interest;
 - (c) a lobbyist of the independent entity; or
 - (d) an entity in which a lobbyist of the independent entity holds a business interest.
- (2) If an independent entity is privatized:
 - (a) a person described in Subsection (1)(a) or (b) may not receive:
 - (i) compensation from an independent entity that is conditioned in whole or in part on:
 - (A) the passage, defeat, or amendment of legislative action related to privatization; or
 - (B) the approval, modification, or denial of an executive action related to privatization; or
 - (ii) any asset of the independent entity or its successor; and
 - (b) a person described in Subsection (1)(c) or (d) may not receive any:

- (i) compensation that if received by the lobbyist would be in violation of Section 36-11-301; or
 - (ii) asset of the independent entity or its successor.
- (3) Subsection (2)(a)(ii) does not apply to funds in a loan program administered by an independent entity if:
- (a) the funds were provided by an entity other than the state or were derived from those funds, including loan payments, interest, and other charges paid by borrowers;
 - (b) the person described in Subsection (1)(a) or (b) who receives the funds assumes all duties and obligations of the independent entity:
 - (i) under the contract with the entity that provided the initial funding; and
 - (ii) relating to the loan program;
 - (c) separate records have been maintained regarding the use of the funds;
 - (d) the funds may only be used for purposes specified in an agreement with the entity that provided the initial funding; and
 - (e) the funds may only be transferred to a person described in Subsection (1)(a) or (b) if the transfer is approved by the entity that provided the initial funding.

63E-1-403. Privatization process -- Audit.

- (1) If an independent entity seeks to privatize the independent entity, it shall:
 - (a) submit to the Legislature recommended legislation to:
 - (i) repeal the authorizing statute and revise state law as necessary to terminate its relationship to the state; and
 - (ii) address the value of any interests the state holds in the independent entity and whether the state should receive compensation for those interests as part of privatization; and
 - (b) be audited by the state auditor:
 - (i) within one year prior to the effective date of legislation that repeals the authorizing statute to terminate the relationship between the independent entity and the state; and

- (ii) to determine the amount, nature, and source of revenues and assets of the independent entity.
- (2) The relationship between the state and an independent entity may not be terminated except by the repeal of the authorizing statute of the independent entity.

63E-1-404. Penalties for violation.

- (1) A person who knowingly violates this part:
 - (a) is guilty of a third degree felony if the combined value of any compensation or assets received by the person as a result of the violation is equal to or greater than \$10,000; or
 - (b) is guilty of a class A misdemeanor if the combined value of any compensation or assets received by the person as a result of the violation is less than \$10,000.
- (2) (a) In addition to any penalty imposed under Subsection (1), a person that violates this part shall return to the successor of the independent entity any compensation or assets received in violation of this part.
 - (b) If the assets received by the person in violation of this part are no longer in the possession of the person, the person shall pay the successor of the independent entity an amount equal to the fair market value of the asset at the time the person received the asset.
- (3) Notwithstanding Subsection 36-11-401(3), if a lobbyist violates Subsection 63E-1-402(2)(b)(i), the lobbyist is guilty of the crime outlined in Subsection (1), which crime shall be determined by the value of compensation or assets received by the lobbyist.

63E-2-101. Title.

This chapter is known as the "Independent Corporations Act."

63E-2-102. Independent corporations.

An independent corporation is granted a franchise to incorporate in this state in accordance with this title and its authorizing statute.

63E-2-103. Public purpose -- Legislative findings.

- (1) Each independent corporation shall have a specific public purpose related to the state or its citizens stated in its authorizing statute.
- (2) Prior to enacting its authorizing statute, the Legislature shall make a finding that the independent corporation needs to be created by the state or be given by the state the right to exist and conduct its affairs as an independent corporation to serve its public purpose.
- (3) Prior to enacting an authorizing statute, the Legislature shall also make a finding that:
 - (a) if the independent corporation receives ongoing state funding for operations, it:
 - (i) performs a public purpose that is not performed by private entities; or
 - (ii) acts as a trustee over money held in trust;
 - (b) if the independent corporation does not receive ongoing state funding for operations, it requires:
 - (i) exemption from federal or state income tax to meet its public purpose; or
 - (ii) the interest on its indebtedness to be exempt from federal or state income tax to meet its public purpose; or
 - (c) the independent corporation is created by the Utah Constitution.

63E-2-104. Legislative review.

- (1) Each independent corporation is subject to review by the 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.

63E-2-105. Boards.

- (1) As used in this section, "director" includes a trustee or other board member.
- (2) Each independent corporation shall be governed by a board of directors.
- (3) The authorizing statute of each independent corporation shall specify:
 - (a) the process for appointing, removing, and replacing directors;
 - (b) the number and terms of office for directors;
 - (c) the board chair selection procedure;
 - (d) board quorum requirements;
 - (e) director qualifications; and
 - (f) the duties and fiduciary responsibilities of directors.

63E-2-106. Powers.

Except as specifically modified in its authorizing statute, each independent corporation shall have the power to:

- (1) exist as a:
 - (a) public corporation; or
 - (b) quasi-public corporation;
- (2) perform its stated public purpose;
- (3) sue and be sued in its own name;
- (4) retain and be represented by legal counsel independent of the attorney general;
- (5) create foundations or subsidiaries;
- (6) act in accordance with all other powers granted in its authorizing statute and by duly issued license or franchise;
- (7) act in all ways as a nonprofit corporation established under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, that do not conflict with:
 - (a) this title;
 - (b) the authorizing statute of the independent corporation; or
 - (c) statutes and regulations to which the independent corporation is subject.

63E-2-107. Prohibited participation.

Except as specifically modified in its authorizing statute, each independent corporation may not participate in the:

- (1) issuance of bonds that are the obligation of the state; or
- (2) services provided to state agencies, including:
 - (a) fuel dispensing;
 - (b) motor pool services;
 - (c) surplus property services;
 - (d) risk management coverage;
 - (e) information technology services; or
 - (f) archive services.

63E-2-108. Eligible participation.

Except as specifically modified in its authorizing statute, each independent corporation may participate in the state retirement system.

63E-2-109 (Superseded 05/01/13). State statutes.

- (1) Except as specifically modified in its authorizing statute, each independent corporation shall be exempt from the statutes governing state agencies, including:
 - (a) Title 51, Chapter 5, Funds Consolidation Act;
 - (b) Title 51, Chapter 7, State Money Management Act;
 - (c) Title 63A, Utah Administrative Services Code;
 - (d) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (e) Title 63G, Chapter 4, Administrative Procedures Act;
 - (f) Title 63G, Chapter 6, Utah Procurement Code;
 - (g) Title 63J, Chapter 1, Budgetary Procedures Act;
 - (h) Title 63J, Chapter 2, Revenue Procedures and Control Act; and
 - (i) Title 67, Chapter 19, Utah Personnel Management Act.
- (2) Except as specifically modified in its authorizing statute, each independent corporation shall be subject to:
 - (a) Title 52, Chapter 4, Open and Public Meetings Act; and
 - (b) Title 63G, Chapter 2, Government Records Access and Management Act.

- (3) Each independent corporation board may adopt its own policies and procedures governing its:
 - (a) funds management;
 - (b) audits; and
 - (c) personnel.

63E-2-109 (Effective 05/01/13). State statutes.

- (1) Except as specifically modified in its authorizing statute, each independent corporation shall be exempt from the statutes governing state agencies, including:
 - (a) Title 51, Chapter 5, Funds Consolidation Act;
 - (b) Title 51, Chapter 7, State Money Management Act;
 - (c) Title 63A, Utah Administrative Services Code;
 - (d) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (e) Title 63G, Chapter 4, Administrative Procedures Act;
 - (f) Title 63G, Chapter 6a, Utah Procurement Code;
 - (g) Title 63J, Chapter 1, Budgetary Procedures Act;
 - (h) Title 63J, Chapter 2, Revenue Procedures and Control Act; and
 - (i) Title 67, Chapter 19, Utah Personnel Management Act.
- (2) Except as specifically modified in its authorizing statute, each independent corporation shall be subject to:
 - (a) Title 52, Chapter 4, Open and Public Meetings Act; and
 - (b) Title 63G, Chapter 2, Government Records Access and Management Act.
- (3) Each independent corporation board may adopt its own policies and procedures governing its:
 - (a) funds management;
 - (b) audits; and
 - (c) personnel.

63E-2-110. Budgetary and fiscal requirements.

- (1) The board of each independent corporation shall annually adopt a budget.
- (2) (a) All money held in trust by an independent corporation is not public funds, even if they were public funds before the money was received by the independent corporation.
(b) The money of an independent corporation is not required to be held in the custody of the state treasurer.

63E-2-111. State liability.

Except as expressly provided in this title or in an authorizing statute, the state is not liable for any independent corporation's obligations, expenses, debts, and liabilities.