



A GUIDE TO UTAH'S

# INDEPENDENT ENTITIES

OFFICE OF LEGISLATIVE RESEARCH  
AND GENERAL COUNSEL



# 1

# 2

## Understanding Independent Entities



Three Types of Independent Entities	5
Entity by Type and Utah Code Section	6
Creation and Privatization of Independent Entities	10

## Reporting and Contact Information



Reporting Requirements	12
Contact Information	16

# 3

## Independent Entity Details

Heber Valley Historic Railroad Authority	19
School and Institutional Trust Fund Office	21
School and Institutional Trust Lands Administration	23
Utah Beef Council	25
Utah Communications Authority	27
Utah Dairy Commission	29
Utah Energy Infrastructure Authority	31
Utah State Railroad Museum Authority	33
Utah State Retirement Systems (URS)	35
Military Installation Development Authority (MIDA)	37
Utah Housing Corporation	39
Utah State Fair Corporation	41
Utah Capital Investment Corporation	43



# **Understanding Independent Entities**

# **Independent Entity**

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 independent state agency or independent corporation (§63E-1-102).

## **Independent State Agency**

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

## **Quasi-Public Corporation**

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.

## **Public Corporation**

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.

Heber Valley  
Historic Railroad  
Authority

School and  
Institutional Trust  
Fund Office

Utah  
Communications  
Authority

Utah State  
Railroad Museum  
Authority

Military Installation  
Development  
Authority

School and  
Institutional Trust  
Land Administration

Utah Dairy  
Commission

Utah State  
Retirement Office

Utah Housing  
Corporation

Utah Beef  
Council

Utah Energy  
Infrastructure  
Authority

Utah Capital  
Investment  
Corporation

Utah State Fair  
Corporation

# Independent State Agency

Characteristics	<ul style="list-style-type: none"> <li>• Public purpose relating to the state or its citizens</li> <li>• Independent of governor's direct supervisory control</li> <li>• Public ownership</li> <li>• Exercises powers under authorizing statute</li> </ul>
Governance	<ul style="list-style-type: none"> <li>• Executive Director with Commission, Council, or Board</li> <li>• Oversight is subject to recommendations and review by the Retirement and Independent Entities Committee</li> </ul>
Liability	<ul style="list-style-type: none"> <li>• May be sued in the name of the independent state agency</li> <li>• Depending on the enabling statute of each entity, the state may be liable for obligations, expenses, debts, and liabilities</li> </ul>
Ownership of Assets	<ul style="list-style-type: none"> <li>• State owns assets</li> </ul>
Legal Representation	<ul style="list-style-type: none"> <li>• May be represented by the attorney general</li> </ul>
Flexibility for Reorganization	<ul style="list-style-type: none"> <li>• Retirement and Independent Entities Committee may recommend reorganization</li> <li>• Legislature may reorganize</li> </ul>
Participation in State Services	<ul style="list-style-type: none"> <li>• May participate in the Utah Retirement Systems</li> </ul>
Application of State Laws	<ul style="list-style-type: none"> <li>• State laws are presumed to apply to independent state agencies but the authorizing statute of each agency often provides specific exemptions</li> <li>• The Retirement and Independent Entities Committee is authorized to recommend which state laws each independent state agency should be exempt from or subject to in statute</li> </ul>

# Public Corporation

<p>Characteristics</p>	<ul style="list-style-type: none"> <li>• Specific public purpose</li> <li>• Independent of governor's direct supervisory control</li> <li>• May sue or be sued</li> <li>• Exercises powers under authorizing statute and license or franchise</li> </ul>
<p>Governance</p>	<ul style="list-style-type: none"> <li>• Board of Directors</li> <li>• Subject to recommendations and review by the Retirement and Independent Entities Committee</li> <li>• Subject to audits, examinations, and reviews by the Legislative Auditor General</li> </ul>
<p>Liability</p>	<ul style="list-style-type: none"> <li>• Sued in the name of the independent public corporation</li> <li>• State is not liable for obligations, expenses, debts, and liabilities</li> </ul>
<p>Ownership of Assets</p>	<ul style="list-style-type: none"> <li>• Corporation/shareholders/state - ownership varies across entities</li> </ul>
<p>Legal Representation</p>	<ul style="list-style-type: none"> <li>• May retain counsel independent of the attorney general</li> </ul>
<p>Flexibility for Reorganization</p>	<ul style="list-style-type: none"> <li>• Retirement and Independent Entities Committee may recommend reorganization to the Legislature</li> <li>• Corporation must dissolve and distribute assets/liabilities prior to reorganization</li> <li>• Legislature may reorganize by statute</li> </ul>
<p>Participation in State Services</p>	<ul style="list-style-type: none"> <li>• May participate in the Utah Retirement Systems</li> <li>• May not participate in the following services: state fuel dispensing, motor pool, surplus property, risk management, information technology, or archives</li> </ul>
<p>Application of State Laws</p>	<ul style="list-style-type: none"> <li>• Many state laws that apply to state agencies are presumed not to apply to independent public corporations</li> <li>• Independent public corporations are subject to the Open and Public Meetings Act (Title 52, Chapter 4) and Government Records Access and Management Act (Title 63G, Chapter 2)</li> <li>• Other exemptions may be provided in the authorizing statute</li> </ul>



# Quasi-Public Corporation

<b>Characteristics</b>	<ul style="list-style-type: none"> <li>• Specific public purpose</li> <li>• Independent of governor's direct supervisory control</li> <li>• Private ownership as opposed to public ownership</li> <li>• May sue or be sued</li> <li>• Exercises powers under authorizing statute and license or franchise</li> </ul>
<b>Governance</b>	<ul style="list-style-type: none"> <li>• Board of Directors</li> <li>• Subject to recommendations and review by the Retirement and Independent Entities Committee</li> <li>• Subject to audits, examinations, and reviews by the Legislative Auditor General</li> </ul>
<b>Liability</b>	<ul style="list-style-type: none"> <li>• Sued in the name of the independent quasi-public corporation</li> <li>• State is not liable for obligations, expenses, debts, and liabilities</li> </ul>
<b>Ownership of Assets</b>	<ul style="list-style-type: none"> <li>• Corporation/shareholders/state—may depend upon the specific public purposes, structure of the corporation, and funding</li> </ul>
<b>Legal Representation</b>	<ul style="list-style-type: none"> <li>• May retain counsel independent of the attorney general</li> </ul>
<b>Flexibility for Reorganization</b>	<ul style="list-style-type: none"> <li>• Retirement and Independent Entities Committee may recommend reorganization to the Legislature</li> <li>• Statute provides reorganization process</li> </ul>
<b>Participation in State Services</b>	<ul style="list-style-type: none"> <li>• May participate in the Utah Retirement Systems</li> <li>• May not participate in the following services: state fuel dispensing, motor pool, surplus property, risk management, information technology, or archives</li> </ul>
<b>Application of State Laws</b>	<ul style="list-style-type: none"> <li>• Many state laws that apply to state agencies are presumed not to apply to independent quasi-public corporations</li> <li>• Independent quasi-public corporations are presumed subject to the Open and Public Meetings Act (Title 52, Chapter 4) and Government Records Access and Management Act (Title 63G, Chapter 2)</li> <li>• Other exemptions may be provided in the authorizing statute</li> </ul>

## Creation of Independent Entities

A government requestor proposes that the Legislature create a new independent entity (63E-1-302(1)).



The committee schedules a meeting to review the proposal (63E-1-302(2)).



The committee may request relevant information from executive and legislative branch entities (63E-1-302(2)(b)).



After review of the proposal, the committee makes a report to the Legislature stating whether the committee recommends creation of the new entity (63E-1-303).

## Privatization of Independent Entities

An independent entity seeking to privatize submits a request to the Legislature (63E-1-403(1)(a)).



The independent entity is audited by the state auditor within one year prior to proposed effective repeal date (63E-1-403(1)(b)).



The relationship between the state and an independent entity may not be terminated except by repeal of the authorizing statute of the independent entity (63E-1-403(2)).

# 2

## **Reporting and Contact Information**

# Reporting Requirements

Independent Entity	Reporting Requirements from Statute	Annual Audit Required	Annual Report to Legislature	Annual Report to Executive Branch	Audit Required (No time frame specified)
Heber Valley Historic Railroad Authority	<p>"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> §63H-4-108(3)).</p> <p>The authority is subject to requirements related to the Utah Public Finance Website. (See <i>Utah Code</i> §63H-4-108(2) and §63A-3-402.)</p>				X
School and Institutional Trust Lands Administration (SITLA)	<p>The board shall "annually report the director's compensation to the Legislature" (<i>Utah Code</i> §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> §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> §53C-1-303(1)(k)).</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> §53C-1-303(4)(m)).</p>		X	X	X

<p>School and Institutional Trust Fund Office (SITFO)</p>	<p>"No later than September 1 of each year, the office shall provide to the Division of Finance financial information for the prior fiscal year that the Division of Finance requests for financial reporting purposes" (<i>Utah Code §53D-1-201(4)</i>).</p> <p>"The board shall annually report the director's compensation to the Legislature" (<i>Utah Code §53D-1-303(3)(g)</i>).</p> <p>"At least annually, the director shall report in person to the Legislative Management Committee, the governor, and the Advocacy Office, concerning the office's investments, performance, estimated distributions, and other activities" (<i>Utah Code §53D-1-403(1)</i>).</p>		<p>X</p>	<p>X</p>
<p>Utah Beef Council</p>	<p>"The council shall: (a) submit the council's proposed budget and an end-of-year audited financial statement to the department and the Office of the State Auditor within 180 days of the end of each fiscal year; (b) provide the department, on an annual basis, with a detailed outline of the council's plans for future publications and messaging; and (c) report, by October 1 of each year, to the Retirement and Independent Entities Interim Committee on the operations and activities of the council (<i>Utah Code §4-21-105(2)</i>).</p>	<p>X</p>	<p>X</p>	
<p>Utah Communications Authority</p>	<p>"The Utah Communications Authority 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 §63H-7a-804(1)</i>).</p> <p>"The state auditor shall at least once in each year audit the books and accounts of the Utah Communications Authority or shall contract with an independent certified public accountant for this audit" (<i>Utah Code §63H-7a-804(2)</i>).</p> <p>The Utah Communications Authority is subject to requirements related to the Utah Public Finance Website (<i>Utah Code §63H-7a-803(3)(b)</i>) and § 63A-3-402).</p>	<p>X</p>	<p>X</p>	
<p>Utah Dairy Commission</p>	<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 §4-22-202(5)</i>). The Commission is subject to Title 63A, Ch 3, Part 4, Utah Public Finance Website (<i>Utah Code §4-22-107(2)</i>).</p>	<p>X</p>	<p>X</p>	

Independent Entity	Reporting Requirements from Statute	Annual Audit Required	Annual Report to Legislature	Annual Report to Executive Branch	Audit Required (No time frame specified)
Utah Energy Infrastructure Authority	<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 §63H-2-503(1)</i>).</p> <p>Reporting requirements of the Governor's Office of Energy Development related to High Cost Infrastructure Tax Credits are described in (<i>Utah Code §63M-4-605</i>).</p>			X	X
Utah State Railroad Museum Authority	<p>"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 §63H-5-108(2)(b)</i>).</p> <p>The authority is subject to requirements related to the Utah Public Finance Website (<i>Utah Code § 63H-5-108(2)(a)</i> and <i>§63A-3-402</i>).</p>				X
Utah State Retirement Systems	<p>The Utah State Retirement Office "shall prepare an annual report of public fund investments in scrutinized companies" (<i>Utah Code § 49-11-306(3)</i>) 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 §49-11-306(5)</i>).</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 §49-11-307 (1)</i>).</p>		X	X	

Military Installation Development Authority	"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 §63H-1-704</i> ).  "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 §63H-1-705</i> ).	X		X	
Utah Housing Corporation	"The corporation shall, following the close of each fiscal year, submit by October 1 an annual report of its activities for the preceding year to the governor and the Retirement and Independent Entities Interim Committee" and "at least once each year, an independent certified public accountant shall audit the books and accounts of the corporation" ( <i>Utah Code §63H-8-406</i> ).  The Corporation is subject to Title 63A, Ch 3, Part 4, Utah Public Finance Website ( <i>Utah Code §63H-8-204(2)9b</i> )).	X	X	X	
Utah State Fair Corporation	"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, including audited financial statements" ( <i>Utah Code §63H-6-106</i> ).  The Corporation is subject to Title 63A, Ch 3, Part 4, Utah Public Finance Website ( <i>Utah Code §63H-6-103(7)(c)</i> ).	X		X	
Utah Capital Investment Corporation	"The corporation shall, in consultation with the board, publish on or before September 1 an annual report of the activities conducted by the Utah Fund of Funds, and submit the report to the governor; the Business, Economic Development, and Labor Appropriations Subcommittee; the Business and Labor Interim Committee; and the Retirement and Independent Entities Committee" ( <i>Utah Code §63N-6-301(6)</i> ).  "Each calendar year, an audit of the activities of the Utah fund of funds" shall be conducted by the state auditor or an auditor engaged by the state auditor ( <i>Utah Code §63N-6-405</i> ).	X	X	X	

# Executive Director Contact Sheet

Independent Entity	Contact
Heber Valley Historic Railroad Authority	Mark Nelson, Executive Director Office: 435-654-5601 x4020 Cell: 801-376-8028 Fax: 435-654-3667 mark@hebervalleyrr.org
School and Institutional Trust Fund Office (SITFO)	Peter Madsen, Director, Chief Investment Officer Office: 801-355-0558 Cell: 801-520-5288 petermadsen@utah.gov
School and Institutional Trust Lands Administration (SITLA)	David Ure, Director Office: 801-538-5100 Cell: (385) 549-7193 dure@utah.gov
Utah Beef Council	Brent Tanner, Executive Director Office: (801) 355-0063 Cell: (801) 540-8297 brent@utahbeef.org
Utah Communications Authority (UCA)	David Edmunds, Executive Director Office: 801-840-4200 dedmunds@uca911.org
Utah Dairy Commission	Jenn Harrison, CEO Office: 801-487-9976 Cell: 801-376-8028 jenn@dairycouncilutnv.com
Utah Energy Infrastructure Authority	Contact for Governor's Office of Energy Development Laura Nelson, Executive Director, Governor's Energy Adviser Office: 801-538-8732 lnelson@utah.gov
Utah State Railroad Museum Authority	Contact for Ogden Union Station: Holly Andrew, Museums and Programs Manager Office: 801-487-9976 hollya@ogdencity.com
Utah State Retirement Systems	Daniel D. Andersen, Executive Director Office: 801-366-7309 dan.andersen@urs.org



Independent Entity	Contact
Military Installation Development Authority	Paul Morris, Executive Director Office: 801-593-2246 paulmorris@outlook.com
Utah Housing Corporation	Grant Whitaker, President and CEO Office: 801-902-8290 Cell: 801-550-5853 gwhitaker@uthc.org
Utah State Fair Corporation	Larry R. Mullenax, Executive Director Office: 801-538-8400 Cell: 385-242-6641 lmullenax@utahstatefair.com
Utah Capital Investment Corporation	Bret Jepsen, Managing Director Office: 801-432-7667 bret@utahcap.com

# 3

## **Independent Entities Details**



## Heber Valley Historic Railroad

450 South 600 West  
Heber City, UT 84032  
Website: [hebervalleyrr.org/](http://hebervalleyrr.org/)

Mark Nelson, Executive Director  
Office: 435-654-5601 x101  
Cell: 801-376-8028  
[mark@hebervalleyrr.org](mailto:mark@hebervalleyrr.org)

## 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 1970s, the railroad became the "Heber Creeper," a tourist passenger train operating on a seasonal basis. It now operates as a nonprofit organization focused on tourism, education, and the restoration of historical railroad equipment ([hebervalleyrr.org](http://hebervalleyrr.org)).

## Origin

The independent entity 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*).

## 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 §63H-4-108(2)*).

The authority is subject to requirements related to the Utah Public Finance Website. (See *Utah Code §§63H-4-108(2)* and *63A-3-402*.)

## Budget and Financial

Financial information and audit information can be found at [transparent.utah.gov](http://transparent.utah.gov) and [auditor.utah.gov/audit\\_reports](http://auditor.utah.gov/audit_reports).

# Current Board

Board Members	Qualification
Steve Farrell	Wasatch County Council
Alan McDonald	Mayor of Heber City
Colleen Bonner	Mayor of Midway City
Justin Schellenberg	UDOT
Fred Hayes	Utah State Parks
Ryan Starks	Wasatch County Tourism
Charlene Christensen	Utah County Tourism
Tom Jacobson	Attorney & Railroad Experience

## Composition of the Governing Board

(Utah Code §63H-4-102)

Eight total members:

- One 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
- Three public members appointed by the Governor:
  - ◆ One representative from each of the tourism industries of Wasatch and Utah counties

## Terms

(Utah Code §63H-4-102)

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

## State Services Used

- May participate in the state's Risk Management Fund
- Utah Retirement Systems (noncontributory plan)

## 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), but is subject to provisions related to the Utah Public Finance Website
- Utah Procurement Code (Title 63G, Ch. 6a)
- Utah State Personnel Management Act (Title 67, Ch. 19)
- Sales and Use Tax Act (Title 59, Ch. 12)



# School and Institutional Trust Fund Office

200 East South Temple, Suite 100  
Salt Lake City, UT 84111  
Website: [sitfo.utah.gov](http://sitfo.utah.gov)

Peter Madsen, Director

Office: (801) 355-0558  
Cell: (801) 520-5288  
[petermadsen@utah.gov](mailto:petermadsen@utah.gov)

## Purpose

Manage the trust fund consisting of money from the sale or use of land granted to the state under the Utah Enabling Act and other proceeds, revenue, and assets (*Utah Code* §§53C-3-102 and 53D-1-201(3)).

Provide board members and the director of the school children's trust section access to all office records and personnel as necessary for board members and the director of the school children's trust section to fulfill their responsibilities to ensure that the office is in full compliance with applicable law and policies (*Utah Code* § 53D-1-202).

## Origin

The office was created by statute during the 2014 General Legislative Session as an independent state agency within the executive branch (*Utah Code* §53D-1-201(2)).

## State Involvement

The attorney general shall represent the board, director, and office in any legal action relating to the trust fund (*Utah Code* §53D-1-104).

## Reporting Requirements

"No later than September 1 of each year, the office shall provide to the Division of Finance financial information for the prior fiscal year that the Division of Finance requests for financial reporting purposes" (*Utah Code* §53D-1-201 (4)).

"The board shall annually report the director's compensation to the Legislature" (*Utah Code* §53D-1-303 (3)(g)).

"At least annually, the director shall report in person to the Legislative Management Committee, the governor, and the State Board of Education, concerning the office's investments, performance, estimated distributions, and other activities" (*Utah Code* §53D-1-403).

## Budget and Financial

Annual report at [sitfo.utah.gov/wp-content/uploads/2017/12/SITFO-FY-17-Financial-Statements-Final.pdf](http://sitfo.utah.gov/wp-content/uploads/2017/12/SITFO-FY-17-Financial-Statements-Final.pdf)

# Current Board of Trustees

Board Members	Qualification
David Damschen—Chair	Utah State Treasurer
Kent A. Misner—Vice Chair	Appointed by State Treasurer
David R. Nixon	Appointed by State Treasurer
John Lunt	Appointed by State Treasurer
Jason Gull	Appointed by State Treasurer

## Composition of Governing Board

(Utah Code §53D-1-301)

Five total members:

- The state treasurer
- Four additional members appointed by the state treasurer with expertise in institutional investment management

## Terms

(Utah Code §53D-1-301)

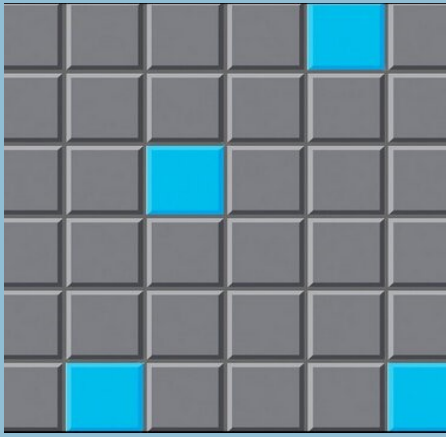
Appointed board members serve nonconsecutive, staggered terms of six years.

## Exemptions

(Utah Code §53D-1-103)

Exempt from the following provisions of the Utah Administrative Rulemaking Act (Title 63G, Chapter 3): *Utah Code* §§63G-3-301(4)(b), (6), and (7); and §63G-3-601. Exempt from some provisions of the Utah State Personnel Management Act (See *Utah Code* §53D-1-103(7)).

SITFO is subject to the Open and Public Meetings Act, the Government Records Access and Management Act, and the Utah Public Finance Website (*Utah Code* §53D-1-103).



# School and Institutional Trust Lands Administration (SITLA)

675 East 500 South  
Suite 500  
Salt Lake City, UT 84102  
Website: [trustlands.utah.gov](http://trustlands.utah.gov)

David Ure, Director  
Office: 801-538-5101  
Cell: 385-549-7193  
[dure@utah.gov](mailto:dure@utah.gov)

## 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 ([trustlands.utah.gov](http://trustlands.utah.gov)).

## Origin

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).

## 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 Requirements

The board shall "annually report the director's compensation to the Legislature" (*Utah Code* §53C-1-301(4)).

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* §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* §53C-1-303(1)(k)).

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* §53C-1-303(1)(m)).

## Current Board of Trustees

Board Members	Term Ends	Qualification
Lonnie M. Bullard-Chair	6/30/2020	Nominee
Roger E. Barrus-Vice Chair	6/30/2021	Nominee
Scott O. Ruppe	6/30/2019	Nominee
Donald G. Foot	6/30/2022	Nominee
W. Richards Woodbury	6/30/2023	Nominee
David Donegan	6/30/2024	Nominee
Michael Mower	N/A	Governor's Designee

## Composition of Governing Board

(Utah Code §53C-1-202)

Seven total members:

- Six appointed by governor from Nominations Committee's list
- One 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.

## State Services Used

- Fuel dispensing services
- Motor pool services
- Risk management fund
- Travel services
- Purchasing services
- Utah Retirement Systems
- Information technology services - uses database, desktop management, network, and telecommunications services offered by the Department of Technology Services

## Exemptions

(See Utah Code §53C-1-201)

Board-approved exemptions possible for:

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

Certain business proposals may 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)

## Budget and Financial

Financial information and annual reports can be found on the entity's website:

[trustlands.utah.gov/resources/public-document-search/](http://trustlands.utah.gov/resources/public-document-search/)





# Utah Beef Council

150 600 E #10-B  
Salt Lake City, UT 84102  
Website: <https://www.utahbeef.org/>

Brent Tanner, Executive Director  
Office: (801) 355-0063  
(801) 540-8297  
[brent@utahbeef.org](mailto:brent@utahbeef.org)

## Purpose

*(Utah Code §4-21-105(1))*

Promote the beef industry of the state and encourage local, national, and international use of Utah beef.

## History & Origin

The Utah Beef Council originally existed as a non-profit organization. In the 2018 General Session, the Utah Beef Council became an independent state agency charged with the promotion and marketing of beef and beef products in Utah. The organization is directed by a 10-member board that represents the state's cattle producers ([www.utahbeef.org](http://www.utahbeef.org)); *Utah Code §4-21-103(1)*.

## State Involvement

The state is not liable for the acts or omissions of the council, council officers, agents, or employees (*Utah Code §4-21-301*).

The attorney general is not the legal advisor for the council and has no obligation to defend the council or the council's members in an action or proceeding brought against the council, but the attorney general may choose to represent the council or its members if requested to do so (*Utah Code §4-21-303*).

## Reporting Requirements

*(Utah Code §4-21-105(2))*

The council shall submit the council's proposed budget and an end-of-year audited financial statement to the department and the Office of the State Auditor within 180 days of the end of each fiscal year; provide the department, on an annual basis, with a detailed outline of the council's plans for future publications and messaging; and report, by October 1 of each year, to the Retirement and Independent Entities Interim Committee on the operations and activities of the council.

# Current Board

Board Members	Qualification
Mark Wintch	Utah Cattlemen’s Association President
Joe Fuhriman	Utah Cattlemen’s Association appointee
Tracy Hatch	Utah Cattlemen’s Association Vice President
Hal Olsen	Utah Dairy Commission Appointee
Deb Richards	Utah Cattlemen’s Association President
Wallace Schulthess	USDA National Cattlemen’s Beef Promotion and Research Board Appointee
Luann Adams	Utah Department of Agriculture and Food Commissioner
Laurie Munns	Non-voting, advisory only member
Vacant (to be determined by Jan. 1st 2019 governor appointments)	Three at-large producer appointees

## Composition of Governing Board

(Utah Code §4-21-103(2))

Ten total members:

- The commissioner of the Utah Department of Agriculture and Food, or the commissioner's designee;
- The president of the Utah Cattlemen’s Association (UCA);
- The vice president of the UCA;
- A member of the UCA’s board of directors, chosen by the UCA;
- The U.S. Secretary of Agriculture appointed Utah appointee on the national beef checkoff Cattlemen’s Beef Promotion and Research Board;
- The president of the Utah Cattlemen’s Association;
- A member of the Utah Dairy Commission, chosen by the Utah Dairy Commission; and
- Three at-large producers from the state of Utah, appointed as described in §4-21-103(4)

In addition to the members listed in Subsection (2), the council may appoint nonvoting members (Utah Code §4-21-103(3)).

## Terms

Governor appointed at-large members serve three-year, staggered terms (Utah Code §4-21-103(5)).

## Exemptions

Utah Code §4-21-106(1)

The council is exempt from the Funds Consolidation Act (Title 51, Ch. 5); the Utah Administrative Services Code (Title 63A, but is subject to provisions related to the Utah Public Finance Website); the Budgetary Procedures Act (Title 63J, Ch. 1); and the Utah State Personnel Management Act (Title 67, Ch. 19).

## State Services Used

The council is not eligible to receive coverage under the state’s Risk Management Fund (Utah Code §4-21-302).

## Budget and Financial

Future financial and audit information can be found at [transparent.utah.gov](http://transparent.utah.gov) and [auditor.utah.gov/audit\\_reports](http://auditor.utah.gov/audit_reports).



# Utah Communications Authority

5360 South Ridge Village Drive  
Salt Lake City, UT 84118  
Website: [uca911.org](http://uca911.org)

Dave Edmunds, Executive Director

Office: (801) 840-4200  
[dedmunds@uca911.org](mailto:dedmunds@uca911.org)

## Purpose

Establish and maintain a statewide public safety communications network and provide administrative and financial support for statewide 911 emergency services (*Utah Code §63H-7a-102*).

## History

The Utah Communications Agency Network (UCAN) was originally established by executive order of the governor on June 6, 1996 (*Laws of Utah 1997*).

During the 2014 General Session, legislation changed UCAN to the Utah Communications Authority, expanding the overall purpose, incorporating the state 911 program, and redefining the board structure.

## Origin

Initially created as an independent state agency by statute in 1997 (*Utah Code Annotated §63C-7-102*), it was renamed and redefined during the 2014 General Legislative Session and subsequent sessions.

## Reporting Requirements

The Utah Communications Authority 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-7a-804*).

"The state auditor shall at least once in each year audit the books and accounts of the Utah Communications Authority or shall contract with an independent certified public accountant for this audit" (*Utah Code §63H-7a-804*).

## Budget and Financial

Financial and audit information can be found at [auditor.utah.gov/audit\\_reports](http://auditor.utah.gov/audit_reports)

## Current Board

Board Members	Term Ends	Qualification
Dean Cox	8/1/2022	Utah Association of Counties representative
Lance D. Davenport-Chair	8/1/2019	Governor appointee
Craig Dearden	8/1/2019	Utah Association of Counties representative
John Park	8/1/2019	Utah League of Cities and Towns representative
Randy Swalberg	8/1/2022	Governor appointee
Clinton D. Topham	8/1/2022	Governor appointee
Gary Whatcott	8/1/2022	Utah League of Cities and Towns representative

## Composition of Governing Board

(Utah Code §63H-7a-203)

- Three members appointed by governor with consent of Senate
- One member appointed by speaker of the House of Representatives
- One member appointed by president of the Senate
- Two members nominated by an association that represents cities and towns and appointed by the governor with the consent of the Senate
- Two members nominated by an association that represents counties and is appointed by the governor with the consent of the Senate.

## State Services Used

- Surplus property services
- Risk Management Fund
- Travel services
- Purchasing Services
- Utah Retirement Systems (noncontributory plan)
- Information technology services

## 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), but is subject to provisions related to the Utah Public Finance Website and may participate in the Risk Management Fund as described in Utah Code §63A-4-205.5
- Utah Procurement Code (Title 63G, Ch. 6a),
- Utah State Personnel Management Act (Title 67, Ch. 19)

## Terms

(Utah Code §63H-7-203 (3)(a)(i))

Six of the state representatives shall be appointed by the governor, with two of the positions having an initial term of two years, two having an initial term of three years, and one having an initial term of four years.



# Utah Dairy Commission

543 Midlake Drive  
Draper, UT 84020  
Website: [dairycouncilutnv.com](http://dairycouncilutnv.com)

Jenn Harrison, CEO  
Office: 801-487-9976  
Cell: 801-376-8028  
Fax: 801-918-6815  
[jenn@dairycouncilutnv.com](mailto:jenn@dairycouncilutnv.com)

## 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* §4-22-106).

## 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 ([www.utahdairycouncil.com](http://www.utahdairycouncil.com)).

"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).

## Origin

Initially created as an independent state agency by statute in 1979.

## 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* §4-22-301).

## 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 (of the Utah Department of Agriculture and Food); (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* §4-22-202).

# Current Board of Directors

Board Members	Qualification
Kyle Anderson	Central Cache
Jason Bateman	Salt Lake, Tooele, Davis
Jennifer Clark	Weber, Morgan
Chace Fullmer	Sevier, Piute, Wayne, Garfield
Jeff Hardy	Box Elder, Chairman
Malarik Harrison	Wasatch, Summit, Uintah, Duchesne, Daggett
Matt Leak	North Cache
Louise Nielsen	Dairy Women
Hal Olsen	South Cache
David Roberts	Millard, Beaver, Iron, Washington
Scott Ericson	Utah Department of Agriculture and Food
Don McMahon	Utah State University

## Composition of Governing Board

(Utah Code §4-22-103)

Thirteen 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 five consecutive years of experience in Utah.*

## Terms

(Utah Code §4-22-103)

Elected board members serve terms of four years.

## State Services Used

- Authorizing statute states that the Utah Dairy Commission is not eligible for coverage under the Risk Management Fund (Utah Code §4-22-302).
- Utah Retirement Systems (noncontributory plan)

## Exemptions

(See Utah Code §4-22-107)

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), but is subject to provisions related to the Utah Public Finance Website
- Utah State Personnel Management Act (Title 67, Ch. 19)

## Budget and Financial

Financial and auditing information available at [transparent.utah.gov](http://transparent.utah.gov) and [auditor.utah.gov/audit\\_reports](http://auditor.utah.gov/audit_reports).

# Utah Energy Infrastructure Authority

60 East South Temple  
Salt Lake City, UT  
Office of Energy Development  
website: <http://energy.utah.gov/>

Dr. Laura Nelson, Executive Director,  
Governor's Office of Energy Development  
Office: (801) 657-0112  
lnelson@utah.gov

## Purpose

The Utah Energy Infrastructure Authority and the Utah Energy Infrastructure Authority Board are generally tasked with helping build or enhance the state's energy delivery infrastructure and studying energy transmission projects (*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. In 2012 the Utah State Legislature expanded the scope of UGREEN to include energy delivery projects that facilitate the responsible development of any of the state's energy resources. At that time the entity was renamed the Utah Energy Infrastructure Authority.

Despite the creation of the Utah Energy Infrastructure Authority in statute, as a practical matter, the authority has never been organized as a functioning independent entity. However, the related Utah Energy Infrastructure Authority Board is active (*Utah Code §63H-2-202*) and plays a role in approving High Cost Infrastructure Tax Credits described in Title 63M, Chapter 4, Part 6, High Cost Infrastructure Development Tax Credit Act. The board is staffed by the Governor's Office of Energy Development

## Origin

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 the Utah Energy Infrastructure Authority (Energy Changes, HB 137, 2012 General Session, Utah Legislature).

## 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*).



## Current Board

Board Members	Qualification
Dr. Laura Nelson	Chair, Governor's Energy Advisor
Colleen L. Bell	Electric Interlocal
Cameron J. Cuch	General public with relevant industry or community experience
Scott A. Gutting	General public with relevant industry or community experience
Ben Hart	GOED representative
Lynn Jackson	Rural Representative with energy industry experience representing the economic development interests of rural communities
Laura D. Lewis	Public Member
Gregory Todd	County Commissioner representing the economic development interests of rural communities
David Ure	SITLA

## 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).

Reporting requirements of the Governor's Office of Energy Development related to High Cost Infrastructure Tax Credits are described in *Utah Code* §63M-4-605.

## Composition of Governing Board

(*Utah Code* §63H-2-202)

Nine members appointed by Governor:

- The energy advisor, who serves as board chair
- Director of SITLA
- One representative from the Governor’s Office of Economic Development (GOED)
- Two representatives of business entities that produce energy
- One member of the general public
- Three members from public utilities chose from recommendations by each of the following:
  - ◆ Investor-owned electric corporation
  - ◆ Wholesale electric cooperative
  - ◆ Electric interlocal entity

## Exemptions

(*Utah Code* §63H-2-504)

This entity is subject to all 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.





# Utah State Railroad Museum Authority

Ogden Union Station & Museum  
2501 Wall Avenue  
Ogden, Utah 84401

Station museum website:

[theunionstation.org/utah-state-railroad-museum/](http://theunionstation.org/utah-state-railroad-museum/)

Holly Andrew, Museums and Programs  
Manager  
Office: 801-487-9976  
hollya@ogdencity.com

## 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).

At this time, it is unclear whether the authority is functional.

## Origin

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

## 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 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* §63H-5-108(2)).

## Board of Directors (not current)

Board Members	Qualification
Vacant	Corinne Historical Society representative
LuAnn Adams	County Legislative Member appointed by Box Elder County
Matthew G. Bell	County Legislative Member appointed by Weber County
Robert L. Crane	Public Member appointed by governor
Frederick K. Doehring	UDOT Director or Designee
Joan Hammer	Tourism Representative from Box Elder Co. appointed by governor
Steven E. Jones	Public at-large
Jack McDonald	Golden Spike Heritage Foundation Representative appointed by gov.
Norman Nelson	Golden Spike Association Representative appointed by governor
Lee K. Secrist	Railroad & Locomotive Historical Society Golden Spike Chapter rep.
Brian K. Shaffer	County Legislative Member appointed by Box Elder County
Sara V. Toliver	Tourism Representative from Weber Co. appointed by governor

## Composition of Governing Board

(Utah Code §63H-5-102)

Twelve members:

- One member of the county legislative body of Box Elder County
- One member of the county legislative body of Weber County
- One member of the city legislative body of Ogden City
- Executive Director of UDOT or designee

Eight public members appointed by Governor who represent 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

Ogden Union Station

Corinne Historical Society

## Terms

(Utah Code §63H-5-102)

Appointed board members serve four-year staggered terms where one-half of members' terms expire every two years. An appointed board member may not serve more than two full consecutive terms.

## 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)
- Utah Administrative Services Code (Title 63A), but is subject to requirements related to the Utah Public Finance Website
- Utah Procurement Code (Title 63G, Ch. 6a)
- Utah State Personnel Management Act (Title 67, Ch. 19)



# Utah Retirement Systems

540 East 200 South  
Salt Lake City, UT 84102  
Website: [www.urs.org](http://www.urs.org)

Daniel D. Andersen, Executive Director  
Office: (801) 366-7309  
[dan.andersen@urs.org](mailto:dan.andersen@urs.org)

## 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 twentieth 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 was created and in 1967 the separate school and public retirement systems were consolidated and the Retirement Board was established as the trustee of the retirement trust funds ([www.urs.org](http://www.urs.org)).

## Origin

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

## Reporting Requirements

The Utah State Retirement Office “shall prepare an annual report of public fund investments in scrutinized companies” (*Utah Code* §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* §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* §49-11-307 (1)).

## State Services Used

Utah Retirement Systems (noncontributory plan)

## Current Board of Directors

Board Members	Qualification
Ryan G. Hessentaler	Represents Investment Community
Laura O. Houston, Vice President	Represents Investment Community
Roger G. Donohoe, President	Represents Education Employees
Sheri K. Nelson	Represents Public Employees
Edward T. Alter	Represents Investment Community
David C. Damschen	Ex-Officio Member/State Treasurer
William W. Wallace	Represents Investment Community

## Composition of the Governing Board

(Utah Code §49-11-202)

Seven members:

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

## Terms

(Utah Code §49-11-202)

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

## Exemptions

(Utah Code §49-11-201)

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



# Military Installation Development Authority (MIDA)

450 Simmons Way, Ste 400  
Kaysville, UT 84037

Paul Morris, Executive Director  
Office: 801-593-2246  
paulmorris@outlook.com

## 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*).

## Origin

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

## 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*).

## Budget and Financial

Financial information can be found at [transparent.utah.gov](http://transparent.utah.gov) and [auditor.utah.gov/audit\\_reports](http://auditor.utah.gov/audit_reports).

## State Services Used

- Travel services
- Utah Retirement Systems (noncontributory plan)

# Current Board

Board Members	Qualification
Michael Ostermiller	House Appointee
Stuart Adams	Chair, Senate Appointee
Jerry Stevenson	Vice Chair, Member Supporting Military Efforts
Gary Harter	State Agency Representative
Mark Shepherd	Mayor of Clearfield
Joe Ritchie	Former Mayor of Roy
Derk Timothy	Mayor of Bluffdale
Ben Hart	GOED representative

## Composition of Governing Board

(Utah Code §63H-1-302)

Seven total members:

Five members appointed by Governor:

- One member interested in supporting military efforts
- Three members are mayors or members of legislative bodies of municipalities or counties adjacent or close to project area
- One member from the executive branch or state agency involved with military issues

Two members appointed by Legislature:

- One member appointed by the President of the Senate
- One member appointed by the Speaker of the House

## 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), but is subject to requirements related to the Utah Public Finance Website
  - Utah Administrative Rulemaking Act (Title 63G, Ch. 3)
  - Administrative Procedures Act (Title 63G, Ch. 4)
  - Utah Procurement Code (Title 63G, Ch. 6a)
  - Budgetary Procedures Act (Title 63J, Ch. 1)
  - Revenue Procedures and Control Act (Title 63J, Ch. 2)
  - Utah Personnel Management Act (Title 67, Ch. 19)

## Terms

(Utah Code §53C-1-202)

Appointed board members serve nonconsecutive terms of six years.



## Utah Housing Corporation

2479 South Lake Park Blvd.  
West Valley City, UT 84120  
Website: [utahhousingcorp.org](http://utahhousingcorp.org)

Grant Whitaker, President  
Office: (801) 902-8290  
Cell: (801) 550-5853  
gwhitaker@uthc.org

### Purpose

Assist in providing housing for low- and moderate-income individuals who otherwise could not achieve decent, safe, and sanitary housing (*Utah Code §63H-8-102*).

### 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. ([utahhousingcorp.org/HTML/abtOrganizationOverview.shtml](http://utahhousingcorp.org/HTML/abtOrganizationOverview.shtml))

### Origin

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

### State Involvement

The state is not liable for the corporation's obligations, expenses, debts, and liabilities (*Utah Code §§63H-8-406 and 63E-2-111*).

### Reporting Requirements

"The corporation shall, following the close of each fiscal year, submit by October 1 an annual report of its activities for the preceding year to the governor and the Retirement and Independent Entities Interim Committee" and "at least once each year, an independent certified public accountant shall audit the books and accounts of the corporation" (*Utah Code §63H-8-406*).



# Current Board

Board Members	Term Ends	Qualification
Lerron E. Little—Chair	5/30/2021	Real estate industry
Cathy G. Burrows	5/30/2019	Mortgage lending industry
Patricia Scheffield	5/30/2021	Public at large
Brett Mills	5/30/2021	Mortgage lending industry
Robert P. Majka—Vice Chair	5/30/2019	Public at large
Mark Cohen	5/30/2019	Home building industry
Jon Pierpont	Ex-officio	Executive Director of Department of Workforce Services
G. Edward Leary	Ex-officio	Commissioner of Dept. of Financial Institutions
David Damschen	Ex-officio	State Treasurer

## Composition of Governing Board

(Utah Code §63H-8-201)

Nine total members:

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

## Terms

(Utah Code §63H-8-201)

Appointed board members serve four-year staggered terms where one-half of members' terms expire

## State Services Used

- Archive Services-Uses Public Notice Website Only
- Utah Retirement Systems (noncontributory and contributory plans and PEHP)

## Exemptions

(See Utah Code §§63H-8-204 and 63E-2-109)

Exempt from the following statutes:

Revenue Procedures and Control Act (Title 63J, Ch. 2)

Corporation Exemptions (35A-8-707):

- 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), but is subject to provisions related to the Utah Public Finance Website
- Utah Procurement Code (Title 63G, Ch. 6a)
- Utah Personnel Management Act (Title 67, Ch. 19)

## Budget and Financial

Financial information can be found on the Utah Housing Corporation website, [utahhousingcorp.org](http://utahhousingcorp.org), and [transparent.utah.gov](http://transparent.utah.gov).





# Utah State Fair Corporation

155 N 1000 W  
Salt Lake City, Utah 84116  
Website:  
<http://utahstatefair.com/welcome>

Larry R. Mullenax, Executive Director  
Office: 801-538-8400  
Cell: 385-242-6641  
[lmullenax@utahstatefair.com](mailto:lmullenax@utahstatefair.com)

## Purpose

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

## History

Nine years after the pioneers arrived in the Salt Lake Valley, they held a 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 current 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 ([www.utahstatefair.com](http://www.utahstatefair.com)).

## Origin

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

## State Involvement

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

## Reporting Requirements

"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).

## State Services

### Used

- Risk Management
- Utah Retirement Systems (noncontributory plan)
- Information Technology Services (Telecommunications)
- Purchasing services
- Motor pool services

## Terms

(*Utah Code* §63H-6-104)

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

# Current Board

Board Members	Qualification
Roger Beattie, Chair	
Clay Nielson, Vice Chair	
Jim Russell	DFCM
LuAnn Adams	Department of Agriculture
Jennifer Selig	
David Lewis	
Traci Cowdell	
Ted Lewis	
Ginger Casper	
Nicholas Priskos	
Mike Kohler	
Paula Martin	

## Composition of Governing Board

(Utah Code §63H-8-201)

Up to 14 total members:

- Director of Division of Facilities Construction and Management or designee
- Commissioner of Agriculture or designee
- Two members, appointed by the president of the Senate, who have business experience
- Two members, appointed by the speaker of the House, who have business experience
- Five members appointed by the governor:
  - Two members who represent agricultural interests
  - Two members who have business-related experience
  - One member who is recommended by the Utah Farm Bureau Federation
- One member appointed by mayor of Salt Lake City who is a resident of the neighborhood next to the state fair park
- One representative of Salt Lake County, if Salt Lake County is party to an executed lease agreement with the corporation
- One representative of the Days of '47 Rodeo, if the Days of '47 Rodeo is party to an executed lease agreement with the corporation.

## Exemptions

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

Exempt from the following statutes:

- Corporation Exemptions (Utah Code §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), but is subject to the applicable provisions of the Utah Public Finance Website and requirements for new facilities (Utah Code Subsection 63H-6-103(7)(c))
- Utah Procurement Code (Title 63G, Ch. 6a)
- Utah Personnel Management Act (Title 67, Ch. 19)

## Budget and Financial

Financial information available at [transparent.utah.gov](http://transparent.utah.gov) and [auditor.utah.gov/audit\\_reports](http://auditor.utah.gov/audit_reports).



# Utah Capital Investment Corporation

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Salt Lake City, UT 84121  
Website: [utahcap.com](http://utahcap.com)

Bret Jepsen, Managing Director

Office: 801-432-7667  
[bret@utahcap.com](mailto:bret@utahcap.com)

## Purpose

The purposes of the corporation are to:

- Organize the Utah Fund of Funds;
- Select an investment fund allocation manager to make venture capital and private equity fund investments by the Utah fund of funds;
- Negotiate the terms of a contract with the investment fund allocation manager;
- Execute the contract with the selected investment fund manager on behalf of the Utah Fund of Funds;
- Receive funds paid by designated investors for the issuance of certificates by the board for private investment in the Utah Funds of Funds; and
- Establish the redemption reserve to be used by the corporation to redeem certificates (*Utah Code §63N-6-301*).

## History & Origin

Initially created as an independent quasi-public corporation by statute in 2003, the Utah Fund of Funds is a 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 and Utah's start-up and business community. (*Utah Code Annotated §63M-1-1207*).

## 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. However, loans and investments in the Utah Funds of Funds are guaranteed by contingent tax credits, which are in turn guaranteed by the state (*Utah Code §63N-6-301*).

## Terms

(*Utah Code §63N-6-202 and §63N-6-303*)

Appointed members of the Utah Capital Investment Board and members of the Utah Capital Investment Corporation Board of Directors serve four-year staggered terms.

## Budget and Financial

Annual Reports available at [utahcap.com](http://utahcap.com).

# Current Board

Utah Capital Investment Board	Utah Capital Investment Corporation Board of Directors
Samuel Straight, Chair	Scott Peterson, Chair
David Damschen	Ed Alter
Val Hale	Ed Esber
Pam McComas	Mel Lavitt
Derek Miller	Bob More
	Brad Wilson, Board Observer
	Steve Young, Board Observer

## Composition of Governing

(Utah Code §§63N-6-201 and 202; §63N-6-303)

Two boards provide oversight for the Utah Capital Investment Corporation.

The Utah Capital Investment Board is created within the Governor’s Office of Economic Development and consists of five members:

- The state treasurer
- The executive director of the Governor’s Office of Economic Development
- Three members appointed by the governor with expertise in:
  - ◆ The supervision of investment managers;
  - ◆ Fiduciary management of investment funds; or
  - ◆ The management and administration of tax credit allocations programs

The Board of Directors of the Utah Capital Investment Corporation consists of at least five members with expertise in:

- The selection and supervision of investment managers;
- Fiduciary management of investment funds; or
- Other areas of expertise considered appropriate

## Exemptions

(See Utah Code §63N-6-412)

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), but the corporation is subject to the applicable statutory provisions related to the Utah Public Finance Website (Utah Code §63E-2-109(2)(b))
- Utah Administrative Rulemaking Act (Title 63G, Ch. 3)
- Administrative Procedures Act (Title 63G, Ch. 4)
- Utah Procurement Code (Title 63G, Ch. 6a)
- Budgetary Procedures Act (Title 63J, Ch. 1)
- Revenue Procedures and Control Act (Title 63J, Ch. 2)
- Utah Personnel Management Act (Title 67, Ch. 19)

## Reporting Requirement

activities conducted by the Utah fund of funds, and submit the report to the governor; the Business, Economic Development, and Labor Appropriations Subcommittee; the Business and Labor Interim Committee; and the Retirement and Independent Entities Committee" (Utah Code §63N-6-301).

Each calendar year, an audit of the activities of the Utah fund of funds shall be conducted by the state auditor or an auditor engaged by the state auditor (Utah Code §63N-6-405).



## Questions?

Contact the Office of Legislative Research  
and General Counsel

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