Chapter 4
Heber Valley Historic Railroad Authority

63H-4-101 Title.

This chapter is known as the "Heber Valley Historic Railroad Authority."

Renumbered and Amended by Chapter 370, 2011 General Session

63H-4-102 Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and expenses -- Annual conflict of interest disclosure statement -- Exception -- Penalties.

(1) There is created an independent state agency and a body politic and corporate known as the "Heber Valley Historic Railroad Authority."

(2) The authority is composed of eight members as follows:

(a) one member of the county legislative body of Wasatch County;

(b) the mayor of Heber City;

(c) the mayor of Midway;

(d) the executive director of the Department of Transportation or the executive director's designee;

(e) the director of the Division of State Parks, or the director's designee; and

(f) three public members appointed by the governor with the advice and consent of the Senate, being private citizens of the state, as follows:

(i) two people representing the tourism industry, one each from Wasatch and Utah counties; and

(ii) one person representing the public at large.

(3) All members shall be residents of the state.

(4)

(a) Except as required by Subsection (4)(b), the three public members are appointed for four-year terms beginning July 1, 2010.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of authority members are staggered so that approximately half of the authority is appointed every two years.

(5) Any of the three public members may be removed from office by the governor or for cause by an affirmative vote of any four members of the authority.

(6) When a vacancy occurs in the membership for any reason, the replacement is appointed for the unexpired term by the governor with advice and consent of the Senate for the unexpired term.

(7) Each public member shall hold office for the term of appointment and until a successor has been appointed and qualified.

(8) A public member is eligible for reappointment, but may not serve more than two full consecutive terms.

(9) The governor shall appoint the chair of the authority from among its members.

(10) The members shall elect from among their number a vice chair and other officers they may determine.

(11) The powers of the authority are vested in its members.

(12)

(a) Four members constitute a quorum for transaction of authority business.

(b) An affirmative vote of at least four members is necessary for any action taken by the authority.

(13) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(14) Except as provided in Subsection (20), a member shall, no sooner than January 1 and no later than January 31 of each year during which the member holds office on the authority:

(a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and

(b) submit the written disclosure statement to the administrator or clerk of the authority.

(15)

(a) No later than 10 business days after the date on which the member submits the written disclosure statement described in Subsection (14) to the administrator or clerk of the authority, the administrator or clerk shall:

(i) post an electronic copy of the written disclosure statement on the authority's website; and

(ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (15)(a)(i).

(b) The administrator or clerk shall ensure that the member's written disclosure statement remains posted on the authority's website until the member leaves office.

(16) The administrator or clerk of the authority shall take the action described in Subsection (17) if:

(a) a member fails to timely file the written disclosure statement described in Subsection (14); or

(b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).

(17) If a circumstance described in Subsection (16) occurs, the administrator or clerk of the authority shall, within five days after the day on which the administrator or clerk determines that a violation occurred, notify the member of the violation and direct the member to submit an amended written disclosure statement correcting the problem.

(18)

(a) It is unlawful for a member to fail to submit or amend a written disclosure statement within seven days after the day on which the member receives the notice described in Subsection (17).

(b) A member who violates Subsection (18)(a) is guilty of a class B misdemeanor.

(c) The administrator or clerk of the authority shall report a violation of Subsection (18)(a) to the attorney general.

(d) In addition to the criminal penalty described in Subsection (18)(b), the administrator or clerk of the authority shall impose a civil fine of $100 against a member who violates Subsection (18)(a).

(19) The administrator or clerk of the authority shall deposit a fine collected under this section into the authority's account to pay for the costs of administering this section.

(20) For an individual who is appointed to the authority under Subsection (2)(a), (b), or (c):

(a) Subsection (14) does not apply; and

(b) the administrator or clerk of the authority shall, instead:

(i) post an electronic link on the authority's website to the written disclosure statement the member made in the member's capacity as an elected officer of:

(A) a county, under Section 17-70-509; or

(B) a municipality, under Section 10-3-1313; and

(ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (20)(b)(i).

Amended by Chapter 17, 2025 Special Session 1

63H-4-103 Executive director -- Powers and duties.

(1)
(a) The members shall appoint an executive director who is an employee of the authority, but who is not a member of the authority.
(b) The executive director serves at the pleasure of the members and receives compensation as set by the members and approved by the governor.

(2) The executive director shall:
(a) administer, manage, and direct the affairs and activities of the authority in accordance with the policies, control, and direction of the members;
(b) approve all accounts for allowable expenses of the authority or of any of its employees and expenses incidental to the operation of the authority;
(c) attend the meetings of the authority;
(d) keep a record of the proceedings of the authority;
(e) maintain and be custodian of all books, documents, and papers filed with the authority; and
(f) perform other duties as directed by the members in carrying out the purposes of this chapter.

Renumbered and Amended by Chapter 370, 2011 General Session

63H-4-104 Member or employee -- Disclosure of interest.

(1) A member or employee of the authority who has, will have, or later acquires an interest, direct or indirect, in a transaction with the authority shall immediately disclose the nature and extent of that interest in writing to the authority as soon as the member or employee has knowledge of the actual or prospective interest.
(2) This disclosure shall be entered upon the minutes of the authority.
(3) Upon this disclosure that member or employee may participate in any action by the authority authorizing the transaction.

Renumbered and Amended by Chapter 370, 2011 General Session

63H-4-105 Officer or employee -- No forfeiture of office or employment.

Notwithstanding the provisions of any other law, an officer or employee of this state does not forfeit an officer's or employee's office or employment by reason of acceptance of membership on the authority or service on it.

Renumbered and Amended by Chapter 370, 2011 General Session

63H-4-106 Authority -- Powers.

(1) The authority shall operate and maintain a scenic and historic railroad in and around the Heber Valley.
(2) The authority has perpetual succession as a body politic and corporate and may:
(a) adopt, amend, and repeal rules, policies, and procedures for the regulation of its affairs and the conduct of its business;
(b) sue and be sued in its own name;

(c) maintain an office at a place within this state it designates;
(d) adopt, amend, and repeal bylaws and rules, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority and the conduct of its business;
(e) purchase, lease, sell, and otherwise dispose of property and rights-of-way;
(f) employ experts and other professionals it considers necessary;
(g) employ and retain independent legal counsel;
(h) make and execute contracts and all other instruments necessary or convenient for the performance of its duties and the exercise of its duties under this chapter to operate and maintain a scenic railroad in and around the Heber Valley;
(i) procure insurance for liability and against any loss in connection with its property and other assets in amounts and from insurers it considers desirable;
(j) receive appropriations from the Legislature and receive other public money and accept aid or contributions from any source of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this chapter, subject to the conditions upon which the grants and contributions are made, including gifts or grants from any department, agency, or instrumentality of the United States or of this state for any purpose consistent with this chapter;
(k) enter into agreements with any department, agency, or instrumentality of the United States or this state for the purpose of providing for the operation and maintenance of a scenic railway in and around the Heber Valley; and
(l) do any act necessary or convenient to the exercise of the powers granted by this chapter.

(3)
(a) All money received by the authority under Subsection (2)(j) and from any other source is for the exclusive use of the authority to operate, maintain, improve, and provide for a scenic and historic railway in and around the Heber Valley.
(b) The money received by the authority may not be used for any other purpose or by any other entity.

Renumbered and Amended by Chapter 370, 2011 General Session

63H-4-107 Notes, bonds, other obligation -- Not debt liability -- Expenses payable from funds provided -- Agency without authority to incur liability on behalf of state.

(1)
(a) An obligation or liability of the authority does not constitute a debt or liability of this state or of any of its political subdivisions nor does any obligation or liability constitute the loaning of credit of the state or of any of its political subdivisions nor may any obligation or liability of the authority be payable from funds other than those of the authority.
(b) All obligations of the authority shall contain a statement to the effect that the authority is obligated to pay them solely from the revenues or other funds of the authority and that this state or its political subdivisions are not obligated to pay them and that neither the faith and credit nor the taxing power of this state or any of its political subdivisions is pledged to the payment of them.

(2) All expenses incurred in carrying out this part are payable solely from money of the authority provided under this chapter, and nothing in this chapter may be construed to authorize the authority to incur indebtedness or liability on behalf of or payable by this state or any of its political subdivisions.

Renumbered and Amended by Chapter 370, 2011 General Session

63H-4-108 Relation to certain acts -- Participation in Risk Management Fund.

(1) The authority is exempt from:
  (a) Title 51, Chapter 5, Funds Consolidation Act;
  (b) Title 63A, Utah Government Operations Code;
  (c) Title 63J, Chapter 1, Budgetary Procedures Act; and
  (d) Title 63A, Chapter 17, Utah State Personnel Management Act.
(2) The authority is subject to:
  (a) Title 52, Chapter 4, Open and Public Meetings Act;
  (b) Section 67-3-12;
  (c) Title 63G, Chapter 2, Government Records Access and Management Act; and
  (d) Title 63G, Chapter 6a, Utah Procurement Code.
(3) 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.
(4) Subject to the requirements of Subsection 63E-1-304(2), the authority may participate in coverage under the Risk Management Fund created by Section 63A-4-201.

Amended by Chapter 84, 2021 General Session
Amended by Chapter 345, 2021 General Session

63H-4-109 Duty to maintain rails.

The authority shall maintain the rails, bed, right-of-way, railroad bridges, and related property upon which the authority's train shall operate in compliance with state and federal statutes, rules, and regulations.

Amended by Chapter 355, 2019 General Session

63H-4-110 Lease of rails from Department of Transportation and Division of State Parks.

The Department of Transportation and the Division of State Parks shall jointly lease the rails, bed, right-of-way, and related property for not more than $1 per year to the authority.

Amended by Chapter 280, 2021 General Session

63H-4-111 Sales tax exemption.

The authority and its operators are exempt from sales and use tax imposed under Title 59, Chapter 12, Sales and Use Tax Act, for their purchases and sales related to the operation and maintenance of a scenic and historic railroad in and around the Heber Valley.

Renumbered and Amended by Chapter 370, 2011 General Session