

Repealed 5/10/2016

63A-5-306 Leasing of state fair park -- Lease -- Terms -- Demolition of facilities -- Limits on debt or obligations.

- (1) As used in this section:
 - (a) "Corporation" means the Utah State Fair Corporation created in Section 63H-6-103.
 - (b) "Division" means the Division of Facilities Construction and Management.
 - (c) "State fair park" means the property and buildings owned by the state located at 155 North 1000 West, Salt Lake City, Utah.
- (2) The division:
 - (a) may lease the state fair park to the corporation for a period not to exceed 50 years:
 - (i) subject to the corporation satisfying the requirements of Subsection (5)(b)(i); and
 - (ii) except that on June 30, 2017, that portion of the state fair park known as the White Ball Field located on the south side of North Temple Street shall revert to the division and not be a part of any continuing lease agreement between the division and the corporation, unless otherwise agreed upon by the division and the corporation prior to June 30, 2017;
 - (b) shall ensure that any lease entered into under Subsection (2)(a):
 - (i) defines which party is responsible for repairs and maintenance to the grounds and buildings;
 - (ii) defines any restrictions on the use of the property or buildings, including the construction of any new buildings or facilities at the state fair park;
 - (iii) requires that for each year under the lease the corporation holds a state fair meeting the requirements of Subsection 63H-6-103(5)(a)(vi); and
 - (iv) provides for the renegotiation or termination of the lease if the corporation:
 - (A) no longer operates as an independent public nonprofit corporation as provided in Title 63H, Chapter 6, Utah State Fair Corporation Act; or
 - (B) engages in any activity inconsistent with Title 63H, Chapter 6, Utah State Fair Corporation Act;
 - (c) may:
 - (i) require that any lease entered into under Subsection (2)(a) grants the division the right to unilaterally terminate the lease at its discretion; and
 - (ii) provide a process to determine compensation, if any, the division shall pay the corporation for termination of the lease under Subsection (2)(c)(i); and
 - (d) if the lease described in Subsection (2)(a) is amended or renewed after the effective date of this act and except as provided in Subsection (3), shall require the corporation under the lease to:
 - (i) obtain the approval of the State Building Board before demolishing a facility at the state fair park; and
 - (ii) include the approval requirement described in Subsection (2)(d)(i) in any sublease entered into, renewed, or amended after the effective date of this act.
- (3)
 - (a) The approval required under Subsection (2)(d) does not apply to a facility demolished in accordance with a contract entered into but not amended before the effective date of this act.
 - (b) Notwithstanding Subsection (3)(a), before a facility described in Subsection (3)(a) is demolished, the corporation shall notify the division concerning any demolishing of the facility.
- (4) The State Building Board shall notify the state historic preservation office of any State Building Board meeting at which consideration will be given to a proposal to demolish facilities at the state fair park.
- (5)

- (a) Notwithstanding Subsection (2), the division may review and adjust the amount of any payments made by the corporation under the lease every three years beginning July 1, 2000.
- (b)
 - (i) The division may lease the state fair park to the corporation for a period not to exceed 50 years, if the corporation demonstrates to the satisfaction of the division that the lease period will result in significant capital improvements at the state fair park by a private or public entity.
 - (ii) The corporation may enter into a sublease of up to 50 years, subject to satisfying the requirements of Subsections (2)(d)(i) and (5)(b)(i).
- (6) The state shall assume the responsibilities of the corporation under any contract that is in effect on the day a lease between the division and the corporation terminates if:
 - (a) the contract is for the lease or construction of a building or facility at the state park; and
 - (b) the lease between the division and the corporation is terminated in accordance with Subsection (2)(b)(iv).
- (7)
 - (a) Payments made by the corporation under a lease with the division shall be deposited into the Capital Project Fund.
 - (b) If, in accordance with Subsection (5), the payments made by the corporation under a lease with the division are increased from the amount paid on July 1, 1997, the lease payments made by the division shall be dedicated to capital improvements at the state fair park unless, as part of the capital budget, the Legislature directs that the money be used for other capital improvements.
- (8)
 - (a) A debt or obligation contracted by the corporation is a debt or obligation of the corporation.
 - (b) The state is not liable for and assumes no legal or moral responsibility for any debt or obligation described in Subsection (8)(a), unless the Legislature through statute or an appropriation act specifically:
 - (i) authorizes the corporation to contract for that debt or obligation; and
 - (ii) accepts liability for or assumes responsibility for the debt or obligation.