

Effective 5/3/2023

Part 2
State Fair Park Authority

11-68-201 State Fair Park Authority -- Legal status -- Powers.

- (1) There is created the State Fair Park Authority.
- (2) The authority is:
 - (a) an independent, nonprofit, separate body corporate and politic, with perpetual succession;
 - (b) a political subdivision of the state; and
 - (c) a public corporation, as defined in Section 63E-1-102.
- (3)
 - (a) The fair corporation is dissolved and ceases to exist, subject to any winding down and other actions necessary for a transition to the authority.
 - (b) The authority:
 - (i) replaces and is the successor to the fair corporation;
 - (ii) succeeds to all rights, obligations, privileges, immunities, and assets of the fair corporation; and
 - (iii) shall fulfill and perform all contractual and other obligations of the fair corporation.
 - (c) The board shall take all actions necessary and appropriate to wind down the affairs of the fair corporation as quickly as practicable and to make a transition from the fair corporation to the authority.
- (4) The authority shall:
 - (a) manage, supervise, and control:
 - (i) all activities relating to the annual exhibition described in Subsection (4)(j); and
 - (ii) except as otherwise provided by statute, all state expositions, including setting the time, place, and purpose of any state exposition;
 - (b) for public entertainment, displays, and exhibits or similar events held on fair park land:
 - (i) provide, sponsor, or arrange the events;
 - (ii) publicize and promote the events; and
 - (iii) secure funds to cover the cost of the exhibits from:
 - (A) private contributions;
 - (B) public appropriations;
 - (C) admission charges; and
 - (D) other lawful means;
 - (c) acquire and designate exposition sites;
 - (d) use generally accepted accounting principles in accounting for the authority's assets, liabilities, and operations;
 - (e) seek corporate sponsorships for the state fair park or for individual buildings or facilities on fair park land;
 - (f) work with county and municipal governments, the Salt Lake Convention and Visitor's Bureau, the Utah Office of Tourism, and other entities to develop and promote expositions and the use of fair park land;
 - (g) develop and maintain a marketing program to promote expositions and the use of fair park land;
 - (h) in accordance with provisions of this chapter, operate and maintain state-owned buildings and facilities on fair park land, including the physical appearance and structural integrity of those buildings and facilities;

- (i) prepare an economic development plan for the fair park land;
 - (j) hold an annual exhibition on fair park land that:
 - (i) is called the state fair or a similar name;
 - (ii) promotes and highlights agriculture throughout the state;
 - (iii) includes expositions of livestock, poultry, agricultural, domestic science, horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic animals that, in the board's opinion, will best stimulate agricultural, industrial, artistic, and educational pursuits and the sharing of talents among the people of the state;
 - (iv) includes the award of premiums for the best specimens of the exhibited articles and animals;
 - (v) permits competition by livestock exhibited by citizens of other states and territories of the United States; and
 - (vi) is arranged according to plans approved by the board;
 - (k) fix the conditions of entry to the annual exhibition described in Subsection (4)(j); and
 - (l) publish a list of premiums that will be awarded at the annual exhibition described in Subsection (4)(j) for the best specimens of exhibited articles and animals.
- (5) In addition to the annual exhibition described in Subsection (4)(j), the authority may hold other exhibitions of livestock, poultry, agricultural, domestic science, horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic animals that, in the authority's opinion, will best stimulate agricultural, industrial, artistic, and educational pursuits and the sharing of talents among the people of the state.
- (6) The authority may:
- (a) employ advisers, consultants, and agents, including financial experts and independent legal counsel, and fix their compensation;
 - (b)
 - (i) participate in the state's Risk Management Fund created under Section 63A-4-201 or any captive insurance company created by the risk manager; or
 - (ii) procure insurance against any loss in connection with the authority's property and other assets;
 - (c) receive and accept aid or contributions of money, property, labor, or other things of value from any source, including any grants or appropriations from any department, agency, or instrumentality of the United States or the state;
 - (d) hold, use, loan, grant, and apply that aid and those contributions to carry out the purposes of the authority, subject to the conditions, if any, upon which the aid and contributions are made;
 - (e) enter into management agreements with any person or entity for the performance of the authority's functions or powers;
 - (f) establish accounts and procedures that are necessary to budget, receive, disburse, account for, and audit all funds received, appropriated, or generated;
 - (g) subject to Subsection (8) and subject to the powers and responsibilities of the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, lease any of the state-owned buildings or facilities located on fair park land;
 - (h) sponsor events as approved by the board;
 - (i) subject to Subsection (11), acquire any interest in real property that the board considers necessary or advisable to further a purpose of the authority or facilitate the authority's fulfillment of a duty under this chapter; and
 - (j) in accordance with Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act, provide for or finance an energy efficiency upgrade, a clean energy system, or electric vehicle charging infrastructure, as those terms are defined in Section 11-42a-102; and

- (k) enter into one or more agreements with the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201.
- (7) The authority shall comply with:
 - (a) Title 51, Chapter 5, Funds Consolidation Act;
 - (b) Title 51, Chapter 7, State Money Management Act;
 - (c) Title 52, Chapter 4, Open and Public Meetings Act;
 - (d) Title 63G, Chapter 2, Government Records Access and Management Act;
 - (e) the provisions of Section 67-3-12;
 - (f) Title 63G, Chapter 6a, Utah Procurement Code, except for a procurement for:
 - (i) entertainment provided at the state fair park;
 - (ii) judges for competitive exhibits; or
 - (iii) sponsorship of an event on fair park land; and
 - (g) the legislative approval requirements for capital development projects established in Section 63A-5b-404.
- (8)
 - (a)
 - (i) Before the authority executes a lease described in Subsection (6)(g) with a term of 10 or more years and subject to the powers and responsibilities of the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, the authority shall:
 - (A) submit the proposed lease to the division for the division's approval or rejection; and
 - (B) if the division approves the proposed lease, submit the proposed lease to the Executive Appropriations Committee for the Executive Appropriation Committee's review and recommendation in accordance with Subsection (8)(b).
 - (ii) The authority may not execute a lease under Subsection (6)(g) for any part of fair park land on or after May 1, 2024 unless the lease relates to the agricultural and related exhibit facilities on fair park land.
 - (b) The Executive Appropriations Committee shall review a proposed lease submitted in accordance with Subsection (8)(a) and recommend to the authority that the authority:
 - (i) execute the proposed lease, either as proposed or with changes recommended by the Executive Appropriations Committee; or
 - (ii) reject the proposed lease.
- (9)
 - (a) Subject to Subsection (9)(b), a department, division, or other instrumentality of the state and a political subdivision of the state shall cooperate with the authority to the fullest extent possible to provide whatever support, information, or other assistance the authority requests that is reasonably necessary to help the authority fulfill the authority's duties and responsibilities under this chapter.
 - (b) The division shall provide assistance and resources to the authority as the division director determines is appropriate.
- (10) The authority may share authority revenue with a municipality in which the fair park land is located, as provided in an agreement between the authority and the municipality, to pay for municipal services provided by the municipality.
- (11)
 - (a) As used in this Subsection (11), "new land" means land that, if acquired by the authority, would result in the authority having acquired over three acres of land more than the land described in Subsection 11-68-101(9)(a).
 - (b) In conjunction with the authority's acquisition of new land, the authority shall enter an agreement with the municipality in which the new land is located.

- (c) To provide funds for the cost of increased municipal services that the municipality will provide to the new land, an agreement under Subsection (11)(b) shall:
 - (i) provide for:
 - (A) the payment of impact fees to the municipality for development activity on the new land; and
 - (B) the authority's sharing with the municipality tax revenue generated from the new land; and
 - (ii) be structured in a way that recognizes the needs of the authority and furthers mutual goals of the authority and the municipality.

Amended by Chapter 53, 2024 General Session
Amended by Chapter 419, 2024 General Session

11-68-202 Operation of the state-owned buildings and facilities on fair park land -- New construction and modification of existing facilities -- Liability insurance -- Obligations of the authority.

- (1) The authority shall:
 - (a) operate and maintain state-owned buildings and facilities on fair park land in accordance with the facility maintenance standards approved by the division;
 - (b) pay for all costs associated with operating and maintaining state-owned buildings and facilities on fair park land;
 - (c) obtain approval from the division before making any alteration or addition to the water system, heating system, plumbing system, air conditioning system, or electrical system of a state-owned building or facility on fair park land;
 - (d) keep the fair park land and all state-owned buildings and facilities on fair park land fully insured to protect against loss or damage by fire, vandalism, or malicious mischief;
 - (e) in accordance with Subsection (3), at the authority's expense, and for the mutual benefit of the division, maintain general public liability insurance in an amount equal to at least \$1,000,000 through one or more companies that are:
 - (i) licensed to do business in the state;
 - (ii) selected by the authority; and
 - (iii) approved by the division and the Division of Risk Management;
 - (f) ensure that the division is an additional insured with primary coverage on each insurance policy that the authority obtains in accordance with this section;
 - (g) give the division notice at least 30 days before the day on which the authority cancels any insurance policy that the authority obtains in accordance with this section; and
 - (h) if any lien that is not invalid under Section 38-1a-103 is recorded or filed against the state fair park as a result of an act or omission of the authority, cause the lien to be satisfied or released within 10 days after the day on which the authority receives notice of the lien.
- (2)
 - (a) As used in this Subsection (2):
 - (i) "Existing facility modification" means an alteration, repair, or improvement to an existing state-owned building or facility on fair park land.
 - (ii) "Major project" means new construction or an existing facility modification that costs, regardless of the funding source, over \$100,000.
 - (iii) "Minor project" means new construction or an existing facility modification that costs, regardless of the funding source, \$100,000 or less.
 - (iv) "New construction" means the design and construction of a new state-owned or privately owned building or facility on fair park land.

- (b)
 - (i) The director of the division shall exercise direct supervision over a major project.
 - (ii) Notwithstanding Subsection (2)(b)(i), the director of the division may delegate control over a major project to the authority on a project-by-project basis.
 - (iii) With respect to a delegation of control under Subsection (2)(b)(ii), the director of the division may:
 - (A) impose terms and conditions on the delegation that the director considers necessary or advisable to protect the interests of the state; and
 - (B) revoke the delegation and assume control of the design, construction, or other aspect of a delegated project if the director considers the revocation and assumption of control to be necessary to protect the interests of the state.
 - (iv) If a major project over which the division exercises direct supervision includes the demolition of a building or other facility on fair park land, the division shall, at least 90 days before demolition work begins, notify the State Historic Preservation Office of the division's demolition plan.
- (c) Subject to Subsection (2)(d), the authority may exercise direct supervision over a minor project.
- (d) With respect to a minor project over which the authority exercises direct supervision, the authority shall:
 - (i) obtain the division's approval before commencing the new construction or existing facility modification;
 - (ii) obtain a building permit from the division before commencing the new construction or existing facility modification, if a building permit is required;
 - (iii) comply with the division's forms and contracts and the division's design, construction, alteration, repair, improvement, and code inspection standards;
 - (iv) notify the division before commencing the new construction or existing facility modification;
 - (v) coordinate with the division regarding the review of design plans and management of the new construction or existing facility modification project; and
 - (vi) at least 90 days before the beginning of any demolition of a building or facility on the fair park land, notify the division and the State Historic Preservation Office of the proposed demolition.
- (3) The general public liability insurance described in Subsection (1)(e) shall:
 - (a) insure against any claim for personal injury, death, or property damage that occurs on fair park land; and
 - (b) be a blanket policy that covers all activities of the authority.
- (4) Upon 24 hours notice to the board, the division may enter the fair park land to inspect any facility on fair park land and make any repairs that the division determines necessary.
- (5)
 - (a) A debt or obligation contracted by the authority is a debt or obligation of the authority and not of the state.
 - (b) The state is not liable and assumes no responsibility for any debt or obligation of the authority.
- (6) The powers and responsibilities of the authority under this section with regard to the issuance of bonds for capital development projects on fair park land are subject to the powers and responsibilities of the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201.

Amended by Chapter 419, 2024 General Session

