

**Effective 7/17/2016**

**63H-6-108 Operation of the state fair park.**

- (1) The corporation shall:
  - (a) operate and maintain the state fair park in accordance with the facility maintenance standards approved by the State Building Board;
  - (b) pay for all costs associated with operating and maintaining the state fair park;
  - (c) obtain approval from the division before the corporation commences capital developments or capital improvements on the state fair park that involve:
    - (i) a construction project that costs more than \$250,000; or
    - (ii) the construction of a new building that costs more than \$1,000,000;
  - (d) obtain a building permit from the division before commencing an activity that requires a building permit;
  - (e) ensure that:
    - (i) any design plan related to the state fair park satisfies any applicable design standards established by the division or the State Building Board; and
    - (ii) construction performed on the state fair park satisfies any applicable construction standards established by the division or the State Building Board;
  - (f) for any new construction project on the state fair park that costs \$250,000 or more:
    - (i) notify the division before commencing the new construction project; and
    - (ii) coordinate with the division regarding review of design plans and construction management;
  - (g) obtain approval from the division before the corporation makes any alteration or addition to the water system, heating system, plumbing system, air conditioning system, or electrical system;
  - (h) obtain approval from the State Building Board before the corporation demolishes a building or facility on the state fair park;
  - (i) keep the state fair park fully insured to protect against loss or damage by fire, vandalism, or malicious mischief;
  - (j) in accordance with Subsection (3), at the corporation'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 corporation; and
    - (iii) approved by the division and the Division of Risk Management;
  - (k) ensure that the division is an additional insured with primary coverage on each insurance policy that the corporation obtains in accordance with this section;
  - (l) give the division notice at least 30 days before the day on which the corporation cancels any insurance policy that the corporation obtains in accordance with this section; and
  - (m) if any lien is recorded or filed against the state fair park as a result of an act or omission of the corporation, cause the lien to be satisfied or cancelled within 10 days after the day on which the corporation receives notice of the lien.
- (2) The State Building Board shall notify the State Historic Preservation Office of any State Building Board meeting at which the State Building Board will consider approval to demolish a facility on the state fair park.
- (3) The general public liability insurance described in Subsection (1)(j) shall:
  - (a) insure against any claim for personal injury, death, or property damage that occurs at the state fair park; and
  - (b) be a blanket policy that covers all activities of the corporation.

- (4) The division shall administer any capital improvements on the state fair park that cost more than \$250,000.
- (5) Upon 24 hours notice to the corporation, the division may enter the state fair park to inspect the state fair park and make any repairs that the division determines necessary.
- (6) If the corporation no longer operates as an independent public nonprofit corporation as described in this chapter, the state shall assume the responsibilities of the corporation under any contract that is:
  - (a) in effect as of the day on which the status of the corporation changes; and
  - (b) for the lease, construction, or development of a building or facility on the state fair park.
- (7)
  - (a) A debt or obligation contracted by the corporation is a debt or obligation of the corporation.
  - (b) The state is not liable and assumes no responsibility for any debt or obligation described in Subsection (7)(a), unless the Legislature expressly:
    - (i) authorizes the corporation to contract for the debt or obligation; and
    - (ii) accepts liability or assumes responsibility for the debt or obligation.
- (8) The provisions of this section apply notwithstanding any contrary provision in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management.

Amended by Chapter 2, 2016 Special Session 3