

UTAH STATE FAIR PARK LEASE

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Bill Wright

AN ACT RELATING TO STATE AFFAIRS; CLARIFYING THE LEASE; PROVIDING FOR EXTENSION OF TERM OF LEASE; LIMITING ACTIVITIES OF THE UTAH STATE FAIR CORPORATION; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

63A-5-306, as last amended by Chapter 214, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63A-5-306** is amended to read:

63A-5-306. Leasing of State Fair Park -- Lease -- Terms -- Limits on debt or obligations.

(1) As used in this section:

(a) "Corporation" means the Utah State Fair Corporation created in Section 9-4-1103.

(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 shall:

(a) [~~beginning July 1, 1997;~~] lease the state fair park to the corporation for a period [~~of 20 years~~] beginning July 1, 1997, and ending June 30, 2017, at which time the lease may be renewed:

(i) at the discretion of the division; and

(ii) for any time-period negotiated with the corporation[~~;~~];

(b) ensure that the lease:

(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 9-4-1103(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 9, Chapter 4, Part 11, Utah State Fair Corporation Act[-]; or

(B) engages in any activity inconsistent with Title 9, Chapter 4, Part 11, Utah State Fair Corporation Act; and

(c) 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), requires 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)(c)(i) in any sublease entered into, renewed, or amended after the effective date of this act.

(3) (a) The approval required under Subsection (2)(c) 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.

~~[(3)]~~ (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) Notwithstanding Subsection (2)(a), the division may lease the state fair park to the corporation for a period beginning July 1, 1997, and ending no later than June 30, 2039, if the corporation demonstrates to the satisfaction of the division that the extension of the lease period will result in significant capital improvements at the state fair park by a private entity.

~~[(4)]~~ (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 [the

~~renegotiation provided for under~~] Subsection (2)(b)(iv).

~~[(5)] (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 (3), 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 monies be used for other ~~[capitol]~~ 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.

Section 2. Effective date.

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.