

Representative Mike Schultz proposes the following substitute bill:

STATE FAIR PARK REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. Van Tassell

House Sponsor: Mike K. McKell

LONG TITLE

General Description:

This bill amends provisions related to the Utah State Fair Corporation.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends the powers and duties of the Utah State Fair Corporation;
- ▶ modifies the membership of the board of directors of the Utah State Fair Corporation;
- ▶ allows the board of directors of the Utah State Fair Corporation to create one or more subcommittees;
- ▶ creates the State Fair Park Advisory Committee;
- ▶ provides that the Utah State Fair Corporation shall operate and maintain the state fair park;
- ▶ provides that a person who executes a development agreement with the Utah State Fair Corporation shall pay a tax equivalent payment;
- ▶ authorizes the Utah State Fair Corporation to issue revenue bonds;
- ▶ repeals provisions related to the leasing of the state fair park; and
- ▶ makes technical and conforming changes.



26 **Money Appropriated in this Bill:**

27 This bill appropriates in fiscal year 2017:

28 ▶ to the Legislature - Senate, as an ongoing appropriation:

29 • from the General Fund, ~~H→ [\$15,000]~~ \$10,000 ←H ;

30 ▶ to the Legislature - House of Representatives, as an ongoing appropriation:

31 • from the General Fund, ~~H→ [\$15,000]~~ \$10,000 ←H ;

32 ▶ to the Legislature - Office of Legislative Research and General Counsel, as an
33 ongoing appropriation:

34 • from the General Fund, ~~H→ [\$40,000]~~ \$35,000 ←H .

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **63B-18-302**, as enacted by Laws of Utah 2009, Chapter 134

40 **63H-6-101**, as renumbered and amended by Laws of Utah 2011, Chapter 370

41 **63H-6-102**, as renumbered and amended by Laws of Utah 2011, Chapter 370

42 **63H-6-103**, as last amended by Laws of Utah 2012, Chapters 20 and 347

43 **63H-6-104**, as last amended by Laws of Utah 2014, Chapter 139

44 **63H-6-107**, as renumbered and amended by Laws of Utah 2011, Chapter 370

45 ENACTS:

46 **63H-6-104.5**, Utah Code Annotated 1953

47 **63H-6-108**, Utah Code Annotated 1953

48 **63H-6-109**, Utah Code Annotated 1953

49 **63H-6-201**, Utah Code Annotated 1953

50 **63H-6-202**, Utah Code Annotated 1953

51 **63H-6-203**, Utah Code Annotated 1953

52 **63H-6-204**, Utah Code Annotated 1953

53 **63H-6-205**, Utah Code Annotated 1953

54 REPEALS:

55 **63A-5-306**, as last amended by Laws of Utah 2011, Chapter 370

56

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

58 Section 1. Section **63B-18-302** is amended to read:

59 **63B-18-302. Authorizations to dispose of property.**

60 [~~(1) The Legislature intends that:~~]

61 [~~(a) the Division of Facilities Construction and Management, acting in coordination~~
62 ~~with the Utah State Fair Corporation, may negotiate with the Utah Transit Authority for a~~
63 ~~long-term lease of land, or a license for long-term use of land, to the Utah Transit Authority at~~
64 ~~the State Fairpark; and]~~

65 [~~(b) before entering into a contract with the Utah Transit Authority, the division shall:]~~

66 [~~(i) obtain the approval of the State Building Board; and]~~

67 [~~(ii) the State Building Board may approve the agreement only if the division~~
68 ~~demonstrates that the contract terms agree with Section [63A-5-306](#) and will be a benefit to the~~
69 ~~state.]~~

70 [~~(2)] The Legislature intends that:~~

71 [~~(a)] (1) the Department of Workforce Services may, in coordination with the Division
72 of Facilities Construction and Management, sell a Temporary Placement Office in Salt Lake
73 City, Utah, and three vacated buildings in Logan, Utah; and~~

74 [~~(b)] (2) sales [~~shall~~] be at fair market value.~~

75 Section 2. Section **63H-6-101** is amended to read:

76 **Part 1. Creation and Authority of the Utah State Fair Corporation**

77 **63H-6-101. Title.**

78 (1) This chapter is known as the "Utah State Fair Corporation Act."

79 (2) This part is known as "Creation and Authority of the Utah State Fair Corporation."

80 Section 3. Section **63H-6-102** is amended to read:

81 **63H-6-102. Definitions.**

82 As used in this chapter:

83 (1) "Board" means the board of directors of the corporation.

84 (2) "Business related experience" means at least three years of professional experience
85 in business administration, marketing, advertising, economic development, or a related field.

86 (3) "Capital developments" means the same as that term is defined in Section

87 [63A-5-104](#).

88 (4) "Capital improvements" means the same as that term is defined in Section
 89 63A-5-104.

90 ~~[(2)]~~ (5) "Corporation" means the Utah State Fair Corporation created by this chapter.

91 (6) "Corporation bond" means a bond issued by the corporation in accordance with Part
 92 2, Bonding Authority.

93 (7) "Division" means the Division of Facilities Construction and Management created
 94 in Section 63A-5-201.

95 (8) "Executive director" means the executive director hired by the board in accordance
 96 with Section 63H-6-105.

97 ~~[(3)]~~ (9) (a) "State fair park" means the property owned by the state located at:

98 (i) 155 North 1000 West, Salt Lake City, Utah[-], consisting of approximately 50 acres;

99 (ii) 1139 West North Temple, Salt Lake City, Utah, consisting of approximately 10.5

100 acres; and

101 (iii) 1220 West North Temple, Salt Lake City, Utah, consisting of approximately two

102 acres.

103 (b) "State fair park" includes each building and each improvement on the property

104 described in Subsection (8)(a) that is owned by the state.

105 Section 4. Section **63H-6-103** is amended to read:

106 **63H-6-103. Utah State Fair Corporation -- Legal status -- Powers.**

107 (1) There is created an independent public nonprofit corporation known as the "Utah
 108 State Fair Corporation."

109 (2) The board shall file articles of incorporation for the corporation with the Division
 110 of Corporations and Commercial Code.

111 (3) The corporation, subject to this chapter, has all powers and authority permitted
 112 nonprofit corporations by law.

113 (4) The corporation shall~~[-, subject to approval of the board]:~~

114 (a) ~~[have general management, supervision, and control over]~~ manage, supervise, and
 115 control:

116 (i) all activities relating to the [state fair] annual exhibition described in Subsection

117 (4)(j); and [have charge of]

118 (ii) except as otherwise provided by statute, all state expositions [except as otherwise

119 ~~provided by statute~~, including setting the time, place, and purpose of any state exposition;
 120 (b) for public entertainment, displays, and exhibits or similar events:
 121 (i) provide, sponsor, or arrange the events;
 122 (ii) publicize and promote the events; and
 123 (iii) secure funds to cover the cost of the exhibits from:
 124 (A) private contributions;
 125 (B) public appropriations;
 126 (C) admission charges; and
 127 (D) other lawful means;
 128 ~~[(c) establish the time, place, and purpose of state expositions; and]~~
 129 ~~[(d)]~~ (c) acquire and designate exposition sites[-];
 130 ~~[(5)(a) The corporation shall:]~~
 131 ~~[(i)]~~ (d) use generally accepted accounting principles in accounting for [its] the
 132 corporation's assets, liabilities, and operations;
 133 ~~[(ii)]~~ (e) seek corporate sponsorships for the state fair park [and] or for individual
 134 buildings or facilities within the fair park;
 135 ~~[(iii)]~~ (f) work with county and municipal governments, the Salt Lake Convention and
 136 Visitor's Bureau, the Utah Travel Council, and other entities to develop and promote
 137 expositions and the use of the state fair park;
 138 ~~[(iv)]~~ (g) develop and maintain a marketing program to promote expositions and the
 139 use of the state fair park;
 140 ~~[(v) in cooperation with the Division of Facilities Construction and Management,]~~
 141 (h) in accordance with provisions of this part, operate and maintain the state fair park,
 142 including the physical appearance and structural integrity of the state fair park and the
 143 buildings located at the state fair park;
 144 (i) prepare an economic development plan for the state fair park;
 145 ~~[(vi)]~~ (j) hold an annual exhibition that:
 146 ~~[(A)]~~ (i) is called the state fair or a similar name;
 147 (ii) promotes and highlights agriculture throughout the state;
 148 ~~[(B)]~~ (iii) includes expositions of livestock, poultry, agricultural, domestic science,
 149 horticultural, floricultural, mineral[-] and industrial products, manufactured articles, and

150 domestic animals that, in the corporation's opinion will best stimulate agricultural, industrial,
151 artistic, and educational pursuits and the sharing of talents among the people of Utah;

152 ~~[(C)]~~ (iv) includes the award of premiums for the best specimens of the exhibited
153 articles and animals;

154 ~~[(D)]~~ (v) permits competition by livestock exhibited by citizens of other states and
155 territories of the United States; and

156 ~~[(E)]~~ (vi) is arranged according to plans approved by the board;

157 ~~[(vii)]~~ (k) fix the conditions of entry to the ~~[exposition]~~ annual exhibition described in
158 Subsection ~~[(5)(a)(vi)](4)(j)~~; and

159 ~~[(viii)]~~ (l) publish a list of premiums that will be awarded at the annual exhibition
160 described in Subsection ~~[(5)(a)(vi)] (4)(j)~~ for the best specimens of exhibited articles and
161 animals.

162 ~~[(b)]~~ (5) In addition to the ~~[state fair to be held in accordance with Subsection~~
163 ~~(5)(a)(vi)] annual exhibition described in Subsection (4)(j)~~, the corporation may hold other
164 exhibitions of livestock, poultry, agricultural, domestic science, horticultural, floricultural,
165 mineral[;] and industrial products, manufactured articles, and domestic animals that, in ~~[its]~~ the
166 corporation's opinion, will best stimulate agricultural, industrial, artistic, and educational
167 pursuits and the sharing of talents among the people of Utah.

168 (6) The corporation may:

169 (a) employ advisers, consultants, and agents, including financial experts and
170 independent legal counsel, and fix their compensation;

171 (b) (i) participate in the state's Risk Management Fund created under Section
172 [63A-4-201](#); or

173 (ii) procure insurance against any loss in connection with ~~[its]~~ the corporation's
174 property and other assets, including mortgage loans;

175 (c) receive and accept aid or contributions of money, property, labor, or other things of
176 value from any source, including any grants or appropriations from any department, agency, or
177 instrumentality of the United States or Utah;

178 (d) hold, use, loan, grant, and apply that aid and those contributions to carry out the
179 purposes of the corporation, subject to the conditions, if any, upon which the aid and
180 contributions were made;

181 (e) enter into management agreements with any person or entity for the performance of
182 [its] the corporation's functions or powers;

183 (f) establish whatever accounts and procedures as necessary to budget, receive, and
184 disburse, account for, and audit all funds received, appropriated, or generated;

185 (g) ~~[enter into agreements for the leasing of]~~ subject to Subsection (8), lease any of the
186 facilities at the state fair park~~[, if approved by the board, and];~~

187 (h) sponsor events as approved by the board~~[-];~~ and

188 (i) enter into one or more agreements to develop the state fair park.

189 (7) (a) Except as provided in Subsection (7)(c), as an independent agency of Utah, the
190 corporation is exempt from:

191 (i) Title 51, Chapter 5, Funds Consolidation Act;

192 (ii) Title 51, Chapter 7, State Money Management Act;

193 (iii) Title 63A, Utah Administrative Services Code;

194 (iv) Title 63G, Chapter 6a, Utah Procurement Code;

195 (v) Title 63J, Chapter 1, Budgetary Procedures Act; and

196 (vi) Title 67, Chapter 19, Utah State Personnel Management Act.

197 (b) The board shall adopt policies parallel to and consistent with:

198 (i) Title 51, Chapter 5, Funds Consolidation Act;

199 (ii) Title 51, Chapter 7, State Money Management Act;

200 (iii) Title 63A, Utah Administrative Services Code;

201 (iv) Title 63G, Chapter 6a, Utah Procurement Code; and

202 (v) Title 63J, Chapter 1, Budgetary Procedures Act.

203 (c) The corporation shall comply with the legislative approval requirements for new
204 facilities established in Subsection [63A-5-104\(3\)](#).

205 (8) (a) Before the corporation executes a lease described in Subsection (6)(g) with a
206 term of 10 or more years, the corporation shall:

207 (i) submit the proposed lease to the State Building Board for the State Building Board's
208 approval or rejection; and

209 (ii) if the State Building Board approves the proposed lease, submit the proposed lease
210 to the Executive Appropriations Committee for the Executive Appropriation Committee's
211 review and recommendation in accordance with Subsection (8)(b).

212 (b) The Executive Appropriations Committee shall review a proposed lease submitted
 213 in accordance with Subsection (8)(a) and recommend to the corporation that the corporation:

214 (i) execute the proposed sublease; or

215 (ii) reject the proposed sublease.

216 (9) In carrying out the corporation's duties under this chapter, the corporation shall
 217 cooperate with and, upon request, appear before the State Fair Park Advisory Committee
 218 created in Section [63H-6-104.5](#).

219 Section 5. Section **63H-6-104** is amended to read:

220 **63H-6-104. Board of directors -- Membership -- Term -- Quorum -- Vacancies.**

221 (1) The corporation is governed by a board of directors.

222 (2) The board is composed of [~~13~~] members as follows:

223 (a) the director of the Division of Facilities Construction and Management or the
 224 director's designee;

225 (b) the commissioner of agriculture and food or the commissioner's designee; [~~and~~]

226 (c) two members, appointed by the president of the Senate, who have business related
 227 experience and are not legislators;

228 (d) two members, appointed by the speaker of the House, who have business related
 229 experience and are not legislators;

230 [~~(e) 11~~] (e) four members appointed by the governor with the consent of the Senate as
 231 follows:

232 [~~(i) two members of the board who are residents of Salt Lake County in which the state~~
 233 ~~fair is held;~~]

234 [~~(ii) seven members of the board who are not residents of Salt Lake County and are~~
 235 ~~each a resident of a different county than any other member under this Subsection (2)(c)(ii);~~
 236 ~~and]~~

237 [~~(iii)~~] (i) two members [of the board] who represent agricultural interests[:]; and

238 (ii) two members who have business related experience;

239 (f) one member, appointed by the mayor of Salt Lake City with the consent of the
 240 Senate, who is a resident of the neighborhood located adjacent to the state fair park;

241 (g) a representative of Salt Lake County, if Salt Lake County is party to an executed
 242 lease agreement with the corporation; and

243 (h) a representative of the Days of '47 Rodeo, if the Days of '47 Rodeo is party to an
244 executed lease agreement with the corporation.

245 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), [~~the governor shall appoint board~~
246 ~~members to serve terms that expire~~] a board member appointed under Subsection (2)(c), (d),
247 (e), or (f) shall serve a term that expires on the December 1 four years after the year that the
248 board member was appointed.

249 (ii) In making appointments to the board, the president of the Senate, the speaker of the
250 House, the governor, and the mayor of Salt Lake City shall ensure that the terms of
251 approximately 1/4 of the appointed board members expire each year.

252 (b) Except as provided in Subsection (3)(c), appointed board members serve until their
253 successors are appointed and qualified.

254 (c) (i) If an appointed board member is absent from three consecutive board meetings
255 without excuse, that member's appointment is terminated, the position is vacant, and the
256 [~~governor~~] individual who appointed the board member shall appoint a replacement.

257 (ii) The president of the Senate, the speaker of the House, the governor, or the mayor of
258 Salt Lake City, as applicable, may remove an appointed member of the board at will.

259 (d) The president of the Senate, the speaker of the House, the governor, or the mayor of
260 Salt Lake City, as appropriate, shall fill any vacancy that occurs on the board for any reason by
261 appointing [~~a person according to~~] an individual in accordance with the procedures [~~of~~]
262 described in this section for the unexpired term of the vacated member.

263 (4) The governor shall select the board's chair.

264 (5) [~~Seven~~] A majority of the members of the board [~~are~~] is a quorum for the
265 transaction of business.

266 (6) The board may elect a vice chair and any other board offices.

267 (7) The board may create one or more subcommittees to advise the board on any issue
268 related to the state fair park.

269 Section 6. Section **63H-6-104.5** is enacted to read:

270 **63H-6-104.5. State Fair Park Advisory Committee -- Creation -- Duties.**

271 (1) To assist the corporation in the execution of the corporation's duties under this
272 chapter, there is created the State Fair Park Advisory Committee consisting of the following six
273 members:

274 (a) three members of the Senate appointed by the president of the Senate, no more than
275 two of whom are from the same political party; and

276 (b) three members from the House of Representatives appointed by the speaker of the
277 House, no more than two of whom are from the same political party.

278 (2) (a) The president of the Senate shall designate a member of the Senate appointed
279 under Subsection (1)(a) as cochair of the advisory committee.

280 (b) The speaker of the House of Representatives shall designate a member of the House
281 of Representatives appointed under Subsection (1)(b) as cochair of the advisory committee.

282 (3) (a) A majority of the members of the advisory committee constitutes a quorum.

283 (b) The action of a majority of a quorum constitutes the action of the advisory
284 committee.

285 (4) The advisory committee shall meet as necessary, as determined by the cochairs of
286 the advisory committee.

287 (5) Salaries and expenses of the members of the advisory committee shall be paid in
288 accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator
289 Compensation.

290 (6) The Office of Legislative Research and General Counsel shall provide staff support
291 to the advisory committee.

292 (7) The advisory committee shall consult with and make recommendations to the
293 corporation regarding the corporation's duties under this chapter.

294 (8) A recommendation of the advisory committee is not binding upon the corporation.

295 Section 7. Section **63H-6-107** is amended to read:

296 **63H-6-107. Enterprise fund -- Creation -- Revenue -- Uses.**

297 (1) (a) There is created an enterprise fund entitled the Utah State Fair Fund.

298 (b) The executive director shall administer the fund under the direction of the board.

299 (2) The fund consists of money generated from the following revenue sources:

300 (a) lease payments from person or entities leasing the state fair park or any other
301 facilities owned by the corporation;

302 (b) [~~revenues~~] revenue received from any expositions or other events wholly or
303 partially sponsored by the corporation;

304 (c) aid or contributions of money, property, labor, or other things of value from any

305 source, including any grants or appropriations from any department, agency, or instrumentality
 306 of the United States or Utah;

307 (d) appropriations made to the fund by the Legislature; [~~and~~]

308 (e) revenue received under an agreement described in Subsection 63H-6-109(2); and

309 [~~(e)~~] (f) any other income obtained by the corporation.

310 (3) (a) The fund shall earn interest.

311 (b) All interest earned on fund money shall be deposited into the fund.

312 (4) The executive director may use fund money to operate, maintain, and support the

313 Utah state fair, the state fair park, and other expositions sponsored by the corporation.

314 Section 8. Section **63H-6-108** is enacted to read:

315 **63H-6-108. Operation of the state fair park.**

316 (1) The corporation shall:

317 (a) operate and maintain the state fair park in accordance with the facility maintenance
 318 standards approved by the State Building Board;

319 (b) pay for all costs associated with operating and maintaining the state fair park;

320 (c) obtain approval from the division before the corporation commences capital
 321 developments on the state fair park that involve:

322 (i) ~~H~~→ [the] a ~~H~~ construction ~~H~~→ [of new space] project ~~H~~ that costs more than
 322a \$250,000; or

323 (ii) the construction of a new building that costs more than \$1,000,000;

323a ~~H~~→ (d) obtain a building permit from the division before commencing an activity that
 323b requires a building permit;

323c (e) ensure that:

323d (i) any design plan related to the state fair park satisfies any applicable design
 323e standards established by the division or the State Building Board; and

323f (ii) construction performed on the state fair park satisfies any applicable construction
 323g standards established by the division or the State Building Board;

324 [~~(d)~~] (f) ~~H~~ for any new construction project on the state fair park that costs \$250,000
 324a or more:

325 (i) notify the division before commencing the new construction project; and

326 (ii) coordinate with the division regarding review of design plans and construction
 327 management;

328 ~~H~~→ [~~(e)~~] (g) ~~H~~ obtain approval from the division before the corporation makes any
 328a alteration or

329 addition to the water system, heating system, plumbing system, air conditioning system, or
330 electrical system;

331 ~~Ĥ~~ → ~~(f)~~ **(h)** ← ~~Ĥ~~ obtain approval from the State Building Board before the corporation
331a demolishes a

332 building or facility on the state fair park;

333 ~~Ĥ~~ → ~~(g)~~ **(i)** ← ~~Ĥ~~ keep the state fair park fully insured to protect against loss or damage by
333a fire,

334 vandalism, or malicious mischief;

335 ~~Ĥ~~ → ~~(h)~~ **(j)** ← ~~Ĥ~~ in accordance with Subsection (3), at the corporation's expense, and for the
335a mutual

336 benefit of the division, maintain general public liability insurance in an amount equal to at least
 337 \$1,000,000 through one or more companies that are:

338 (i) licensed to do business in the state;

339 (ii) selected by the corporation; and

340 (iii) approved by the division and the Division of Risk Management;

341 H→ [(h)] (k) ←H ensure that the division is an additional insured with primary coverage on
 341a each

342 insurance policy that the corporation obtains in accordance with this section;

343 H→ [(j)] (l) ←H give the division notice at least 30 days before the day on which the
 343a corporation

344 cancels any insurance policy that the corporation obtains in accordance with this section; and

345 H→ [(k)] (m) ←H if any lien is recorded or filed against the state fair park as a result of an
 345a act or

346 omission of the corporation, cause the lien to be satisfied or cancelled within 10 days after the
 347 day on which the corporation receives notice of the lien.

348 (2) The State Building Board shall notify the State Historic Preservation Office of any
 349 State Building Board meeting at which the State Building Board will consider approval to
 350 demolish a facility on the state fair park.

351 (3) The general public liability insurance described in Subsection (1) H→ [(h)] (j) ←H shall:

352 (a) insure against any claim for personal injury, death, or property damage that occurs
 353 at the state fair park; and

354 (b) be a blanket policy that covers all activities of the corporation.

355 (4) The division shall administer any capital improvements on the state fair park that
 356 cost more than \$250,000.

357 (5) Upon 24 hours notice to the corporation, the division may enter the state fair park
 358 to inspect the state fair park and make any repairs that the division determines necessary.

359 (6) If the corporation no longer operates as an independent public nonprofit corporation
 360 as described in this chapter, the state shall assume the responsibilities of the corporation under
 361 any contract that is:

362 (a) in effect as of the day on which the status of the corporation changes; and

363 (b) for the lease, construction, or development of a building or facility on the state fair
 364 park.

365 (7) (a) A debt or obligation contracted by the corporation is a debt or obligation of the
 366 corporation.

367 (b) The state is not liable and assumes no responsibility for any debt or obligation
368 described in Subsection (7)(a), unless the Legislature expressly:

- 369 (i) authorizes the corporation to contract for the debt or obligation; and
- 370 (ii) accepts liability or assumes responsibility for the debt or obligation.

371 (8) The provisions of this section apply notwithstanding any contrary provision in Title
372 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management.

373 Section 9. Section **63H-6-109** is enacted to read:

374 **63H-6-109. Tax -- Exemption -- Tax equivalent payment.**

375 (1) The possession or beneficial use of property within the state fair park is exempt
376 from taxation under Title 59, Chapter 4, Privilege Tax.

377 (2) (a) Any agreement between the corporation and a person to develop property within
378 the state fair park shall provide that the person shall, in accordance with Title 59, Chapter 3,
379 Tax Equivalent Property Act, make a tax equivalent payment as defined in Section [59-3-102](#) to
380 the corporation each year.

381 (b) The corporation shall deposit all revenue collected under Subsection (2)(a) into the
382 Utah State Fair Fund created in Section [63H-6-107](#).

383 Section 10. Section **63H-6-201** is enacted to read:

384 **Part 2. Bonding Authority**

385 **63H-6-201. Title.**

386 This part is known as "Bonding Authority."

387 Section 11. Section **63H-6-202** is enacted to read:

388 **63H-6-202. Resolution authorizing issuance of corporation bond -- Presentation to**
389 **Executive Appropriations Committee -- Characteristics of bond.**

390 (1) (a) The corporation may:

391 (i) issue bonds on which the principal and interest are payable:

392 (A) exclusively from the income, purchase or lease payments, and revenues of the
393 corporation; or

394 (B) from the corporation's revenues generally; or

395 (ii) issue refunding bonds for the purpose of paying or retiring bonds previously issued
396 by the corporation.

397 (b) The corporation may not issue a corporation bond, unless before the issuance of the

398 bond:

399 (i) (A) the corporation presents to the Executive Appropriations Committee a proposed
400 resolution authorizing the issuance of the corporation bond; and

401 (B) the Executive Appropriations Committee makes a recommendation in accordance
402 with Subsection (1)(c); and

403 (ii) the board adopts a resolution authorizing the issuance of the corporation bond.

404 (c) Following a presentation described in Subsection (1)(b), the Executive
405 Appropriations Committee shall vote whether the Executive Appropriations Committee
406 recommends the corporation adopt, amend, or reject the proposed resolution authorizing the
407 issuance of the corporation bond.

408 (2) (a) If provided in a resolution authorizing the issuance of a corporation bond or in
409 the trust indenture under which the corporation bond is issued, a corporation bond may be:

410 (i) issued in one or more series; and

411 (ii) sold:

412 (A) at a public or private sale; and

413 (B) in the manner provided in the resolution or indenture.

414 (b) A corporation bond shall:

415 (i) bear the date provided in the resolution authorizing the issuance of the corporation
416 bond or the trust indenture under which the corporation bond is issued;

417 (ii) be payable at the time provided in the resolution authorizing the issuance of the
418 corporation bond or the trust indenture under which the corporation bond is issued;

419 (iii) bear interest at the rate provided in the resolution authorizing the issuance of the
420 corporation bond or the trust indenture under which the corporation bond is issued;

421 (iv) be in the denomination and in the form provided in the resolution authorizing the
422 issuance of the corporation bond or the trust indenture under which the corporation bond is
423 issued;

424 (v) carry the conversion or registration privileges provided in the resolution authorizing
425 the issuance of the corporation bond or the trust indenture under which the corporation bond is
426 issued;

427 (vi) have the rank or priority described in the resolution authorizing the issuance of the
428 corporation bond or the trust indenture under which the corporation bond is issued;

429 (vii) be executed in the manner described in the resolution authorizing the issuance of
430 the corporation bond or the trust indenture under which the corporation bond is issued;

431 (viii) be subject to the terms of redemption or tender, with or without premium, as
432 described in the resolution authorizing the issuance of the corporation bond or the trust
433 indenture under which the corporation bond is issued;

434 (ix) be payable in the medium of payment and at the place described in the resolution
435 authorizing the issuance of the corporation bond or the trust indenture under which the
436 corporation bond is issued; and

437 (x) have any other characteristics described in the resolution authorizing the issuance
438 of the corporation bond or the trust indenture under which the corporation bond is issued.

439 Section 12. Section **63H-6-203** is enacted to read:

440 **63H-6-203. Sources from which a corporation bond may be made payable --**

441 **Corporation powers regarding corporation bond.**

442 (1) The principal and interest on a corporation bond may be made payable from the
443 income and revenues of the corporation.

444 (2) In connection with the issuance of a corporation bond, the corporation may:

445 (a) pledge all or any part of the corporation's gross or net revenues to which the
446 corporation:

447 (i) has a right that exists at issuance of the corporation bond; or

448 (ii) may have a right that comes into existence after issuance of the corporation bond;

449 and

450 (b) make any covenant or perform any act calculated to make the bond more
451 marketable.

452 (3) A member of the board or other person executing a corporation bond is not liable
453 personally on the corporation bond.

454 (4) (a) A corporation bond:

455 (i) is not a general obligation or liability of the state or any of the state's political
456 subdivisions; and

457 (ii) does not constitute a charge against the general credit or taxing powers of the state
458 or any of the state's political subdivisions.

459 (b) A corporation bond is not payable out of money or properties other than those of

460 the corporation pledged for the payment of the bond.

461 (c) A community, the state, or a political subdivision of the state may not be liable on a
462 corporation bond.

463 (d) A corporation bond does not constitute indebtedness within the meaning of a
464 constitutional or statutory debt limitation.

465 (5) A corporation bond is fully negotiable.

466 (6) A corporation bond is:

467 (a) issued for an essential public and governmental purpose; and

468 (b) together with interest on the corporation bond and income from the corporation
469 bond, exempt from state taxes except the corporate franchise tax.

470 (7) Nothing in this section may be construed to limit the right of an obligee to pursue a
471 remedy for the enforcement of a pledge or lien given under this part by the corporation on the
472 corporation's rents, fees, grants, properties, or revenues.

473 Section 13. Section **63H-6-204** is enacted to read:

474 **63H-6-204. Purchaser of a corporation bond.**

475 (1) The following may purchase a corporation bond with funds owned or controlled by
476 the purchaser:

477 (a) a person;

478 (b) a political subdivision of the state;

479 (c) another entity; or

480 (d) a public or private officer.

481 (2) Nothing in this part may be construed to relieve a purchaser of a corporation bond
482 of a duty to exercise reasonable care in selecting securities.

483 (3) The corporation may purchase the corporation's own corporation bond at a price
484 that the board determines.

485 Section 14. Section **63H-6-205** is enacted to read:

486 **63H-6-205. Obligee rights.**

487 In addition to a right that is conferred on an obligee of a corporation bond and subject to
488 contractual restrictions binding on the obligee, an obligee may:

489 (1) by mandamus, suit, action, or other proceeding:

490 (a) compel the corporation and the corporation's board, officers, agents, or employees

491 to perform every term, provision, and covenant contained in a contract of the corporation with
 492 or for the benefit of the obligee; and

493 (b) require the corporation to carry out the covenants and agreements of the corporation
 494 and to fulfill the duties imposed on the corporation by this part; and

495 (2) by suit, action, or proceeding in equity enjoin an act that is unlawful or violates the
 496 rights of the obligee.

497 Section 15. **Repealer.**

498 This bill repeals:

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

501 Section 16. **Appropriation.**

502 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
 503 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money
 504 are appropriated from resources not otherwise appropriated, or reduced from amounts
 505 previously appropriated, out of the funds or amounts indicated. These sums of money are in
 506 addition to amounts previously appropriated for fiscal year 2017.

507 To Legislature - Senate

508 From General Fund $\hat{H} \rightarrow$ [~~\$15,000~~] \$10,000 $\leftarrow \hat{H}$

509 Schedule of Programs:

510 Administration $\hat{H} \rightarrow$ [~~\$15,000~~] \$10,000 $\leftarrow \hat{H}$

511 To Legislature - House of Representatives

512 From General Fund $\hat{H} \rightarrow$ [~~\$15,000~~] \$10,000 $\leftarrow \hat{H}$

513 Schedule of Programs:

514 Administration $\hat{H} \rightarrow$ [~~\$15,000~~] \$10,000 $\leftarrow \hat{H}$

515 To Legislature - Office of Legislative Research and General Counsel

516 From General Fund $\hat{H} \rightarrow$ [~~\$40,000~~] \$35,000 $\leftarrow \hat{H}$

517 Schedule of Programs:

518 Administration $\hat{H} \rightarrow$ [~~\$40,000~~] \$35,000 $\leftarrow \hat{H}$