

1                                   **STATE FAIR PARK REVISIONS**

2   2016 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Kevin T. Van Tassell**

5   House Sponsor: Mike K. McKell

---

---

7   **LONG TITLE**

8   **General Description:**

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

10 **Highlighted Provisions:**

11       This bill:

- 12           ▶ defines terms;
- 13           ▶ amends the powers and duties of the Utah State Fair Corporation;
- 14           ▶ modifies the membership of the board of directors of the Utah State Fair
- 15 Corporation;
- 16           ▶ allows the board of directors of the Utah State Fair Corporation to create one or
- 17 more subcommittees;
- 18           ▶ creates the State Fair Park Committee;
- 19           ▶ provides that the Utah State Fair Corporation shall operate and maintain the state
- 20 fair park;
- 21           ▶ provides that a person who executes a development agreement with the Utah State
- 22 Fair Corporation shall pay a tax equivalent payment;
- 23           ▶ authorizes the Utah State Fair Corporation to issue revenue bonds;
- 24           ▶ repeals provisions related to the leasing of the state fair park; and
- 25           ▶ 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, \$10,000;

- 30           ▶ to the Legislature - House of Representatives, as an ongoing appropriation:
- 31           • from the General Fund, \$10,000;
- 32           ▶ to the Legislature - Office of Legislative Research and General Counsel, as an
- 33 ongoing appropriation:
- 34           • from the General Fund, \$35,000.

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



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 ~~[(vi)]~~ (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 Section 5. Section **63H-6-104** is amended to read:

217 **63H-6-104. Board of directors -- Membership -- Term -- Quorum -- Vacancies --**  
 218 **Duties.**

- 219 (1) The corporation is governed by a board of directors.
- 220 (2) The board is composed of [~~13~~] members as follows:
  - 221 (a) the director of the Division of Facilities Construction and Management or the
  - 222 director's designee;
  - 223 (b) the commissioner of agriculture and food or the commissioner's designee; [~~and~~]
  - 224 (c) two members, appointed by the president of the Senate, who have business related
  - 225 experience and are not legislators;



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

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

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

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

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

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

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

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

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

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

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

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

252 (c) (i) If an appointed board member is absent from three consecutive board meetings  
253 without excuse, that member's appointment is terminated, the position is vacant, and the

254 ~~[governor]~~ individual who appointed the board member shall appoint a replacement.

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

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

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

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

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

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

267 (8) In carrying out the board's duties under this chapter, the board shall cooperate with  
268 and, upon request, appear before the State Fair Park Committee.

269 (9) No later than November 30 of each year, the board shall provide the following to  
270 the State Fair Park Committee:

271 (a) a report on the general state of the financial and business affairs of the corporation;

272 (b) a report on that year's annual exhibition described in Subsection [63H-6-103\(4\)\(j\)](#),  
273 including the exhibition's attendance, operations, and revenue;

274 (c) any appropriation request that the board plans to submit to the Legislature; and

275 (d) any other report that the State Fair Park Committee requests.

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

277 **63H-6-104.5. State Fair Park Committee -- Creation -- Duties.**

278 (1) To assist the board in the execution of the board's duties under this chapter, there is  
279 created the State Fair Park Committee consisting of the following six members:

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

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

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

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

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

289 (b) The action of a majority of a quorum constitutes the action of the committee.

290 (4) The committee shall meet as necessary, as determined by the cochairs of the  
291 committee.

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

294 (6) The Office of Legislative Research and General Counsel shall provide staff support  
295 to the committee.

296 (7) The committee may consult with and make recommendations to the board  
297 regarding the board's duties under this chapter.

298 (8) A recommendation of the committee is not binding upon the board.

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

300 **63H-6-107. Enterprise fund -- Creation -- Revenue -- Uses.**

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

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

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

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

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

308 (c) aid or contributions of money, property, labor, or other things of value from any  
309 source, including any grants or appropriations from any department, agency, or instrumentality

310 of the United States or Utah;

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

312 (e) revenue received under an agreement described in Subsection [63H-6-109\(2\)](#); and

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

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

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

316 (4) The executive director may use fund money to operate, maintain, and support the  
317 Utah state fair, the state fair park, and other expositions sponsored by the corporation.

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

319 **63H-6-108. Operation of the state fair park.**

320 (1) The corporation shall:

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

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

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

326 (i) a construction project that costs more than \$250,000; or

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

328 (d) obtain a building permit from the division before commencing an activity that  
329 requires a building permit;

330 (e) ensure that:

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

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

335 (f) for any new construction project on the state fair park that costs \$250,000 or more:

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

337 (ii) coordinate with the division regarding review of design plans and construction

338 management;

339 (g) obtain approval from the division before the corporation makes any alteration or  
340 addition to the water system, heating system, plumbing system, air conditioning system, or  
341 electrical system;

342 (h) obtain approval from the State Building Board before the corporation demolishes a  
343 building or facility on the state fair park;

344 (i) keep the state fair park fully insured to protect against loss or damage by fire,  
345 vandalism, or malicious mischief;

346 (j) in accordance with Subsection (3), at the corporation's expense, and for the mutual  
347 benefit of the division, maintain general public liability insurance in an amount equal to at least  
348 \$1,000,000 through one or more companies that are:

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

350 (ii) selected by the corporation; and

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

352 (k) ensure that the division is an additional insured with primary coverage on each  
353 insurance policy that the corporation obtains in accordance with this section;

354 (l) give the division notice at least 30 days before the day on which the corporation  
355 cancels any insurance policy that the corporation obtains in accordance with this section; and

356 (m) if any lien is recorded or filed against the state fair park as a result of an act or  
357 omission of the corporation, cause the lien to be satisfied or cancelled within 10 days after the  
358 day on which the corporation receives notice of the lien.

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

362 (3) The general public liability insurance described in Subsection (1)(j) shall:

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

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

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

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

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

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

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

376 (7) (a) A debt or obligation contracted by the corporation is a debt or obligation of the  
377 corporation.

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

380 (i) authorizes the corporation to contract for the debt or obligation; and

381 (ii) accepts liability or assumes responsibility for the debt or obligation.

382 (8) The provisions of this section apply notwithstanding any contrary provision in Title  
383 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management.

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

385 **63H-6-109. Tax -- Exemption -- Tax equivalent payment.**

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

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

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

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

395 **Part 2. Bonding Authority**

396 **63H-6-201. Title.**

397 This part is known as "Bonding Authority."

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

399 **63H-6-202. Resolution authorizing issuance of corporation bond -- Presentation to**  
400 **Executive Appropriations Committee -- Characteristics of bond.**

401 (1) (a) The corporation may:

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

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

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

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

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

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

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

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

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

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

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

- 422           (ii) sold:
- 423           (A) at a public or private sale; and
- 424           (B) in the manner provided in the resolution or indenture.
- 425           (b) A corporation bond shall:
- 426           (i) bear the date provided in the resolution authorizing the issuance of the corporation
- 427 bond or the trust indenture under which the corporation bond is issued;
- 428           (ii) be payable at the time provided in the resolution authorizing the issuance of the
- 429 corporation bond or the trust indenture under which the corporation bond is issued;
- 430           (iii) bear interest at the rate provided in the resolution authorizing the issuance of the
- 431 corporation bond or the trust indenture under which the corporation bond is issued;
- 432           (iv) be in the denomination and in the form provided in the resolution authorizing the
- 433 issuance of the corporation bond or the trust indenture under which the corporation bond is
- 434 issued;
- 435           (v) carry the conversion or registration privileges provided in the resolution authorizing
- 436 the issuance of the corporation bond or the trust indenture under which the corporation bond is
- 437 issued;
- 438           (vi) have the rank or priority described in the resolution authorizing the issuance of the
- 439 corporation bond or the trust indenture under which the corporation bond is issued;
- 440           (vii) be executed in the manner described in the resolution authorizing the issuance of
- 441 the corporation bond or the trust indenture under which the corporation bond is issued;
- 442           (viii) be subject to the terms of redemption or tender, with or without premium, as
- 443 described in the resolution authorizing the issuance of the corporation bond or the trust
- 444 indenture under which the corporation bond is issued;
- 445           (ix) be payable in the medium of payment and at the place described in the resolution
- 446 authorizing the issuance of the corporation bond or the trust indenture under which the
- 447 corporation bond is issued; and
- 448           (x) have any other characteristics described in the resolution authorizing the issuance
- 449 of the corporation bond or the trust indenture under which the corporation bond is issued.



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

451 **63H-6-203. Sources from which a corporation bond may be made payable --**

452 **Corporation powers regarding corporation bond.**

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

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

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

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

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

460 and

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

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

465 (4) (a) A corporation bond:

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

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

470 (b) A corporation bond is not payable out of money or properties other than those of  
471 the corporation pledged for the payment of the bond.

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

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

476 (5) A corporation bond is fully negotiable.

477 (6) A corporation bond is:

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

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

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

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

485 **63H-6-204. Purchaser of a corporation bond.**

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

488 (a) a person;

489 (b) a political subdivision of the state;

490 (c) another entity; or

491 (d) a public or private officer.

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

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

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

497 **63H-6-205. Obligee rights.**

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

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

501 (a) compel the corporation and the corporation's board, officers, agents, or employees  
502 to perform every term, provision, and covenant contained in a contract of the corporation with  
503 or for the benefit of the obligee; and

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

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

508 **Section 15. Repealer.**

509 This bill repeals:

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

512 **Section 16. Appropriation.**

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

518	<u>To Legislature - Senate</u>	
519	<u>From General Fund</u>	<u>\$10,000</u>
520	<u>Schedule of Programs:</u>	
521	<u>Administration</u>	<u>\$10,000</u>
522	<u>To Legislature - House of Representatives</u>	
523	<u>From General Fund</u>	<u>\$10,000</u>
524	<u>Schedule of Programs:</u>	
525	<u>Administration</u>	<u>\$10,000</u>
526	<u>To Legislature - Office of Legislative Research and General Counsel</u>	
527	<u>From General Fund</u>	<u>\$35,000</u>
528	<u>Schedule of Programs:</u>	
529	<u>Administration</u>	<u>\$35,000</u>