

Senator Scott D. Sandall proposes the following substitute bill:

STATE FAIR PARK AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Mike Schultz

LONG TITLE

General Description:

This bill modifies provisions relating to the state fair park.

Highlighted Provisions:

This bill:

- ▶ provides for the dissolution of the Utah State Fair Corporation;
 - ▶ creates the State Fair Park Authority as a successor entity to the Utah State Fair Corporation, with similar but modified duties;
 - ▶ authorizes the Authority to impose a special event sales tax;
 - ▶ requires the State Tax Commission to distribute to the authority certain sales tax revenue generated from a hotel on fair park land;
 - ▶ makes property on state fair park land subject to the privilege tax and provides for revenue from the tax and from personal property tax to be paid to the Authority;
 - ▶ modifies provisions relating to the operation, maintenance, construction, and modification of buildings and facilities on state fair park land;
 - ▶ authorizes the Authority to issue bonds and enacts provisions relating to the bonds;
- and
- ▶ makes technical changes.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **11-36a-202**, as last amended by Laws of Utah 2022, Chapter 406

32 **59-4-101**, as last amended by Laws of Utah 2020, Chapter 105

33 **63C-25-101**, as enacted by Laws of Utah 2022, Chapter 207 and last amended by
34 Coordination Clause, Laws of Utah 2022, Chapter 207

35 **63E-1-102**, as last amended by Laws of Utah 2022, Chapters 44 and 63

36 **63J-7-102**, as last amended by Laws of Utah 2022, Chapters 224, 451, and 456

37 **67-3-12**, as last amended by Laws of Utah 2022, Chapters 169, 205, and 274

38 ENACTS:

39 **11-68-401**, Utah Code Annotated 1953

40 **11-68-501**, Utah Code Annotated 1953

41 **11-68-502**, Utah Code Annotated 1953

42 **11-68-503**, Utah Code Annotated 1953

43 **11-68-504**, Utah Code Annotated 1953

44 **11-68-505**, Utah Code Annotated 1953

45 **11-68-506**, Utah Code Annotated 1953

46 **59-12-2301**, Utah Code Annotated 1953

47 **59-12-2302**, Utah Code Annotated 1953

48 **59-12-2303**, Utah Code Annotated 1953

49 **59-12-2304**, Utah Code Annotated 1953

50 **59-12-2305**, Utah Code Annotated 1953

51 RENUMBERS AND AMENDS:

52 **11-68-101**, (Renumbered from 63H-6-102, as last amended by Laws of Utah 2020,
53 Chapter 152)

54 **11-68-201**, (Renumbered from 63H-6-103, as last amended by Laws of Utah 2022,
55 Chapter 421)

56 **11-68-202**, (Renumbered from 63H-6-108, as last amended by Laws of Utah 2022,

57 Chapter 421)

58 **11-68-301**, (Renumbered from 63H-6-104, as last amended by Laws of Utah 2020,
59 Chapters 352 and 373)

60 **11-68-302**, (Renumbered from 63H-6-105, as renumbered and amended by Laws of
61 Utah 2011, Chapter 370)

62 **11-68-402**, (Renumbered from 63H-6-109, as enacted by Laws of Utah 2016, Chapter
63 301)

64 **11-68-403**, (Renumbered from 63H-6-107, as last amended by Laws of Utah 2016,
65 Chapter 301)

66 **11-68-601**, (Renumbered from 63H-6-106, as renumbered and amended by Laws of
67 Utah 2011, Chapter 370)

68 REPEALS:

69 **63H-6-101**, as last amended by Laws of Utah 2016, Chapter 301

70 **63H-6-201**, as enacted by Laws of Utah 2016, Chapter 301

71 **63H-6-202**, as enacted by Laws of Utah 2016, Chapter 301

72 **63H-6-203**, as enacted by Laws of Utah 2016, Chapter 301

73 **63H-6-204**, as enacted by Laws of Utah 2016, Chapter 301

74 **63H-6-205**, as enacted by Laws of Utah 2016, Chapter 301

75

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

77 Section 1. Section **11-36a-202** is amended to read:

78 **11-36a-202. Prohibitions on impact fees.**

79 (1) A local political subdivision or private entity may not:

80 (a) impose an impact fee to:

81 (i) cure deficiencies in a public facility serving existing development;

82 (ii) raise the established level of service of a public facility serving existing
83 development; or

84 (iii) recoup more than the local political subdivision's or private entity's costs actually
85 incurred for excess capacity in an existing system improvement;

86 (b) delay the construction of a school or charter school because of a dispute with the
87 school or charter school over impact fees; or

88 (c) impose or charge any other fees as a condition of development approval unless
89 those fees are a reasonable charge for the service provided.

90 (2) (a) Notwithstanding any other provision of this chapter, a political subdivision or
91 private entity may not impose an impact fee:

92 (i) on residential components of development to pay for a public safety facility that is a
93 fire suppression vehicle;

94 (ii) on a school district or charter school for a park, recreation facility, open space, or
95 trail;

96 (iii) on a school district or charter school unless:

97 (A) the development resulting from the school district's or charter school's
98 development activity directly results in a need for additional system improvements for which
99 the impact fee is imposed; and

100 (B) the impact fee is calculated to cover only the school district's or charter school's
101 proportionate share of the cost of those additional system improvements;

102 (iv) to the extent that the impact fee includes a component for a law enforcement
103 facility, on development activity for:

104 (A) the Utah National Guard;

105 (B) the Utah Highway Patrol; or

106 (C) a state institution of higher education that has its own police force;

107 (v) on development activity on ~~[the state]~~ fair park land, as defined in Section

108 [63H-6-102] 11-68-101, unless the development activity is for the development of a building or
109 facility that is subject to the privilege tax under Section 11-68-402; or

110 (vi) on development activity that consists of the construction of an internal accessory
111 dwelling unit, as defined in Section 10-9a-530, within an existing primary dwelling.

112 (b) (i) Notwithstanding any other provision of this chapter, a political subdivision or
113 private entity may not impose an impact fee on development activity that consists of the
114 construction of a school, whether by a school district or a charter school, if:

115 (A) the school is intended to replace another school, whether on the same or a different
116 parcel;

117 (B) the new school creates no greater demand or need for public facilities than the
118 school or school facilities, including any portable or modular classrooms that are on the site of

119 the replaced school at the time that the new school is proposed; and

120 (C) the new school and the school being replaced are both within the boundary of the
121 local political subdivision or the jurisdiction of the private entity.

122 (ii) If the imposition of an impact fee on a new school is not prohibited under
123 Subsection (2)(b)(i) because the new school creates a greater demand or need for public
124 facilities than the school being replaced, the impact fee shall be based only on the demand or
125 need that the new school creates for public facilities that exceeds the demand or need that the
126 school being replaced creates for those public facilities.

127 (c) Notwithstanding any other provision of this chapter, a political subdivision or
128 private entity may impose an impact fee for a road facility on the state only if and to the extent
129 that:

130 (i) the state's development causes an impact on the road facility; and

131 (ii) the portion of the road facility related to an impact fee is not funded by the state or
132 by the federal government.

133 (3) Notwithstanding any other provision of this chapter, a local political subdivision
134 may impose and collect impact fees on behalf of a school district if authorized by Section
135 [11-36a-206](#).

136 Section 2. Section **11-68-101**, which is renumbered from Section 63H-6-102 is
137 renumbered and amended to read:

138 **CHAPTER 68. STATE FAIR PARK AUTHORITY ACT**

139 **Part 1. General Provisions**

140 ~~[63H-6-102]~~. **11-68-101. Definitions.**

141 As used in this chapter:

142 (1) "Authority" means the State Fair Park Authority, created in Section [11-68-201](#).

143 ~~[(+)]~~ (2) "Board" means the authority board ~~[of directors of the corporation]~~, created in
144 Section [11-68-301](#).

145 ~~[(2)]~~ (3) "Business related experience" means at least three years of professional
146 experience in business administration, marketing, advertising, economic development, or a
147 related field.

148 ~~[(3)]~~ (4) "Capital development projects" means the same as ~~[capital development~~
149 ~~project, as]~~ that term is defined in Section [63A-5b-401](#).

150 ~~[(4) "Capital improvements" means the same as that term is defined in Section~~
151 ~~63A-5b-401.]~~

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

153 ~~[(6) "Corporation bond" means a bond issued by the corporation in accordance with~~
154 ~~Part 2, Bonding Authority.]~~

155 (5) "Development" means:

156 (a) the demolition, construction, reconstruction, modification, expansion, or
157 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,
158 recreational amenity, or other facility; and

159 (b) the planning of, arranging for, or participation in any of the activities listed in
160 Subsection (5)(a).

161 ~~[(7)]~~ (6) "Division" means the Division of Facilities Construction and Management
162 created in Section [63A-5b-301](#).

163 ~~[(8)]~~ (7) "Executive director" means the executive director hired by the board [~~in~~
164 ~~accordance with Section [63H-6-105](#)] under Section [11-68-302](#).~~

165 (8) "Fair corporation" means the Utah State Fair Corporation, created by Laws of Utah
166 1995, Chapter 260.

167 (9) (a) [~~"State fair park"~~] "Fair park land" means the property owned by the state
168 located at:

169 (i) 155 North 1000 West, Salt Lake City, Utah, consisting of approximately 50 acres;

170 (ii) 1139 West North Temple, Salt Lake City, Utah, consisting of approximately 10.5
171 acres; and

172 (iii) 1220 West North Temple, Salt Lake City, Utah, consisting of approximately two
173 acres.

174 ~~[(b) "State fair park" includes each building and each improvement on the property~~
175 ~~described in Subsection (9)(a) that is owned by the state.]~~

176 (b) "Fair park land" includes any land acquired by the authority under Subsection
177 [11-68-201\(6\)\(i\)](#).

178 Section 3. Section **11-68-201**, which is renumbered from Section 63H-6-103 is
179 renumbered and amended to read:

180 **Part 2. State Fair Park Authority**

181 ~~[63H-6-103].~~ 11-68-201. State Fair Park Authority -- Legal status --

182 **Powers.**

183 (1) There is created [~~an independent public nonprofit corporation known as the "Utah~~
184 ~~State Fair Corporation."~~] the State Fair Park Authority.

185 [~~(2) The board shall file articles of incorporation for the corporation with the Division~~
186 ~~of Corporations and Commercial Code.]~~

187 [~~(3) The corporation, subject to this chapter, has all powers and authority permitted~~
188 ~~nonprofit corporations by law.]~~

189 (2) The authority is:

190 (a) an independent, nonprofit, separate body corporate and politic, with perpetual
191 succession;

192 (b) a political subdivision of the state; and

193 (c) a public corporation, as defined in Section [63E-1-102](#).

194 (3) (a) The fair corporation is dissolved and ceases to exist, subject to any winding
195 down and other actions necessary for a transition to the authority.

196 (b) The authority:

197 (i) replaces and is the successor to the fair corporation;

198 (ii) succeeds to all rights, obligations, privileges, immunities, and assets of the fair
199 corporation; and

200 (iii) shall fulfill and perform all contractual and other obligations of the fair
201 corporation.

202 (c) The board shall take all actions necessary and appropriate to wind down the affairs
203 of the fair corporation as quickly as practicable and to make a transition from the fair
204 corporation to the authority.

205 (4) The [~~corporation~~] authority shall:

206 (a) manage, supervise, and control:

207 (i) all activities relating to the annual exhibition described in Subsection (4)(j); and

208 (ii) except as otherwise provided by statute, all state expositions, including setting the
209 time, place, and purpose of any state exposition;

210 (b) for public entertainment, displays, and exhibits or similar events held at the state
211 fair park:

- 212 (i) provide, sponsor, or arrange the events;
- 213 (ii) publicize and promote the events; and
- 214 (iii) secure funds to cover the cost of the exhibits from:
 - 215 (A) private contributions;
 - 216 (B) public appropriations;
 - 217 (C) admission charges; and
 - 218 (D) other lawful means;
- 219 (c) acquire and designate exposition sites;
- 220 (d) use generally accepted accounting principles in accounting for the [~~corporation's~~]
- 221 authority's assets, liabilities, and operations;
- 222 (e) seek corporate sponsorships for the state fair park or for individual buildings or
- 223 facilities [~~within the~~] on fair park land;
- 224 (f) work with county and municipal governments, the Salt Lake Convention and
- 225 Visitor's Bureau, the Utah [~~Travel Council~~] Office of Tourism, and other entities to develop
- 226 and promote expositions and the use of [~~the state~~] fair park land;
- 227 (g) develop and maintain a marketing program to promote expositions and the use of
- 228 [~~the state~~] fair park land;
- 229 (h) in accordance with provisions of this [~~part~~] chapter, operate and maintain [~~the state~~]
- 230 state-owned buildings and facilities on fair park land, including the physical appearance and
- 231 structural integrity of [~~the state fair park and the~~] those buildings [~~located at the state fair park~~]
- 232 and facilities;
- 233 (i) prepare an economic development plan for the [~~state~~] fair park land;
- 234 (j) hold an annual exhibition on fair park land that:
 - 235 (i) is called the state fair or a similar name;
 - 236 (ii) promotes and highlights agriculture throughout the state;
 - 237 (iii) includes expositions of livestock, poultry, agricultural, domestic science,
 - 238 horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic
 - 239 animals that, in the [~~corporation's~~] board's opinion, will best stimulate agricultural, industrial,
 - 240 artistic, and educational pursuits and the sharing of talents among the people of [~~Utah~~] the
 - 241 state;
 - 242 (iv) includes the award of premiums for the best specimens of the exhibited articles

243 and animals;

244 (v) permits competition by livestock exhibited by citizens of other states and territories
245 of the United States; and

246 (vi) is arranged according to plans approved by the board;

247 (k) fix the conditions of entry to the annual exhibition described in Subsection (4)(j);

248 and

249 (l) publish a list of premiums that will be awarded at the annual exhibition described in
250 Subsection (4)(j) for the best specimens of exhibited articles and animals.

251 (5) In addition to the annual exhibition described in Subsection (4)(j), the [corporation]
252 authority may hold other exhibitions of livestock, poultry, agricultural, domestic science,
253 horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic
254 animals that, in the corporation's opinion, will best stimulate agricultural, industrial, artistic,
255 and educational pursuits and the sharing of talents among the people of [Utah] the state.

256 (6) The [corporation] authority may:

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

259 (b) (i) participate in the state's Risk Management Fund created under Section
260 [63A-4-201](#) or any captive insurance company created by the risk manager; or

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

263 (c) receive and accept aid or contributions of money, property, labor, or other things of
264 value from any source, including any grants or appropriations from any department, agency, or
265 instrumentality of the United States or [Utah] the state;

266 (d) hold, use, loan, grant, and apply that aid and those contributions to carry out the
267 purposes of the [corporation] authority, subject to the conditions, if any, upon which the aid
268 and contributions [were] are made;

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

271 (f) establish [whatever] accounts and procedures [as] that are necessary to budget,
272 receive, [and] disburse, account for, and audit all funds received, appropriated, or generated;

273 (g) subject to Subsection (8), lease any of the state-owned buildings or facilities [at the

274 ~~state]~~ located on fair park land;

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

276 (i) acquire any interest in real property that the board considers necessary or advisable
277 to further a purpose of the authority or facilitate the authority's fulfillment of a duty under this
278 chapter;

279 (j) in accordance with Title 11, Chapter 42a, Commercial Property Assessed Clean
280 Energy Act, provide for or finance an energy efficiency upgrade, a renewable energy system, or
281 electric vehicle charging infrastructure, as those terms are defined in Section [11-42a-102](#); and

282 ~~[(i)]~~ (k) enter into one or more agreements to develop the ~~[state]~~ fair park land.

283 ~~[(7) (a) Except as provided in Subsection (7)(c), as an independent agency of Utah, the~~
284 ~~corporation is exempt from:]~~

285 ~~[(i) Title 51, Chapter 5, Funds Consolidation Act;]~~

286 ~~[(ii) Title 51, Chapter 7, State Money Management Act;]~~

287 ~~[(iii) Title 63A, Utah Government Operations Code;]~~

288 ~~[(iv) Title 63J, Chapter 1, Budgetary Procedures Act; and]~~

289 ~~[(v) Title 63A, Chapter 17, Utah State Personnel Management Act.]~~

290 ~~[(b) The board shall adopt policies parallel to and consistent with:]~~

291 (7) The authority shall comply with:

292 ~~[(i)]~~ (a) Title 51, Chapter 5, Funds Consolidation Act;

293 ~~[(ii)]~~ (b) Title 51, Chapter 7, State Money Management Act;

294 ~~[(iii) Title 63A, Utah Government Operations Code; and]~~

295 ~~[(iv) Title 63J, Chapter 1, Budgetary Procedures Act.]~~

296 ~~[(c) The corporation shall comply with:]~~

297 ~~[(i)]~~ (c) Title 52, Chapter 4, Open and Public Meetings Act;

298 ~~[(ii)]~~ (d) Title 63G, Chapter 2, Government Records Access and Management Act;

299 ~~[(iii)]~~ (e) the provisions of Section [67-3-12](#);

300 ~~[(iv)]~~ (f) Title 63G, Chapter 6a, Utah Procurement Code, except for a procurement for:

301 ~~[(A)]~~ (i) entertainment provided at the state fair park;

302 ~~[(B)]~~ (ii) judges for competitive exhibits; or

303 ~~[(C)]~~ (iii) sponsorship of an event ~~[at the state]~~ on fair park land; and

304 ~~[(v)]~~ (g) the legislative approval requirements for ~~[new facilities]~~ capital development

305 projects established in Section 63A-5b-404.

306 (8) (a) Before the [~~corporation~~] authority executes a lease described in Subsection
307 (6)(g) with a term of 10 or more years, the [~~corporation~~] authority shall:

308 (i) submit the proposed lease to the division for the division's approval or rejection; and

309 (ii) if the division approves the proposed lease, submit the proposed lease to the
310 Executive Appropriations Committee for the Executive Appropriation Committee's review and
311 recommendation in accordance with Subsection (8)(b).

312 (b) The Executive Appropriations Committee shall review a proposed lease submitted
313 in accordance with Subsection (8)(a) and recommend to the [~~corporation~~] authority that the
314 [~~corporation~~] authority:

315 (i) execute the proposed [~~sublease~~] lease, either as proposed or with changes
316 recommended by the Executive Appropriations Committee; or

317 (ii) reject the proposed [~~sublease~~] lease.

318 (9) (a) Subject to Subsection (9)(b), a department, division, or other instrumentality of
319 the state and a political subdivision of the state shall cooperate with the authority to the fullest
320 extent possible to provide whatever support, information, or other assistance the authority
321 requests that is reasonably necessary to help the authority fulfill the authority's duties and
322 responsibilities under this chapter.

323 (b) The division shall provide assistance and resources to the authority as the division
324 director determines is appropriate.

325 (10) The authority may share authority revenue with a municipality in which the fair
326 park land is located, as provided in an agreement between the authority and the municipality, to
327 pay for municipal services provided by the municipality.

328 Section 4. Section **11-68-202**, which is renumbered from Section 63H-6-108 is
329 renumbered and amended to read:

330 ~~[63H-6-108]~~. **11-68-202. Operation of the state-owned buildings and**
331 **facilities on fair park land -- New construction and modification of existing facilities --**
332 **Liability insurance -- Obligations of the authority.**

333 (1) The [~~corporation~~] authority shall:

334 (a) operate and maintain [~~the state~~] state-owned buildings and facilities on fair park
335 land in accordance with the facility maintenance standards approved by the division;

336 (b) pay for all costs associated with operating and maintaining [~~the state fair park~~
337 state-owned buildings and facilities on fair park land;

338 [~~(c) obtain approval from the division before the corporation commences capital~~
339 ~~developments or capital improvements on the state fair park that involve:~~]

340 [~~(i) a construction project that costs more than \$250,000; or~~
341 [~~(ii) the construction of a new building that costs more than \$1,000,000;~~]

342 [~~(d) obtain a building permit from the division before commencing an activity that~~
343 ~~requires a building permit;~~]

344 [~~(e) ensure that:~~
345 [~~(i) any design plan related to the state fair park satisfies any applicable design~~
346 ~~standards established by the division; and]~~

347 [~~(ii) construction performed on the state fair park satisfies any applicable construction~~
348 ~~standards established by the division;~~]

349 [~~(f) for any new construction project on the state fair park that costs \$250,000 or more:]~~
350 [~~(i) notify the division before commencing the new construction project; and]~~
351 [~~(ii) coordinate with the division regarding review of design plans and construction~~
352 ~~management;~~]

353 [~~(g)~~] (c) obtain approval from the division before [~~the corporation makes~~] making any
354 alteration or addition to the water system, heating system, plumbing system, air conditioning
355 system, or electrical system of a state-owned building or facility on fair park land;

356 [~~(h) obtain approval from the division before the corporation demolishes a building or~~
357 ~~facility on the state fair park;~~]

358 [~~(i)~~] (d) keep the [~~state~~] fair park land and all state-owned buildings and facilities on
359 fair park land fully insured to protect against loss or damage by fire, vandalism, or malicious
360 mischief;

361 [~~(j)~~] (e) in accordance with Subsection (3), at the [~~corporation's~~] authority's expense,
362 and for the mutual benefit of the division, maintain general public liability insurance in an
363 amount equal to at least \$1,000,000 through one or more companies that are:

364 (i) licensed to do business in the state;
365 (ii) selected by the [~~corporation~~] authority; and
366 (iii) approved by the division and the Division of Risk Management;

367 ~~[(k)]~~ (f) ensure that the division is an additional insured with primary coverage on each
368 insurance policy that the ~~[corporation]~~ authority obtains in accordance with this section;

369 ~~[(t)]~~ (g) give the division notice at least 30 days before the day on which the
370 ~~[corporation]~~ authority cancels any insurance policy that the ~~[corporation]~~ authority obtains in
371 accordance with this section; and

372 ~~[(m)]~~ (h) if any lien that is not invalid under Section 38-1a-103 is recorded or filed
373 against the state fair park as a result of an act or omission of the ~~[corporation]~~ authority, cause
374 the lien to be satisfied or ~~[cancelled]~~ released within 10 days after the day on which the
375 ~~[corporation]~~ authority receives notice of the lien.

376 ~~[(2) At least 90 calendar days before demolition work begins, the division shall notify~~
377 ~~the State Historic Preservation Office of any division plan to demolish a facility on the state~~
378 ~~fair park.]~~

379 (2) (a) As used in this Subsection (2):

380 (i) "Existing facility modification" means an alteration, repair, or improvement to an
381 existing state-owned building or facility on fair park land.

382 (ii) "Major project" means new construction or an existing facility modification that
383 costs, regardless of the funding source, over \$100,000.

384 (iii) "Minor project" means new construction or an existing facility modification that
385 costs, regardless of the funding source, \$100,000 or less.

386 (iv) "New construction" means the design and construction of a new state-owned or
387 privately owned building or facility on fair park land.

388 (b) (i) The director of the division shall exercise direct supervision over a major
389 project.

390 (ii) Notwithstanding Subsection (2)(b)(i), the director of the division may delegate
391 control over a major project to the authority on a project-by-project basis.

392 (iii) With respect to a delegation of control under Subsection (2)(b)(ii), the director of
393 the division may:

394 (A) impose terms and conditions on the delegation that the director considers necessary
395 or advisable to protect the interests of the state; and

396 (B) revoke the delegation and assume control of the design, construction, or other
397 aspect of a delegated project if the director considers the revocation and assumption of control

398 to be necessary to protect the interests of the state.

399 (iv) If a major project over which the division exercises direct supervision includes the
400 demolition of a building or other facility on fair park land, the division shall, at least 90 days
401 before demolition work begins, notify the State Historic Preservation Office of the division's
402 demolition plan.

403 (c) Subject to Subsection (2)(d), the authority may exercise direct supervision over a
404 minor project.

405 (d) With respect to a minor project over which the authority exercises direct
406 supervision, the authority shall:

407 (i) obtain the division's approval before commencing the new construction or existing
408 facility modification;

409 (ii) obtain a building permit from the division before commencing the new
410 construction or existing facility modification, if a building permit is required;

411 (iii) comply with the division's forms and contracts and the division's design,
412 construction, alteration, repair, improvement, and code inspection standards;

413 (iv) notify the division before commencing the new construction or existing facility
414 modification;

415 (v) coordinate with the division regarding the review of design plans and management
416 of the new construction or existing facility modification project; and

417 (vi) at least 90 days before the beginning of any demolition of a building or facility on
418 the fair park land, notify the division and the State Historic Preservation Office of the proposed
419 demolition.

420 (3) The general public liability insurance described in Subsection ~~[(1)(j)]~~ (1)(e) shall:

421 (a) insure against any claim for personal injury, death, or property damage that occurs
422 ~~[at the state]~~ on fair park land; and

423 (b) be a blanket policy that covers all activities of the ~~[corporation]~~ authority.

424 ~~[(4) The division shall administer any capital improvements on the state fair park that~~
425 ~~cost more than \$250,000.]~~

426 ~~[(5)]~~ (4) Upon 24 hours notice to the ~~[corporation]~~ board, the division may enter the
427 ~~[state]~~ fair park land to inspect ~~[the state]~~ any facility on fair park land and make any repairs
428 that the division determines necessary.

429 ~~[(6) If the corporation no longer operates as an independent public nonprofit~~
 430 ~~corporation as described in this chapter, the state shall assume the responsibilities of the~~
 431 ~~corporation under any contract that is:]~~
 432 ~~[(a) in effect as of the day on which the status of the corporation changes; and]~~
 433 ~~[(b) for the lease, construction, or development of a building or facility on the state fair~~
 434 ~~park.]~~

435 ~~[(7)]~~ (5) (a) A debt or obligation contracted by the ~~[corporation]~~ authority is a debt or
 436 obligation of the ~~[corporation]~~ authority and not of the state.

437 (b) The state is not liable and assumes no responsibility for any debt or obligation
 438 ~~[described in Subsection (7)(a), unless the Legislature expressly:]~~ of the authority.

439 ~~[(i) authorizes the corporation to contract for the debt or obligation; and]~~

440 ~~[(ii) accepts liability or assumes responsibility for the debt or obligation.]~~

441 ~~[(8) The provisions of this section apply notwithstanding any contrary provision in~~
 442 ~~Title 63A, Chapter 5b, Administration of State Facilities.]~~

443 Section 5. Section **11-68-301**, which is renumbered from Section 63H-6-104 is
 444 renumbered and amended to read:

Part 3. Authority Governance

445 ~~[63H-6-104].~~ **11-68-301. Board -- Membership -- Term -- Quorum --**
 446 **Vacancies -- Duties.**

447 (1) The ~~[corporation]~~ authority is governed by a board ~~[of directors]~~.

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

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

451 (b) the commissioner of agriculture and food or the commissioner's designee;

452 (c) two members, appointed by the president of the Senate:

453 (i) who have business related experience; and

454 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);

455 (d) two members, appointed by the speaker of the House:

456 (i) who have business related experience; and

457 (ii) of whom only one may be a legislator, in accordance with Subsection (3)(e);

458 (e) five members, of whom only one may be a legislator, in accordance with
 459

460 Subsection (3)(e), appointed by the governor with the advice and consent of the Senate in
461 accordance with Title 63G, Chapter 24, Part 2, Vacancies as follows:

- 462 (i) two members who represent agricultural interests;
- 463 (ii) two members who have business related experience; and
- 464 (iii) one member who is recommended by the Utah Farm Bureau Federation;
- 465 (f) one member, appointed by the mayor of Salt Lake City with the advice and consent
466 of the Senate, who is a resident of the neighborhood located adjacent to the [state] fair park
467 land;

468 (g) a representative of Salt Lake County, if Salt Lake County is party to an executed
469 lease agreement with the [corporation] authority; and

470 (h) a representative of the Days of '47 Rodeo.

471 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), a board member appointed under
472 Subsection (2)(c), (d), (e), or (f) shall serve a term that expires on the December 1 four years
473 after the year that the board member was appointed.

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

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

479 (c) (i) If an appointed board member is absent from three consecutive board meetings
480 without excuse, that member's appointment is terminated, the position is vacant, and the
481 individual who appointed the board member shall appoint a replacement.

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

484 (d) The president of the Senate, the speaker of the House, the governor, or the mayor of
485 Salt Lake City, as appropriate, shall fill any vacancy that occurs on the board for any reason by
486 appointing an individual in accordance with the procedures described in this section for the
487 unexpired term of the vacated member.

488 (e) No more than a combined total of two legislators may be appointed under
489 Subsections (2)(c), (d), and (e).

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

491 (5) A majority of the members of the board is a quorum for the transaction of business.

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

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

495 (8) A member described in Subsection (2)(e) shall comply with the conflict of interest
496 provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

497 (9) The board shall create and may, as the board considers appropriate, modify:

498 (a) a business plan for the authority;

499 (b) a financial plan for the authority that projects self-sufficiency for the authority
500 within two years; and

501 (c) a master plan for the fair park land.

502 Section 6. Section **11-68-302**, which is renumbered from Section 63H-6-105 is
503 renumbered and amended to read:

504 ~~[63H-6-105]~~. **11-68-302. Executive director.**

505 (1) (a) The board shall:

506 (i) hire an executive director for the [corporation] authority as provided in this
507 ~~[subsection]~~ Subsection (1)(a);

508 (ii) conduct a national search to find applicants for the position of executive director;
509 and

510 (iii) establish the salary, benefits, and other compensation of the executive director.

511 (b) The board may appoint an interim director while searching for a permanent
512 executive director.

513 (c) The executive director serves at the pleasure of the board and may be terminated by
514 the board at will.

515 (d) The executive director is an employee of the [corporation] authority.

516 (e) The executive director may not be a member of the board.

517 (2) The executive director shall:

518 (a) act as the executive officer of the board and the [corporation] authority;

519 (b) administer, manage, and direct the affairs and activities of the [corporation]
520 authority in accordance with the policies and under the control and direction of the board;

521 (c) keep the board, the governor, the Legislature, and its agencies, and other affected

522 officers, associations, and groups informed about the operations of the [corporation] authority;

523 (d) recommend to the board any necessary or desirable changes in the statutes

524 governing the [corporation] authority;

525 (e) recommend to the board an annual administrative budget covering the operations of

526 the [corporation] authority and, upon approval, submit the budget to the governor and the

527 Legislature for their examination and approval;

528 (f) after approval, direct and control the subsequent expenditures of the budget;

529 (g) employ, within the limitations of the budget, staff personnel and consultants to

530 accomplish the purpose of the [corporation] authority, and establish [their] the qualifications,

531 duties, and compensation of the staff personnel and consultants;

532 (h) keep in convenient form all records and accounts of the [corporation] authority,

533 including those necessary for the administration of the [state] fair park land;

534 [~~(i) in cooperation with the board, create:~~]

535 [~~(i) business plans for the corporation;~~]

536 [~~(ii) a financial plan for the corporation that projects self-sufficiency for the~~

537 ~~corporation within two years; and]~~

538 [~~(iii) a master plan for the state fair park;~~]

539 [~~(j)~~] (i) approve all accounts for:

540 (i) salaries;

541 (ii) allowable expenses of the [corporation] authority and its employees and

542 consultants; and

543 (iii) expenses incidental to the operation of the [corporation] authority; and

544 [~~(k)~~] (j) perform other duties as directed by the board.

545 Section 7. Section **11-68-401** is enacted to read:

546 **Part 4. Authority Revenues**

547 **11-68-401. Distribution of sales tax revenue to authority.**

548 (1) As used in this section:

549 (a) "Applicable sales tax revenue" means all revenue collected under Title 59, Chapter

550 12, Sales and Use Tax Act, on transactions that occur within a qualified hotel.

551 (b) "Commission" means the State Tax Commission.

552 (c) "Qualified hotel" means a hotel for which the authority provides notice to the

553 commission under Subsection (2).

554 (2) Upon the division's issuance of a certificate of occupancy for a hotel located on fair
 555 park land, the authority shall provide written notification to the commission of the existence,
 556 location, and imminent operation of the hotel.

557 (3) Notwithstanding any provision of Title 59, Chapter 12, Sales and Use Tax Act, the
 558 commission shall distribute to the authority all applicable sales tax revenue, beginning the next
 559 quarter that begins more than 30 days after the notification under Subsection (2).

560 Section 8. Section **11-68-402**, which is renumbered from Section 63H-6-109 is
 561 renumbered and amended to read:

562 ~~[63H-6-109].~~ **11-68-402. Privilege tax -- Personal property tax revenue --**
 563 **Deposit into Utah State Fair Fund.**

564 (1) The possession or beneficial use of property [~~within the state~~] on fair park land is
 565 [~~exempt from taxation under~~] subject to Title 59, Chapter 4, Privilege Tax.

566 [~~(2)(a) Any agreement between the corporation and a person to develop property~~
 567 ~~within the state fair park shall provide that the person shall, in accordance with Title 59,~~
 568 ~~Chapter 3, Tax Equivalent Property Act, make a tax equivalent payment as defined in Section~~
 569 ~~59-3-102 to the corporation each year.]~~

570 (2) (a) As provided in Subsection (2)(b), the authority shall be paid:

571 (i) all revenue from a privilege tax under Subsection (1); and

572 (ii) all revenue from a property tax on personal property located on fair park land.

573 (b) The treasurer of the county in which the fair park land is located shall, in the
 574 manner and at the time provided in Section 59-2-1365, pay and distribute to the authority the
 575 revenue described in Subsection (2)(a).

576 [~~(b)~~] (c) The [corporation] authority shall deposit all revenue collected under this
 577 Subsection (2)[(a)] into the Utah State Fair Fund created in Section [63H-6-107] 11-68-403.

578 Section 9. Section **11-68-403**, which is renumbered from Section 63H-6-107 is
 579 renumbered and amended to read:

580 ~~[63H-6-107].~~ **11-68-403. Enterprise fund -- Creation -- Revenue -- Uses.**

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

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

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

- 584 (a) lease payments from person or entities leasing [~~the state~~] any part of the fair park
 585 land or any other facilities owned by the [~~corporation~~] authority;
- 586 (b) revenue received from any expositions or other events wholly or partially sponsored
 587 by the [~~corporation~~] authority;
- 588 (c) aid or contributions of money, property, labor, or other things of value from any
 589 source, including any grants or appropriations from any department, agency, or instrumentality
 590 of the United States or [~~Utah~~] the state;
- 591 (d) appropriations made to the fund by the Legislature;
- 592 (e) revenue received under [~~an agreement described in Subsection 63H-6-109(2)] a~~
 593 privilege tax or a tax on personal property; and
- 594 (f) any other income obtained by the [~~corporation~~] authority.
- 595 (3) (a) The fund shall earn interest.
- 596 (b) All interest earned on fund money shall be deposited into the fund.
- 597 (4) The executive director may use fund money to operate, maintain, and support the
 598 Utah [~~state fair, the state~~] State Fair, the fair park land, and other expositions sponsored by the
 599 [~~corporation~~] authority.

600 Section 10. Section **11-68-501** is enacted to read:

601 **Part 5. Authority Bonds**

602 **11-68-501. Authority may issue bonds -- Resolution authorizing issuance of**
 603 **authority bonds -- Characteristics of bonds.**

- 604 (1) The authority may issue bonds, as provided in this part, to fund development
 605 consistent with the master plan adopted under Subsection 11-68-301(9)(c).
- 606 (2) The authority may not issue bonds under this part unless the board first:
- 607 (a) adopts a parameters resolution that sets forth:
- 608 (i) the maximum:
- 609 (A) amount of the bonds;
- 610 (B) term; and
- 611 (C) interest rate; and
- 612 (ii) the expected security for the bonds; and
- 613 (b) submits the parameters resolution for review and recommendation to the State
 614 Finance Review Commission created in Section 63C-25-201.

615 (3) (a) As provided in the authority resolution authorizing the issuance of bonds under
616 this part or the trust indenture under which the bonds are issued, bonds issued under this part
617 may be issued in one or more series and may be sold at public or private sale and in the manner
618 provided in the resolution or indenture.

619 (b) Bonds issued under this part shall bear the date, be payable at the time, bear interest
620 at the rate, be in the denomination and in the form, carry the conversion or registration
621 privileges, have the rank or priority, be executed in the manner, be subject to the terms of
622 redemption or tender, with or without premium, be payable in the medium of payment and at
623 the place, and have other characteristics as provided in the authority resolution authorizing the
624 bonds' issuance or the trust indenture under which the bonds are issued.

625 (4) Upon the board's adoption of a resolution providing for the issuance of bonds, the
626 board may provide for the publication of the resolution:

627 (a) in a newspaper having general circulation in the authority's boundaries; and

628 (b) as required in Section [45-1-101](#).

629 (5) In lieu of publishing the entire resolution, the board may publish notice of bonds
630 that contains the information described in Subsection [11-14-316\(2\)](#).

631 (6) For a period of 30 days after the publication, any person in interest may contest:

632 (a) the legality of the resolution or proceeding;

633 (b) any bonds that may be authorized by the resolution or proceeding; or

634 (c) any provisions made for the security and payment of the bonds.

635 (7) (a) A person may contest the matters set forth in Subsection (6) by filing a verified
636 written complaint, within 30 days after the publication under Subsection (5), in the district
637 court of the county in which the person resides.

638 (b) A person may not contest the matters set forth in Subsection (6), or the regularity,
639 formality, or legality of the resolution or proceeding, for any reason, after the 30-day period for
640 contesting provided in Subsection (7)(a).

641 (8) No later than 60 days after the closing day of any bonds, the authority shall report
642 the bonds issuance, including the amount of the bonds, terms, interest rate, and security, to:

643 (a) the Executive Appropriations Committee; and

644 (b) the State Finance Review Commission created in Section [63C-25-201](#).

645 Section 11. Section **11-68-502** is enacted to read:

646 **11-68-502. Sources from which bonds may be made payable -- Authority powers**
647 **regarding bonds.**

648 (1) The principal and interest on bonds issued by the authority may be made payable
649 from:

650 (a) the income and revenues of the development projects financed with the proceeds of
651 the bonds;

652 (b) the income and revenues of certain designated development projects whether or not
653 they were financed in whole or in part with the proceeds of the bonds;

654 (c) the income, revenues, proceeds, and funds the authority derives from or holds in
655 connection with the authority undertaking and carrying out development;

656 (d) privilege tax and property tax revenue;

657 (e) revenue from a special event tax under Title 59, Chapter 12, Part 23, Fair Park
658 Special Event Tax;

659 (f) sales tax revenue distributed to the authority under Section [59-12-401](#);

660 (g) authority revenues generally;

661 (h) a contribution, loan, grant, or other financial assistance from the federal
662 government or a public entity in aid of the development; or

663 (i) funds derived from any combination of the sources listed in Subsections (1)(a)
664 through (h).

665 (2) (a) In connection with the issuance of authority bonds, the authority may:

666 (i) pledge all or any part of the authority's gross or net rents, fees, or revenues to which
667 the authority's right then exists or may thereafter come into existence; and

668 (ii) make the covenants and take the action that may be necessary, convenient, or
669 desirable to secure the authority's bonds, or, except as otherwise provided in this chapter, that
670 will tend to make the bonds more marketable, even though such covenants or actions are not
671 specifically enumerated in this chapter.

672 (b) The authority may not use all or any portion of the fair park land as collateral for
673 any bonds or encumber the fair park land by mortgage, deed of trust, or otherwise as collateral
674 for any bonds.

675 Section 12. Section **11-68-503** is enacted to read:

676 **11-68-503. Authority to purchase agency bonds.**

677 (1) Any person, firm, corporation, association, political subdivision of the state, or
678 other entity or public or private officer may purchase bonds issued by an authority under this
679 part with funds owned or controlled by the purchaser.

680 (2) Nothing in this section may be construed to relieve a purchaser of authority bonds
681 of any duty to exercise reasonable care in selecting securities.

682 Section 13. Section 11-68-504 is enacted to read:

683 **11-68-504. Those executing bonds not personally liable -- Limitation of**
684 **obligations under bonds -- Negotiability.**

685 (1) A member of the board or other person executing an authority bond is not liable
686 personally on the bond.

687 (2) (a) A bond issued by the authority is not an obligation or liability of the state or any
688 of the state's political subdivisions, except the authority, and does not constitute a charge
689 against the general credit or taxing powers of the state or other political subdivisions of the
690 state.

691 (b) A bond issued by the authority is not payable out of any funds other than those of
692 the authority.

693 (c) The state and any political subdivision of the state, other than the authority, may not
694 be liable on a bond issued by the authority.

695 (d) A bond issued by the authority does not constitute indebtedness within the meaning
696 of any constitutional or statutory debt limitation.

697 (3) A bond issued by the authority under this part is fully negotiable.

698 Section 14. Section 11-68-505 is enacted to read:

699 **11-68-505. Obligees rights -- Board may confer other rights.**

700 (1) In addition to all other rights that are conferred on an obligee of a bond issued by
701 the authority under this part and subject to contractual restrictions binding on the obligee, an
702 obligee may:

703 (a) by mandamus, suit, action, or other proceeding, compel the authority and the
704 authority's board, officers, agents, or employees to perform every term, provision, and covenant
705 contained in any contract of the authority with or for the benefit of the obligee, and require the
706 authority to carry out the covenants and agreements of the authority and to fulfill all duties
707 imposed on the authority by this part; and

708 (b) by suit, action, or proceeding in equity, enjoin any acts or things that may be
709 unlawful or violate the rights of the obligee.

710 (2) In a board resolution authorizing the issuance of bonds or in a trust indenture, lease,
711 or other contract, the board may confer upon an obligee holding or representing a specified
712 amount in bonds, certain rights to receive the income, revenues, proceeds, funds, fees, rents,
713 grants, or taxes.

714 Section 15. Section **11-68-506** is enacted to read:

715 **11-68-506. Bonds exempt from taxes -- Authority may purchase its own bonds.**

716 (1) A bond issued by the authority under this part is issued for an essential public and
717 governmental purpose and is, together with interest on the bond and income from the bond,
718 exempt from all state taxes except the corporate franchise tax.

719 (2) The authority may purchase the authority's own bonds at a price that the board
720 determines.

721 (3) Nothing in this section may be construed to limit the right of an obligee to pursue a
722 remedy for the enforcement of a pledge or lien given under this part by the authority on the
723 authority's income, revenues, proceeds, funds, fees, rents, grants, or taxes.

724 Section 16. Section **11-68-601**, which is renumbered from Section 63H-6-106 is
725 renumbered and amended to read:

726 **Part 6. Authority Reporting**

727 **[63H-6-106]. 11-68-601. Financial reports -- Audit -- Surety bonds.**

728 (1) (a) The [~~corporation~~] authority shall, following the close of each fiscal year, submit
729 an annual report of [~~its~~] the authority's activities for the preceding year to the governor and the
730 Legislature.

731 (b) The report shall contain:

- 732 (i) a complete operating report detailing the [~~corporation's~~] authority's activities; and
- 733 (ii) financial statements of the [~~corporation~~] authority audited by a certified public
734 accountant according to generally accepted auditing standards.

735 (2) (a) At least once a year, the state auditor shall:

- 736 (i) audit the books and accounts of the [~~corporation~~] authority; or
- 737 (ii) contract with a nationally recognized independent certified public accountant to
738 conduct the audit and review the audit report when [~~it~~] the audit is completed.

739 (b) The [corporation] authority shall reimburse the state auditor for the costs of the
740 audit.

741 (c) If the audit is conducted by an independent auditor, the independent auditor shall
742 submit a copy of the audit to the state auditor for review within 90 days after the end of the
743 fiscal year covered by the audit.

744 (3) (a) The [corporation] authority shall maintain a surety bond in the penal sum of
745 \$25,000 for each member of the board.

746 (b) The [corporation] authority shall maintain a surety bond in the penal sum of
747 \$50,000 for the executive director.

748 (c) The [corporation] authority shall ensure that each surety bond is:

749 (i) conditioned upon the faithful performance of the duties of office to which ~~[it]~~ the
750 surety bond attaches;

751 (ii) issued by a surety company authorized to transact business in ~~[Utah]~~ the state as a
752 surety; and

753 (iii) filed in the office of the State Treasurer.

754 (d) The [corporation] authority shall pay the cost of the surety bonds.

755 Section 17. Section **59-4-101** is amended to read:

756 **59-4-101. Tax basis -- Exceptions -- Assessment and collection -- Designation of**
757 **person to receive notice.**

758 (1) (a) Except as provided in Subsections (1)(b), (1)(c), and (3), a tax is imposed on the
759 possession or other beneficial use enjoyed by any person of any real or personal property that is
760 exempt for any reason from taxation, if that property is used in connection with a business
761 conducted for profit.

762 (b) Any interest remaining in the state in state lands after subtracting amounts paid or
763 due in part payment of the purchase price as provided in Subsection [59-2-1103\(2\)\(b\)\(i\)](#) under a
764 contract of sale is subject to taxation under this chapter regardless of whether the property is
765 used in connection with a business conducted for profit.

766 (c) The tax imposed under Subsection (1)(a) does not apply to property exempt from
767 taxation under Section [59-2-1114](#).

768 (2) (a) The tax imposed under this chapter is the same amount that the ad valorem
769 property tax would be if the possessor or user were the owner of the property.

770 (b) The amount of any payments that are made in lieu of taxes is credited against the
771 tax imposed on the beneficial use of property owned by the federal government.

772 (3) A tax is not imposed under this chapter on the following:

773 (a) the use of property that is a concession in, or relative to, the use of a public airport,
774 park, fairground, or similar property that is available as a matter of right to the use of the
775 general public;

776 (b) the use or possession of property by a religious, educational, or charitable
777 organization;

778 (c) the use or possession of property if the revenue generated by the possessor or user
779 of the property through its possession or use of the property inures only to the benefit of a
780 religious, educational, or charitable organization and not to the benefit of any other person;

781 (d) the possession or other beneficial use of public land occupied under the terms of an
782 agricultural lease or permit issued by the United States or this state;

783 (e) the use or possession of any lease, permit, or easement unless the lease, permit, or
784 easement entitles the lessee or permittee to exclusive possession of the premises to which the
785 lease, permit, or easement relates;

786 (f) the use or possession of property by a public agency, as defined in Section
787 [11-13-103](#), to the extent that the ownership interest of the public agency in that property is
788 subject to a fee in lieu of ad valorem property tax under Section [11-13-302](#); or

789 (g) the possession or beneficial use of public property as a tollway by a private entity
790 through a tollway development agreement as defined in Section [72-6-202](#).

791 (4) For purposes of Subsection (3)(e):

792 (a) every lessee, permittee, or other holder of a right to remove or extract the mineral
793 covered by the holder's lease, right permit, or easement, except from brines of the Great Salt
794 Lake, is considered to be in possession of the premises, regardless of whether another party has
795 a similar right to remove or extract another mineral from the same property; and

796 (b) a lessee, permittee, or holder of an easement still has exclusive possession of the
797 premises if the owner has the right to enter the premises, approve leasehold improvements, or
798 inspect the premises.

799 (5) A tax imposed under this chapter is assessed to the possessors or users of the
800 property on the same forms, and collected and, subject to Subsection [11-68-402\(2\)](#), distributed

801 at the same time and in the same manner, as taxes assessed owners, possessors, or other
802 claimants of property that is subject to ad valorem property taxation. The tax is not a lien
803 against the property, and no tax-exempt property may be attached, encumbered, sold, or
804 otherwise affected for the collection of the tax.

805 (6) (a) (i) Except as provided in Subsection (6)(a)(ii), if a governmental entity is
806 required under this chapter to send information or notice to a person, the governmental entity
807 shall send the information or notice to:

808 (A) the person required under the applicable provision of this chapter; and

809 (B) each person designated in accordance with Subsection (6)(b) by the person
810 described in Subsection (6)(a)(i)(A).

811 (ii) If a governmental entity is required under Section 59-2-919.1 or 59-2-1317 to send
812 information or notice to a person, the governmental entity shall send the information or notice
813 to:

814 (A) the person required under the applicable section; or

815 (B) one person designated in accordance with Subsection (6)(b) by the person
816 described in Subsection (6)(a)(ii)(A).

817 (b) (i) A person to whom a governmental entity is required under this chapter to send
818 information or notice may designate a person to receive the information or notice in accordance
819 with Subsection (6)(a).

820 (ii) To make a designation described in Subsection (6)(b)(i), the person shall submit a
821 written request to the governmental entity on a form prescribed by the commission.

822 (c) A person who makes a designation described in Subsection (6)(b) may revoke the
823 designation by submitting a written request to the governmental entity on a form prescribed by
824 the commission.

825 (7) Sections 59-2-301.1 through 59-2-301.7 apply for purposes of assessing a tax under
826 this chapter.

827 Section 18. Section 59-12-2301 is enacted to read:

828 **Part 23. Fair Park Special Event Tax**

829 **59-12-2301. Definitions.**

830 As used in this part:

831 (1) "Authority board" means the fair park authority board under Section 11-68-301.

- 832 (2) "Fair park authority" means the State Fair Park Authority, created in Section
833 11-68-201.
- 834 (3) "Fair park land" means the same as that term is defined in Section 11-68-101.
- 835 (4) "Fair park special event" means an event:
- 836 (a) that occurs on fair park land, except within a qualified hotel as defined in Section
837 11-68-401;
- 838 (b) that lasts six months or less;
- 839 (c) that is:
- 840 (i) sponsored by the fair park authority; or
- 841 (ii) provided pursuant to a contract with the fair park authority;
- 842 (d) for which a special event permit is obtained under Section 59-12-106; and
- 843 (e) where taxable sales occur.
- 844 (5) "Fair park special event tax" means a tax imposed under this part on taxable items.
- 845 (6) "Taxable items" means:
- 846 (a) alcoholic beverages;
- 847 (b) food and food ingredients; or
- 848 (c) prepared food.
- 849 Section 19. Section **59-12-2302** is enacted to read:
- 850 **59-12-2302. Fair park authority may impose special event tax.**
- 851 (1) The fair park authority may impose a tax of not to exceed 1.5% on all sales:
- 852 (a) of taxable items; and
- 853 (b) that occur at a special event.
- 854 (2) (a) To impose a tax under Subsection (1), the authority board shall adopt a
855 resolution imposing the tax.
- 856 (b) The resolution under Subsection (2)(a) shall include provisions substantially the
857 same as those contained in Part 1, Tax Collection, except that the tax shall be imposed only on
858 taxable items.
- 859 (c) The name of the fair park authority as the taxing agency shall be substituted for that
860 of the state where necessary, and an additional license is not required if one has been or is
861 issued under Section 59-12-106.
- 862 (3) To maintain in effect a tax resolution adopted under this part, the authority board

863 shall, within 30 days of any amendment of any applicable provisions of Part 1, Tax Collection,
864 adopt amendments to the fair park authority's tax resolution to conform with the applicable
865 amendments to Part 1, Tax Collection.

866 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), a tax authorized under this part
867 shall be administered, collected, and enforced in accordance with the same procedures used to
868 administer, collect, and enforce the tax under:

869 (A) Part 1, Tax Collection, or Part 2, Local Sales and Use Tax Act; and

870 (B) Chapter 1, General Taxation Policies.

871 (ii) A tax under this part is not subject to Section 59-12-107.1 or 59-12-123 or
872 Subsections 59-12-205(2) through (6).

873 (b) Except as provided in Subsection (4)(c), the commission shall distribute the
874 revenue from a fair park special event tax to the fair park authority.

875 (c) The commission shall retain and deposit an administrative charge in accordance
876 with Section 59-1-306 from the revenue the commission collects from a fair park special event
877 tax.

878 (5) (a) (i) Except as provided in Subsection (5)(b), if the fair park authority enacts or
879 repeals a fair park special event tax or changes the rate of a fair park special event tax, the
880 enactment, repeal, or change takes effect:

881 (A) on the first day of a calendar quarter; and

882 (B) after a 90-day period beginning on the day on which the commission receives
883 notice meeting the requirements of Subsection (5)(a)(ii) from the fair park authority.

884 (ii) The notice described in Subsection (5)(a)(i) shall state:

885 (A) that the fair park authority will enact or repeal a fair park special event tax or
886 change the rate of a fair park special event tax;

887 (B) the statutory authority for the fair park special event tax;

888 (C) the effective date of the imposition, repeal, or change in the rate of the fair park
889 special event tax; and

890 (D) if the fair park authority enacts the fair park special event tax or changes the rate of
891 the fair park special event tax, the rate of the fair park special event tax.

892 (c) (i) If the billing period for a transaction begins before the effective date of the
893 enactment of the tax or the tax rate increase imposed under Subsection (1), the enactment of

894 the tax or the tax rate increase shall take effect on the first day of the first billing period that
895 begins after the effective date of the enactment of the tax or the tax rate increase.

896 (ii) If the billing period for a transaction begins before the effective date of the repeal
897 of the tax or the tax rate decrease imposed under Subsection (1), the repeal of the tax or the tax
898 rate decrease shall take effect on the first day of the last billing period that began before the
899 effective date of the repeal of the tax or the tax rate decrease.

900 (d) If the fair park authority acquires land that becomes part of the fair park land, the
901 acquisition of that additional land constitutes the fair park authority's enactment of a fair park
902 special event tax as to that additional land, requiring the fair park authority's compliance with
903 the notice provisions of this Subsection (5).

904 (e) (i) If the billing period for a transaction begins before the effective date of the
905 enactment of the tax or the tax rate increase imposed under Subsection (1), the enactment of
906 the tax or the tax rate increase shall take effect on the first day of the first billing period that
907 begins after the effective date of the enactment of the tax or the tax rate increase.

908 (ii) If the billing period for a transaction begins before the effective date of the repeal
909 of the tax or the tax rate decrease imposed under Subsection (1), the repeal of the tax or the tax
910 rate decrease shall take effect on the first day of the last billing period that began before the
911 effective date of the repeal of the tax or the tax rate decrease.

912 Section 20. Section **59-12-2303** is enacted to read:

913 **59-12-2303. Seller or certified service provider reliance on commission**
914 **information.**

915 A seller or certified service provider is not liable for failing to collect a fair park special
916 event tax if the seller's or certified service provider's failure to collect the fair park special event
917 tax is as a result of the seller's or certified service provider's reliance on incorrect data provided
918 by the commission in a database created by the commission:

- 919 (1) containing tax rates, boundaries, or local taxing jurisdiction assignments; or
920 (2) indicating the taxability of tangible personal property, a product transferred
921 electronically, or a service.

922 Section 21. Section **59-12-2304** is enacted to read:

923 **59-12-2304. Certified service provider or model 2 seller reliance on commission**
924 **certified software.**

925 (1) Except as provided in Subsection (2) and subject to Subsection (4), a certified
926 service provider or model 2 seller is not liable for failing to collect a fair park special event tax
927 if:

928 (a) the certified service provider or model 2 seller relies on software the commission
929 certifies; and

930 (b) the certified service provider's or model 2 seller's failure to collect a fair park
931 special event tax is a result of the seller's or certified service provider's reliance on incorrect
932 data:

933 (i) provided by the commission; or

934 (ii) in the software the commission certifies.

935 (2) The relief from liability described in Subsection (1) does not apply if a certified
936 service provider or model 2 seller incorrectly classifies an item or transaction into a product
937 category the commission certifies.

938 (3) If the taxability of a product category is incorrectly classified in software the
939 commission certifies, the commission shall:

940 (a) notify a certified service provider or model 2 seller of the incorrect classification of
941 the taxability of a product category in software the commission certifies; and

942 (b) state in the notice required by Subsection (3)(a) that the certified service provider or
943 model 2 seller is liable for failing to collect the correct amount of tax under this part on the
944 incorrectly classified product category if the certified service provider or model 2 seller fails to
945 correct the taxability of the item or transaction within 10 days after the day on which the
946 certified service provider or model 2 seller receives the notice.

947 (4) If a certified service provider or model 2 seller fails to correct the taxability of an
948 item or transaction within 10 days after the day on which the certified service provider or
949 model 2 seller receives the notice described in Subsection (3), the certified service provider or
950 model 2 seller is liable for failing to collect the correct amount of tax under this part on the
951 item or transaction.

952 Section 22. Section **59-12-2305** is enacted to read:

953 **59-12-2305. Purchaser relief from liability.**

954 (1) (a) Except as provided in Subsection (1)(b), a purchaser is relieved from a penalty
955 under Section [59-1-401](#) for failure to pay a fair park special event tax or an underpayment of

956 the fair park special event tax if:

957 (i) the purchaser's seller or certified service provider relies on incorrect data provided

958 by the commission:

959 (A) on a tax rate;

960 (B) on a boundary;

961 (C) on a taxing jurisdiction; or

962 (D) in the taxability matrix the commission provides in accordance with the agreement;

963 or

964 (ii) the purchaser, regardless of whether the purchaser holds a direct payment permit in
965 accordance with Section 59-12-107.1, relies on incorrect data provided by the commission:

966 (A) on a tax rate;

967 (B) on a boundary;

968 (C) on a taxing jurisdiction; or

969 (D) in the taxability matrix the commission provides in accordance with the agreement.

970 (b) For purposes of Subsection (1)(a), a purchaser is not relieved from a penalty under

971 Section 59-1-401 for failure to pay a tax due under this part or an underpayment if the

972 purchaser's, the purchaser's seller's, or the purchaser's certified service provider's reliance on

973 incorrect data provided by the commission is a result of conduct that is:

974 (i) fraudulent;

975 (ii) intentional; or

976 (iii) willful.

977 (2) In addition to the relief from a penalty described in Subsection (1), a purchaser is

978 not liable for a tax or interest under Section 59-1-402 for failure to pay a fair park special event

979 tax or an underpayment of the fair park special event tax if:

980 (a) the purchaser's seller or certified service provider relies on:

981 (i) incorrect data provided by the commission:

982 (A) on a tax rate;

983 (B) on a boundary; or

984 (C) on a taxing jurisdiction; or

985 (ii) an erroneous classification by the commission:

986 (A) in the taxability matrix the commission provides in accordance with the agreement;

987 and

988 (B) with respect to a term that is in the library of definitions and that is listed as taxable
 989 or exempt, included in or excluded from "sales price," or included in or excluded from a
 990 definition; or

991 (b) the purchaser, regardless of whether the purchaser holds a direct payment permit in
 992 accordance with Section 59-12-107.1, relies on:

993 (i) incorrect data provided by the commission:

994 (A) on a tax rate;

995 (B) on a boundary; or

996 (C) on a taxing jurisdiction; or

997 (ii) an erroneous classification by the commission:

998 (A) in the taxability matrix the commission provides in accordance with the agreement;

999 and

1000 (B) with respect to a term that is in the library of definitions and that is listed as taxable
 1001 or exempt, included in or excluded from "sales price," or included in or excluded from a
 1002 definition.

1003 Section 23. Section **63C-25-101** is amended to read:

1004 **63C-25-101. Definitions.**

1005 As used in this chapter:

1006 (1) "Authority" means the same as that term is defined in Section 63B-1-303.

1007 (2) "Bond" means the same as that term is defined in Section 63B-1-101.

1008 (3) "Bonding political subdivision" means:

1009 (a) the Utah Inland Port Authority, created in Section 11-58-201;

1010 (b) the Military Installation Development Authority, created in Section 63H-1-201;

1011 (c) the Point of the Mountain State Land Authority, created in Section 11-59-201; [or]

1012 (d) the Utah Lake Authority, created in Section 11-65-201[-]; or

1013 (e) the State Fair Park Authority, created in Section 11-68-201.

1014 (4) "Commission" means the State Finance Review Commission created in Section
 1015 63C-25-201.

1016 (5) "Concessionaire" means a person who:

1017 (a) operates, finances, maintains, or constructs a government facility under a contract

- 1018 with a bonding political subdivision; and
- 1019 (b) is not a bonding political subdivision.
- 1020 (6) "Creating entity" means the same as that term is defined in Section [17D-4-102](#).
- 1021 (7) "Government facility" means infrastructure, improvements, or a building that:
- 1022 (a) costs more than \$5,000,000 to construct; and
- 1023 (b) has a useful life greater than five years.
- 1024 (8) "Large public transit district" means the same as that term is defined in Section
- 1025 [17B-2a-802](#).
- 1026 (9) "Loan entity" means the board, person, unit, or agency with legal responsibility for
- 1027 making a loan from a revolving loan fund.
- 1028 (10) "Obligation" means the same as that term is defined in Section [63B-1-303](#).
- 1029 (11) "Parameters resolution" means a resolution of a bonding political subdivision, or
- 1030 public infrastructure district created by a bonding political subdivision, that sets forth for
- 1031 proposed bonds:
- 1032 (a) the maximum:
- 1033 (i) amount of bonds;
- 1034 (ii) term; and
- 1035 (iii) interest rate; and
- 1036 (b) the expected security for the bonds.
- 1037 (12) "Public infrastructure district" means a public infrastructure district created under
- 1038 Title 17D, Chapter 4, Public Infrastructure District Act.
- 1039 (13) "Public-private partnership" means a contract:
- 1040 (a) between a bonding political subdivision and a concessionaire for the operation,
- 1041 finance, maintenance, or construction of a government facility;
- 1042 (b) that authorizes the concessionaire to operate the government facility for a term of
- 1043 five years or longer, including any extension of the contract; and
- 1044 (c) in which all or some of the annual source of payment to the concessionaire comes
- 1045 from state funds provided to the bonding political subdivision.
- 1046 (14) "Revolving loan fund" means:
- 1047 (a) the Water Resources Conservation and Development Fund, created in Section
- 1048 [73-10-24](#);

- 1049 (b) the Water Resources Construction Fund, created in Section 73-10-8;
- 1050 (c) the Water Resources Cities Water Loan Fund, created in Section 73-10-22;
- 1051 (d) the Clean Fuel Conversion Funds, created in Title 19, Chapter 1, Part 4, Clean
- 1052 Fuels and Vehicle Technology Program Act;
- 1053 (e) the Water Development Security Fund and its subaccounts, created in Section
- 1054 73-10c-5;
- 1055 (f) the Agriculture Resource Development Fund, created in Section 4-18-106;
- 1056 (g) the Utah Rural Rehabilitation Fund, created in Section 4-19-105;
- 1057 (h) the Permanent Community Impact Fund, created in Section 35A-8-303;
- 1058 (i) the Petroleum Storage Tank Fund, created in Section 19-6-409;
- 1059 (j) the School Building Revolving Account, created in Section 53F-9-206;
- 1060 (k) the State Infrastructure Bank Fund, created in Section 72-2-202;
- 1061 (l) the Uintah Basin Revitalization Fund, created in Section 35A-8-1602;
- 1062 (m) the Navajo Revitalization Fund, created in Section 35A-8-1704;
- 1063 (n) the Energy Efficiency Fund, created in Section 11-45-201;
- 1064 (o) the Brownfields Fund, created in Section 19-8-120;
- 1065 (p) the following enterprise revolving loan funds created in Section 63A-3-402:
- 1066 (i) the inland port infrastructure revolving loan fund;
- 1067 (ii) the point of the mountain infrastructure revolving loan fund; or
- 1068 (iii) the military development infrastructure revolving loan fund; and
- 1069 (q) any other revolving loan fund created in statute where the borrower from the
- 1070 revolving loan fund is a public non-profit entity or political subdivision, including a fund listed
- 1071 in Section 63A-3-205, from which a loan entity is authorized to make a loan.
- 1072 (15) (a) "State funds" means an appropriation by the Legislature identified as coming
- 1073 from the General Fund or Education Fund.
- 1074 (b) "State funds" does not include:
- 1075 (i) a revolving loan fund; or
- 1076 (ii) revenues received by a bonding political subdivision from:
- 1077 (A) a tax levied by the bonding political subdivision;
- 1078 (B) a fee assessed by the bonding political subdivision; or
- 1079 (C) operation of the bonding political subdivision's government facility.

- 1080 Section 24. Section **63E-1-102** is amended to read:
- 1081 **63E-1-102. Definitions -- List of independent entities.**
- 1082 As used in this title:
- 1083 (1) "Authorizing statute" means the statute creating an entity as an independent entity.
- 1084 (2) "Committee" means the Retirement and Independent Entities Committee created by
- 1085 Section **63E-1-201**.
- 1086 (3) "Independent corporation" means a corporation incorporated in accordance with
- 1087 Chapter 2, Independent Corporations Act.
- 1088 (4) (a) "Independent entity" means an entity having a public purpose relating to the
- 1089 state or its citizens that is individually created by the state or is given by the state the right to
- 1090 exist and conduct its affairs as an:
- 1091 (i) independent state agency; or
- 1092 (ii) independent corporation.
- 1093 (b) "Independent entity" includes the:
- 1094 (i) Utah Beef Council, created by Section **4-21-103**;
- 1095 (ii) Utah Dairy Commission created by Section **4-22-103**;
- 1096 (iii) Heber Valley Historic Railroad Authority created by Section **63H-4-102**;
- 1097 (iv) Utah Housing Corporation created by Section **63H-8-201**;
- 1098 [~~(v)~~] ~~Utah State Fair Corporation created by Section **63H-6-103**;~~
- 1099 [~~(vi)~~] (v) Utah State Retirement Office created by Section **49-11-201**;
- 1100 [~~(vii)~~] (vi) School and Institutional Trust Lands Administration created by Section
- 1101 **53C-1-201**;
- 1102 [~~(viii)~~] (vii) School and Institutional Trust Fund Office created by Section **53D-1-201**;
- 1103 [~~(ix)~~] (viii) Utah Communications Authority created by Section **63H-7a-201**;
- 1104 [~~(x)~~] (ix) Utah Capital Investment Corporation created by Section **63N-6-301**; and
- 1105 [~~(xi)~~] (x) Military Installation Development Authority created by Section **63H-1-201**.
- 1106 (c) Notwithstanding this Subsection (4), "independent entity" does not include:
- 1107 (i) the Public Service Commission of Utah created by Section **54-1-1**;
- 1108 (ii) an institution within the state system of higher education;
- 1109 (iii) a city, county, or town;
- 1110 (iv) a local school district;

1111 (v) a local district under Title 17B, Limited Purpose Local Government Entities - Local
1112 Districts; or

1113 (vi) a special service district under Title 17D, Chapter 1, Special Service District Act.

1114 (5) "Independent state agency" means an entity that is created by the state, but is
1115 independent of the governor's direct supervisory control.

1116 (6) "Money held in trust" means money maintained for the benefit of:

1117 (a) one or more private individuals, including public employees;

1118 (b) one or more public or private entities; or

1119 (c) the owners of a quasi-public corporation.

1120 (7) "Public corporation" means an artificial person, public in ownership, individually
1121 created by the state as a body politic and corporate for the administration of a public purpose
1122 relating to the state or its citizens.

1123 (8) "Quasi-public corporation" means an artificial person, private in ownership,
1124 individually created as a corporation by the state, which has accepted from the state the grant of
1125 a franchise or contract involving the performance of a public purpose relating to the state or its
1126 citizens.

1127 Section 25. Section **63J-7-102** is amended to read:

1128 **63J-7-102. Scope and applicability of chapter.**

1129 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute
1130 superseding provisions of this chapter by explicit reference to this chapter, the provisions of
1131 this chapter apply to each agency and govern each grant received on or after May 5, 2008.

1132 (2) This chapter does not govern:

1133 (a) a grant deposited into a General Fund restricted account;

1134 (b) a grant deposited into a Fiduciary Fund as defined in Section [51-5-4](#);

1135 (c) a grant deposited into an Enterprise Fund as defined in Section [51-5-4](#);

1136 (d) a grant made to the state without a restriction or other designated purpose that is
1137 deposited into the General Fund as free revenue;

1138 (e) a grant made to the state that is restricted only to "education" and that is deposited
1139 into the Income Tax Fund or Uniform School Fund as free revenue;

1140 (f) in-kind donations;

1141 (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state

1142 when required by state law or application of state law;

1143 (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax
1144 Contribution Act;

1145 (i) a grant received by an agency from another agency or political subdivision;

1146 (j) a grant to the Utah Dairy Commission created in Section 4-22-103;

1147 (k) a grant to the Heber Valley Historic Railroad Authority created in Section
1148 63H-4-102;

1149 (l) a grant to the Utah State Railroad Museum Authority created in Section 63H-5-102;

1150 (m) a grant to the Utah Housing Corporation created in Section 63H-8-201;

1151 (n) a grant to the [~~Utah State Fair Corporation~~] State Fair Park Authority created in
1152 Section [~~63H-6-103~~] 11-68-201;

1153 (o) a grant to the Utah State Retirement Office created in Section 49-11-201;

1154 (p) a grant to the School and Institutional Trust Lands Administration created in
1155 Section 53C-1-201;

1156 (q) a grant to the Utah Communications Authority created in Section 63H-7a-201;

1157 (r) a grant to the Medical Education Program created in Section 26-69-403;

1158 (s) a grant to the Utah Capital Investment Corporation created in Section 63N-6-301;

1159 (t) a grant to the Utah Charter School Finance Authority created in Section 53G-5-602;

1160 (u) a grant to the State Building Ownership Authority created in Section 63B-1-304; or

1161 (v) a grant to the Military Installation Development Authority created in Section
1162 63H-1-201.

1163 (3) An agency need not seek legislative review or approval of grants under Part 2,
1164 Grant Approval Requirements, if:

1165 (a) the governor has declared a state of emergency; and

1166 (b) the grant is donated to the agency to assist victims of the state of emergency under
1167 Subsection 53-2a-204(1).

1168 Section 26. Section 67-3-12 is amended to read:

1169 **67-3-12. Utah Public Finance Website -- Establishment and administration --**

1170 **Records disclosure -- Exceptions.**

1171 (1) As used in this section:

1172 (a) (i) Subject to Subsections (1)(a)(ii) and (iii), "independent entity" means the same

1173 as that term is defined in Section 63E-1-102.

1174 (ii) "Independent entity" includes an entity that is part of an independent entity
1175 described in Subsection (1)(a)(i), if the entity is considered a component unit of the
1176 independent entity under the governmental accounting standards issued by the Governmental
1177 Accounting Standards Board.

1178 (iii) "Independent entity" does not include the Utah State Retirement Office created in
1179 Section 49-11-201.

1180 (b) "Local education agency" means a school district or charter school.

1181 (c) "Participating local entity" means:

1182 (i) a county;

1183 (ii) a municipality;

1184 (iii) the State Fair Park Authority, created in Section 11-68-201;

1185 ~~(iii)~~ (iv) a local district under Title 17B, Limited Purpose Local Government Entities
1186 - Local Districts;

1187 ~~(iv)~~ (v) a special service district under Title 17D, Chapter 1, Special Service District
1188 Act;

1189 ~~(v)~~ (vi) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;

1190 ~~(vi)~~ (vii) a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit
1191 District Act;

1192 ~~(vii)~~ (viii) except for a taxed interlocal entity as defined in Section 11-13-602:

1193 (A) an interlocal entity as defined in Section 11-13-103;

1194 (B) a joint or cooperative undertaking as defined in Section 11-13-103; or

1195 (C) any project, program, or undertaking entered into by interlocal agreement in
1196 accordance with Title 11, Chapter 13, Interlocal Cooperation Act;

1197 ~~(viii)~~ (ix) except for a taxed interlocal entity as defined in Section 11-13-602, an
1198 entity that is part of an entity described in Subsections (1)(c)(i) through ~~(vii)~~ (viii), if the
1199 entity is considered a component unit of the entity described in Subsections (1)(c)(i) through
1200 ~~(vii)~~ (viii) under the governmental accounting standards issued by the Governmental
1201 Accounting Standards Board; or

1202 ~~(ix)~~ (x) a conservation district under Title 17D, Chapter 3, Conservation District Act.

1203 (d) (i) "Participating state entity" means the state of Utah, including its executive,

1204 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,
1205 councils, committees, and institutions.

1206 (ii) "Participating state entity" includes an entity that is part of an entity described in
1207 Subsection (1)(d)(i), if the entity is considered a component unit of the entity described in
1208 Subsection (1)(d)(i) under the governmental accounting standards issued by the Governmental
1209 Accounting Standards Board.

1210 (e) "Public finance website" or "website" means the website established by the state
1211 auditor in accordance with this section.

1212 (f) "Public financial information" means each record that is required under this section
1213 or by rule made by the Office of the State Auditor under Subsection (9) to be made available on
1214 the public finance website, a participating local entity's website, or an independent entity's
1215 website.

1216 (g) "Qualifying entity" means:

1217 (i) an independent entity;

1218 (ii) a participating local entity;

1219 (iii) a participating state entity;

1220 (iv) a local education agency;

1221 (v) a state institution of higher education as defined in Section [53B-3-102](#);

1222 (vi) the Utah Educational Savings Plan created in Section [53B-8a-103](#);

1223 (vii) the Utah Housing Corporation created in Section [63H-8-201](#);

1224 (viii) the School and Institutional Trust Lands Administration created in Section
1225 [53C-1-201](#);

1226 (ix) the Utah Capital Investment Corporation created in Section [63N-6-301](#); or

1227 (x) a URS-participating employer.

1228 (h) (i) "URS-participating employer" means an entity that:

1229 (A) is a participating employer, as that term is defined in Section [49-11-102](#); and

1230 (B) is not required to report public financial information under this section as a
1231 qualifying entity described in Subsections (1)(g)(i) through (ix).

1232 (ii) "URS-participating employer" does not include:

1233 (A) the Utah State Retirement Office created in Section [49-11-201](#);

1234 (B) an insurer that is subject to the disclosure requirements of Section [31A-4-113](#); or

- 1235 (C) a withdrawing entity.
- 1236 (i) (i) "Withdrawing entity" means:
- 1237 (A) an entity that elects to withdraw from participation in a system or plan under Title
- 1238 49, Chapter 11, Part 6, Procedures and Records;
- 1239 (B) until the date determined under Subsection 49-11-626(2)(a), a public employees'
- 1240 association that provides the notice of intent described in Subsection 49-11-626(2)(b); and
- 1241 (C) beginning on the date determined under Subsection 49-11-626(2)(a), a public
- 1242 employees' association that makes an election described in Subsection 49-11-626(3).
- 1243 (ii) "Withdrawing entity" includes a withdrawing entity, as that term is defined in
- 1244 Sections 49-11-623 and 49-11-624.
- 1245 (2) The state auditor shall establish and maintain a public finance website in
- 1246 accordance with this section.
- 1247 (3) The website shall:
- 1248 (a) permit Utah taxpayers to:
- 1249 (i) view, understand, and track the use of taxpayer dollars by making public financial
- 1250 information available on the Internet for participating state entities, independent entities,
- 1251 participating local entities, and URS-participating employers, using the website; and
- 1252 (ii) link to websites administered by participating local entities, independent entities, or
- 1253 URS-participating employers that do not use the website for the purpose of providing public
- 1254 financial information as required by this section and by rule made under Subsection (9);
- 1255 (b) allow a person that has Internet access to use the website without paying a fee;
- 1256 (c) allow the public to search public financial information on the website;
- 1257 (d) provide access to financial reports, financial audits, budgets, or other financial
- 1258 documents that are used to allocate, appropriate, spend, and account for government funds, as
- 1259 may be established by rule made in accordance with Subsection (9);
- 1260 (e) have a unique and simplified website address;
- 1261 (f) be guided by the principles described in Subsection 63A-16-202(2);
- 1262 (g) include other links, features, or functionality that will assist the public in obtaining
- 1263 and reviewing public financial information, as may be established by rule made under
- 1264 Subsection (9); and
- 1265 (h) include a link to school report cards published on the State Board of Education's

1266 website under Section [53E-5-211](#).

1267 (4) The state auditor shall:

1268 (a) establish and maintain the website, including the provision of equipment, resources,
1269 and personnel as necessary;

1270 (b) maintain an archive of all information posted to the website;

1271 (c) coordinate and process the receipt and posting of public financial information from
1272 participating state entities; and

1273 (d) coordinate and regulate the posting of public financial information by participating
1274 local entities and independent entities.

1275 (5) A qualifying entity shall permit the public to view the qualifying entity's public
1276 financial information by posting the public financial information to the public finance website
1277 in accordance with rules made under Subsection (9).

1278 (6) The content of the public financial information posted to the public finance website
1279 is the responsibility of the qualifying entity posting the public financial information.

1280 (7) A URS-participating employer shall provide employee compensation information
1281 for each fiscal year ending on or after June 30, 2022:

1282 (a) to the state auditor for posting on the Utah Public Finance Website; or

1283 (b) (i) through the URS-participating employer's own website; and

1284 (ii) via a link to the website described in Subsection (7)(b)(i), submitted to the state
1285 auditor for posting on the Utah Public Finance Website.

1286 (8) (a) A qualifying entity may not post financial information that is classified as
1287 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and
1288 Management Act, to the public finance website.

1289 (b) An individual who negligently discloses financial information that is classified as
1290 private, protected, or controlled by Title 63G, Chapter 2, Government Records Access and
1291 Management Act, is not criminally or civilly liable for an improper disclosure of the financial
1292 information if the financial information is disclosed solely as a result of the preparation or
1293 publication of the website.

1294 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1295 Office of the State Auditor:

1296 (a) shall make rules to:

1297 (i) establish which records a qualifying entity is required to post to the public finance
1298 website; and

1299 (ii) establish procedures for obtaining, submitting, reporting, storing, and posting
1300 public financial information on the public finance website; and

1301 (b) may make rules governing when a qualifying entity is required to disclose an
1302 expenditure made by a person under contract with the qualifying entity, including the form and
1303 content of the disclosure.

1304 (10) The rules made under Subsection (9) shall only require a URS-participating
1305 employer to provide employee compensation information for each fiscal year ending on or after
1306 June 30, 2022:

1307 (a) to the state auditor for posting on the public finance website; or

1308 (b) (i) through the URS-participating employer's own website; and

1309 (ii) via a link to the website described in Subsection (10)(b)(i), submitted to the state
1310 auditor for posting on the public finance website.

1311 Section 27. **Repealer.**

1312 This bill repeals:

1313 Section **63H-6-101, Title.**

1314 Section **63H-6-201, Title.**

1315 Section **63H-6-202, Resolution authorizing issuance of corporation bond --**
1316 **Presentation to Executive Appropriations Committee -- Characteristics of bond.**

1317 Section **63H-6-203, Sources from which a corporation bond may be made payable**
1318 **-- Corporation powers regarding corporation bond.**

1319 Section **63H-6-204, Purchaser of a corporation bond.**

1320 Section **63H-6-205, Obligee rights.**