

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](#); or

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

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

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

116 (B) the new school creates no greater demand or need for public facilities than the
117 school or school facilities, including any portable or modular classrooms that are on the site of
118 the replaced school at the time that the new school is proposed; and

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

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

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

- 129 (i) the state's development causes an impact on the road facility; and
- 130 (ii) the portion of the road facility related to an impact fee is not funded by the state or
131 by the federal government.

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

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

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

138 **Part 1. General Provisions**

139 ~~[63H-6-102]~~. **11-68-101. Definitions.**

140 As used in this chapter:

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

142 ~~[(1)]~~ (2) "Board" means the authority board ~~[of directors of the corporation]~~, created in
143 Section [11-68-301](#).

144 ~~[(2)]~~ (3) "Business related experience" means at least three years of professional
145 experience in business administration, marketing, advertising, economic development, or a
146 related field.

147 ~~[(3)]~~ (4) "Capital development projects" means the same as ~~[capital development~~
148 ~~project, as] that term is defined in Section [63A-5b-401](#).~~

149 ~~[(4)]~~ "Capital improvements" means the same as that term is defined in Section

150 ~~63A-5b-401.~~]

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

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

154 (5) "Development" means:

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

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

160 [~~(7)~~] (6) "Division" means the Division of Facilities Construction and Management
161 created in Section ~~63A-5b-301~~.

162 [~~(8)~~] (7) "Executive director" means the executive director hired by the board [~~in~~
163 ~~accordance with Section 63H-6-105~~] under Section 11-68-302.

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

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

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

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

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

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

175 (b) "Fair park land" includes any land acquired by the authority under Subsection
176 11-68-201(6)(i).

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

Part 2. State Fair Park Authority

180 [~~63H-6-103~~]. **11-68-201. State Fair Park Authority -- Legal status --**

181 **Powers.**

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

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

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

188 (2) The authority is:

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

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

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

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

195 (b) The authority:

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

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

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

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

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

205 (a) manage, supervise, and control:

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

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

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

211 (i) provide, sponsor, or arrange the events;

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

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

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

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

247 and

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

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

255 (6) The [corporation] authority may:

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

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

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

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

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

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

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

272 (g) subject to Subsection (8), lease any of the state-owned buildings or facilities [~~at the~~
273 state] located on fair park land;

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

275 (i) subject to Subsection (11), acquire any interest in real property that the board

276 considers necessary or advisable to further a purpose of the authority or facilitate the authority's

277 fulfillment of a duty under this chapter;

278 (j) in accordance with Title 11, Chapter 42a, Commercial Property Assessed Clean

279 Energy Act, provide for or finance an energy efficiency upgrade, a renewable energy system, or

280 electric vehicle charging infrastructure, as those terms are defined in Section [11-42a-102](#); and

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

282 ~~[(7)(a) Except as provided in Subsection (7)(c), as an independent agency of Utah, the~~

283 ~~corporation is exempt from:]~~

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

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

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

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

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

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

290 (7) The authority shall comply with:

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

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

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

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

295 ~~[(e) The corporation shall comply with:]~~

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

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

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

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

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

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

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

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

304 projects established in Section [63A-5b-404](#).

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

- 307 (i) submit the proposed lease to the division for the division's approval or rejection; and
- 308 (ii) if the division approves the proposed lease, submit the proposed lease to the
309 Executive Appropriations Committee for the Executive Appropriation Committee's review and
310 recommendation in accordance with Subsection (8)(b).

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

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

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

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

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

327 (11) (a) As used in this Subsection (11), "new land" means land that, if acquired by the
328 authority, would result in the authority having acquired over three acres of land more than the
329 land described in Subsection 11-68-101(9)(a).

330 (b) In conjunction with the authority's acquisition of new land, the authority shall enter
331 an agreement with the municipality in which the new land is located.

332 (c) To provide funds for the cost of increased municipal services that the municipality
333 will provide to the new land, an agreement under Subsection (11)(b)(i) shall:

334 (i) provide for:

335 (A) the payment of impact fees to the municipality for development activity on the new

336 land; and

337 (B) the authority's sharing with the municipality tax revenue generated from the new

338 land; and

339 (ii) be structured in a way that recognizes the needs of the authority and furthers mutual

340 goals of the authority and the municipality.

341 Section 4. Section **11-68-202**, which is renumbered from Section 63H-6-108 is

342 renumbered and amended to read:

343 **~~[63H-6-108].~~ 11-68-202. Operation of the state-owned buildings and**
344 **facilities on fair park land -- New construction and modification of existing facilities --**
345 **Liability insurance -- Obligations of the authority.**

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

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

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

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

353 [~~(i) a construction project that costs more than \$250,000; or]~~

354 [~~(ii) the construction of a new building that costs more than \$1,000,000;]~~

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

357 [~~(e) ensure that:]~~

358 [~~(i) any design plan related to the state fair park satisfies any applicable design~~
359 ~~standards established by the division; and]~~

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

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

363 [~~(i) notify the division before commencing the new construction project; and]~~

364 [~~(ii) coordinate with the division regarding review of design plans and construction~~
365 ~~management;]~~

366 [~~(g)~~] (c) obtain approval from the division before [~~the corporation makes~~] making any

367 alteration or addition to the water system, heating system, plumbing system, air conditioning
368 system, or electrical system of a state-owned building or facility on fair park land;

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

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

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

377 ~~(i) licensed to do business in the state;~~

378 ~~(ii) selected by the [corporation] authority; and~~

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

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

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

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

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

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

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

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

397 (iii) "Minor project" means new construction or an existing facility modification that

398 costs, regardless of the funding source, \$100,000 or less.

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

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

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

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

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

409 (B) revoke the delegation and assume control of the design, construction, or other
410 aspect of a delegated project if the director considers the revocation and assumption of control
411 to be necessary to protect the interests of the state.

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

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

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

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

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

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

426 (iv) notify the division before commencing the new construction or existing facility
427 modification;

428 (v) coordinate with the division regarding the review of design plans and management

429 of the new construction or existing facility modification project; and

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

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

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

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

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

439 ~~[(5)]~~ (4) Upon 24 hours notice to the ~~[corporation]~~ board, the division may enter the
440 ~~[state]~~ fair park land to inspect ~~[the state]~~ any facility on fair park land and make any repairs
441 that the division determines necessary.

442 ~~[(6) If the corporation no longer operates as an independent public nonprofit~~
443 ~~corporation as described in this chapter, the state shall assume the responsibilities of the~~
444 ~~corporation under any contract that is:]~~

445 ~~[(a) in effect as of the day on which the status of the corporation changes; and]~~

446 ~~[(b) for the lease, construction, or development of a building or facility on the state fair~~
447 ~~park:]~~

448 ~~[(7)]~~ (5) (a) A debt or obligation contracted by the ~~[corporation]~~ authority is a debt or
449 obligation of the ~~[corporation]~~ authority and not of the state.

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

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

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

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

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

458 **Part 3. Authority Governance**

459 ~~[63H-6-104].~~ **11-68-301. Board -- Membership -- Term -- Quorum --**

460 **Vacancies -- Duties.**

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

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

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

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

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

467 (i) who have business related experience; and

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

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

470 (i) who have business related experience; and

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

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

473 Subsection (3)(e), appointed by the governor with the advice and consent of the Senate in

474 accordance with Title 63G, Chapter 24, Part 2, Vacancies as follows:

475 (i) two members who represent agricultural interests;

476 (ii) two members who have business related experience; and

477 (iii) one member who is recommended by the Utah Farm Bureau Federation;

478 (f) one member, appointed by the mayor of Salt Lake City with the advice and consent

479 of the Senate, who is a resident of the neighborhood located adjacent to the [~~state~~] fair park

480 land;

481 (g) a representative of Salt Lake County, if Salt Lake County is party to an executed

482 lease agreement with the [~~corporation~~] authority; and

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

484 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), a board member appointed under

485 Subsection (2)(c), (d), (e), or (f) shall serve a term that expires on the December 1 four years

486 after the year that the board member was appointed.

487 (ii) In making appointments to the board, the president of the Senate, the speaker of the

488 House, the governor, and the mayor of Salt Lake City shall ensure that the terms of

489 approximately 1/4 of the appointed board members expire each year.

490 (b) Except as provided in Subsection (3)(c), appointed board members serve until their

491 successors are appointed and qualified.

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

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

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

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

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

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

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

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

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

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

511 (a) a business plan for the authority;

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

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

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

517 ~~[63H-6-105].~~ **11-68-302. Executive director.**

518 (1) (a) The board shall:

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

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

522 and

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

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

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

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

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

530 (2) The executive director shall:

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

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

534 (c) keep the board, the governor, the Legislature, and its agencies, and other affected
535 officers, associations, and groups informed about the operations of the [corporation] authority;

536 (d) recommend to the board any necessary or desirable changes in the statutes
537 governing the [corporation] authority;

538 (e) recommend to the board an annual administrative budget covering the operations of
539 the [corporation] authority and, upon approval, submit the budget to the governor and the
540 Legislature for their examination and approval;

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

542 (g) employ, within the limitations of the budget, staff personnel and consultants to
543 accomplish the purpose of the [corporation] authority, and establish [~~their~~] the qualifications,
544 duties, and compensation of the staff personnel and consultants;

545 (h) keep in convenient form all records and accounts of the [corporation] authority,
546 including those necessary for the administration of the [state] fair park land;

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

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

549 [~~(ii) a financial plan for the corporation that projects self-sufficiency for the
550 corporation within two years; and]~~]

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

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

- 553 (i) salaries;
- 554 (ii) allowable expenses of the [~~corporation~~] authority and its employees and
- 555 consultants; and
- 556 (iii) expenses incidental to the operation of the [~~corporation~~] authority; and
- 557 [~~(k)~~] (j) perform other duties as directed by the board.

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

559 **Part 4. Authority Revenues**

560 **11-68-401. Distribution of sales tax revenue to authority.**

561 (1) As used in this section:

562 (a) "Applicable sales tax revenue" means all revenue collected under Title 59, Chapter
563 12, Sales and Use Tax Act, on transactions that occur within a qualified hotel, except:

- 564 (i) revenue distributed under Subsection 59-12-205(2)(a)(ii)(A); and
- 565 (ii) revenue collected under Title 59, Chapter 12, Part 3A, Municipality Transient
566 Room Tax.

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

568 (c) "Qualified hotel" means a hotel for which the authority provides notice to the
569 commission under Subsection (2).

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

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

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

578 [~~63H-6-109~~]. **11-68-402. Privilege tax -- Personal property tax revenue --**
579 **Deposit into Utah State Fair Fund.**

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

582 [~~(2) (a) Any agreement between the corporation and a person to develop property~~
583 ~~within the state fair park shall provide that the person shall, in accordance with Title 59;~~

584 Chapter 3, Tax Equivalent Property Act, make a tax equivalent payment as defined in Section
585 ~~59-3-102~~ to the corporation each year.]

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

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

588 (ii) all revenue from a property tax on personal property located on property that is
589 subject to a privilege tax under Subsection (1).

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

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

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

597 ~~[63H-6-107]~~. **11-68-403. Enterprise fund -- Creation -- Revenue -- Uses.**

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

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

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

601 (a) lease payments from person or entities leasing ~~[the state]~~ any part of the fair park
602 land or any other facilities owned by the [corporation] authority;

603 (b) revenue received from any expositions or other events wholly or partially sponsored
604 by the ~~[corporation]~~ authority;

605 (c) aid or contributions of money, property, labor, or other things of value from any
606 source, including any grants or appropriations from any department, agency, or instrumentality
607 of the United States or ~~[Utah]~~ the state;

608 (d) appropriations made to the fund by the Legislature;

609 (e) revenue received under ~~[an agreement described in Subsection ~~63H-6-109~~(2)]~~ a
610 privilege tax or a tax on personal property; and

611 (f) any other income obtained by the ~~[corporation]~~ authority.

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

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

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

615 Utah [~~state fair, the state~~] State Fair, the fair park land, and other expositions sponsored by the
616 [~~corporation~~] authority.

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

618 **Part 5. Authority Bonds**

619 **11-68-501. Authority may issue bonds -- Resolution authorizing issuance of**
620 **authority bonds -- Characteristics of bonds.**

621 (1) The authority may issue bonds, as provided in this part, to fund development
622 consistent with the master plan adopted under Subsection [11-68-301\(9\)\(c\)](#).

623 (2) The authority may not issue bonds under this part unless the board first:

624 (a) adopts a parameters resolution that sets forth:

625 (i) the maximum:

626 (A) amount of the bonds;

627 (B) term; and

628 (C) interest rate; and

629 (ii) the expected security for the bonds; and

630 (b) submits the parameters resolution for review and recommendation to the State
631 Finance Review Commission created in Section [63C-25-201](#).

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

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

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

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

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

646 (5) In lieu of publishing the entire resolution, the board may publish notice of bonds
647 that contains the information described in Subsection 11-14-316(2).

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

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

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

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

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

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

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

660 (a) the Executive Appropriations Committee; and

661 (b) the State Finance Review Commission created in Section 63C-25-201.

662 Section 11. Section 11-68-502 is enacted to read:

663 **11-68-502. Sources from which bonds may be made payable -- Authority powers**
664 **regarding bonds.**

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

667 (a) the income and revenues of the development projects financed with the proceeds of
668 the bonds;

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

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

673 (d) privilege tax and property tax revenue under Section 11-68-402;

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

676 (f) authority revenues generally;

- 677 (g) a contribution, loan, grant, or other financial assistance from the federal
- 678 government or a public entity in aid of the development; or
- 679 (h) funds derived from any combination of the sources listed in Subsections (1)(a)
- 680 through (g).
- 681 (2) (a) In connection with the issuance of authority bonds, the authority may:
- 682 (i) pledge all or any part of the authority's gross or net rents, fees, or revenues to which
- 683 the authority's right then exists or may thereafter come into existence; and
- 684 (ii) make the covenants and take the action that may be necessary, convenient, or
- 685 desirable to secure the authority's bonds, or, except as otherwise provided in this chapter, that
- 686 will tend to make the bonds more marketable, even though such covenants or actions are not
- 687 specifically enumerated in this chapter.
- 688 (b) The authority may not use all or any portion of the fair park land as collateral for
- 689 any bonds or encumber the fair park land by mortgage, deed of trust, or otherwise as collateral
- 690 for any bonds.

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

692 **11-68-503. Authority to purchase agency bonds.**

693 (1) Any person, firm, corporation, association, political subdivision of the state, or

694 other entity or public or private officer may purchase bonds issued by an authority under this

695 part with funds owned or controlled by the purchaser.

696 (2) Nothing in this section may be construed to relieve a purchaser of authority bonds

697 of any duty to exercise reasonable care in selecting securities.

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

699 **11-68-504. Those executing bonds not personally liable -- Limitation of**

700 **obligations under bonds -- Negotiability.**

701 (1) A member of the board or other person executing an authority bond is not liable

702 personally on the bond.

703 (2) (a) A bond issued by the authority is not an obligation or liability of the state or any

704 of the state's political subdivisions, except the authority, and does not constitute a charge

705 against the general credit or taxing powers of the state or other political subdivisions of the

706 state.

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

708 the authority.

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

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

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

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

715 **11-68-505. Obligee rights -- Board may confer other rights.**

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

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

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

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

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

731 **11-68-506. Bonds exempt from taxes -- Authority may purchase its own bonds.**

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

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

737 (3) Nothing in this section may be construed to limit the right of an obligee to pursue a
738 remedy for the enforcement of a pledge or lien given under this part by the authority on the

739 authority's income, revenues, proceeds, funds, fees, rents, grants, or taxes.

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

742 **Part 6. Authority Reporting**

743 ~~[63H-6-106].~~ **11-68-601. Financial reports -- Audit -- Surety bonds.**

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

747 (b) The report shall contain:

748 (i) a complete operating report detailing the [~~corporation's~~] authority's activities; and

749 (ii) financial statements of the [~~corporation~~] authority audited by a certified public
750 accountant according to generally accepted auditing standards.

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

752 (i) audit the books and accounts of the [~~corporation~~] authority; or

753 (ii) contract with a nationally recognized independent certified public accountant to
754 conduct the audit and review the audit report when [~~it~~] the audit is completed.

755 (b) The [~~corporation~~] authority shall reimburse the state auditor for the costs of the
756 audit.

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

760 (3) (a) The [~~corporation~~] authority shall maintain a surety bond in the penal sum of
761 \$25,000 for each member of the board.

762 (b) The [~~corporation~~] authority shall maintain a surety bond in the penal sum of
763 \$50,000 for the executive director.

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

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

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

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

770 (d) The ~~corporation~~ authority shall pay the cost of the surety bonds.

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

772 **59-4-101. Tax basis -- Exceptions -- Assessment and collection -- Designation of**
773 **person to receive notice.**

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

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

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

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

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

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

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

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

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

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

799 (e) the use or possession of any lease, permit, or easement unless the lease, permit, or
800 easement entitles the lessee or permittee to exclusive possession of the premises to which the

801 lease, permit, or easement relates;

802 (f) the use or possession of property by a public agency, as defined in Section
803 [11-13-103](#), to the extent that the ownership interest of the public agency in that property is
804 subject to a fee in lieu of ad valorem property tax under Section [11-13-302](#); or

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

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

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

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

815 (5) A tax imposed under this chapter is assessed to the possessors or users of the
816 property on the same forms, and collected and, subject to Subsection [11-68-402\(2\)](#), distributed
817 at the same time and in the same manner, as taxes assessed owners, possessors, or other
818 claimants of property that is subject to ad valorem property taxation. The tax is not a lien
819 against the property, and no tax-exempt property may be attached, encumbered, sold, or
820 otherwise affected for the collection of the tax.

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

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

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

827 (ii) If a governmental entity is required under Section [59-2-919.1](#) or [59-2-1317](#) to send
828 information or notice to a person, the governmental entity shall send the information or notice
829 to:

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

831 (B) one person designated in accordance with Subsection (6)(b) by the person

832 described in Subsection (6)(a)(ii)(A).

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

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

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

841 (7) Sections [59-2-301.1](#) through [59-2-301.7](#) apply for purposes of assessing a tax under
842 this chapter.

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

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

845 **59-12-2301. Definitions.**

846 As used in this part:

847 (1) "Authority board" means the fair park authority board under Section [11-68-301](#).

848 (2) "Fair park authority" means the State Fair Park Authority, created in Section
849 [11-68-201](#).

850 (3) "Fair park land" means the same as that term is defined in Section [11-68-101](#).

851 (4) "Fair park special event" means an event:

852 (a) that occurs on fair park land, except within a qualified hotel as defined in Section
853 [11-68-401](#);

854 (b) that lasts six months or less;

855 (c) that is:

856 (i) sponsored by the fair park authority; or

857 (ii) provided pursuant to a contract with the fair park authority;

858 (d) for which a special event permit is obtained under Section [59-12-106](#); and

859 (e) where taxable sales occur.

860 (5) "Fair park special event tax" means a tax imposed under this part on taxable items.

861 (6) "Taxable items" means:

862 (a) alcoholic beverages;

863 (b) food and food ingredients; or

864 (c) prepared food.

865 Section 19. Section **59-12-2302** is enacted to read:

866 **59-12-2302. Fair park authority may impose special event tax.**

867 (1) The fair park authority may impose a tax of not to exceed 1.5% on all sales:

868 (a) of taxable items; and

869 (b) that occur at a special event.

870 (2) (a) To impose a tax under Subsection (1), the authority board shall adopt a

871 resolution imposing the tax.

872 (b) The resolution under Subsection (2)(a) shall include provisions substantially the
873 same as those contained in Part 1, Tax Collection, except that the tax shall be imposed only on
874 taxable items.

875 (c) The name of the fair park authority as the taxing agency shall be substituted for that
876 of the state where necessary, and an additional license is not required if one has been or is
877 issued under Section [59-12-106](#).

878 (3) To maintain in effect a tax resolution adopted under this part, the authority board
879 shall, within 30 days of any amendment of any applicable provisions of Part 1, Tax Collection,
880 adopt amendments to the fair park authority's tax resolution to conform with the applicable
881 amendments to Part 1, Tax Collection.

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

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

886 (B) Chapter 1, General Taxation Policies.

887 (ii) A tax under this part is not subject to Section [59-12-107.1](#) or [59-12-123](#) or
888 Subsections [59-12-205](#)(2) through (6).

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

891 (c) The commission shall retain and deposit an administrative charge in accordance
892 with Section [59-1-306](#) from the revenue the commission collects from a fair park special event
893 tax.

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

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

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

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

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

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

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

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

908 (c) (i) If the billing period for a transaction begins before the effective date of the
909 enactment of the tax or the tax rate increase imposed under Subsection (1), the enactment of
910 the tax or the tax rate increase shall take effect on the first day of the first billing period that
911 begins after the effective date of the enactment of the tax or the tax rate increase.

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

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

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

924 (ii) If the billing period for a transaction begins before the effective date of the repeal

925 of the tax or the tax rate decrease imposed under Subsection (1), the repeal of the tax or the tax
926 rate decrease shall take effect on the first day of the last billing period that began before the
927 effective date of the repeal of the tax or the tax rate decrease.

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

929 **59-12-2303. Seller or certified service provider reliance on commission**
930 **information.**

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

935 (1) containing tax rates, boundaries, or local taxing jurisdiction assignments; or

936 (2) indicating the taxability of tangible personal property, a product transferred
937 electronically, or a service.

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

939 **59-12-2304. Certified service provider or model 2 seller reliance on commission**
940 **certified software.**

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

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

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

949 (i) provided by the commission; or

950 (ii) in the software the commission certifies.

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

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

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

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

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

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

969 **59-12-2305. Purchaser relief from liability.**

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

973 (i) the purchaser's seller or certified service provider relies on incorrect data provided
974 by the commission:

975 (A) on a tax rate;

976 (B) on a boundary;

977 (C) on a taxing jurisdiction; or

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

979 or

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

982 (A) on a tax rate;

983 (B) on a boundary;

984 (C) on a taxing jurisdiction; or

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

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

987 Section 59-1-401 for failure to pay a tax due under this part or an underpayment if the
988 purchaser's, the purchaser's seller's, or the purchaser's certified service provider's reliance on
989 incorrect data provided by the commission is a result of conduct that is:

- 990 (i) fraudulent;
- 991 (ii) intentional; or
- 992 (iii) willful.

993 (2) In addition to the relief from a penalty described in Subsection (1), a purchaser is
994 not liable for a tax or interest under Section 59-1-402 for failure to pay a fair park special event
995 tax or an underpayment of the fair park special event tax if:

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

997 (i) incorrect data provided by the commission:

998 (A) on a tax rate;

999 (B) on a boundary; or

1000 (C) on a taxing jurisdiction; or

1001 (ii) an erroneous classification by the commission:

1002 (A) in the taxability matrix the commission provides in accordance with the agreement;

1003 and

1004 (B) with respect to a term that is in the library of definitions and that is listed as taxable
1005 or exempt, included in or excluded from "sales price," or included in or excluded from a
1006 definition; or

1007 (b) the purchaser, regardless of whether the purchaser holds a direct payment permit in
1008 accordance with Section 59-12-107.1, relies on:

1009 (i) incorrect data provided by the commission:

1010 (A) on a tax rate;

1011 (B) on a boundary; or

1012 (C) on a taxing jurisdiction; or

1013 (ii) an erroneous classification by the commission:

1014 (A) in the taxability matrix the commission provides in accordance with the agreement;

1015 and

1016 (B) with respect to a term that is in the library of definitions and that is listed as taxable
1017 or exempt, included in or excluded from "sales price," or included in or excluded from a

1018 definition.

1019 Section 23. Section **63C-25-101** is amended to read:

1020 **63C-25-101. Definitions.**

1021 As used in this chapter:

1022 (1) "Authority" means the same as that term is defined in Section [63B-1-303](#).

1023 (2) "Bond" means the same as that term is defined in Section [63B-1-101](#).

1024 (3) "Bonding political subdivision" means:

1025 (a) the Utah Inland Port Authority, created in Section [11-58-201](#);

1026 (b) the Military Installation Development Authority, created in Section [63H-1-201](#);

1027 (c) the Point of the Mountain State Land Authority, created in Section [11-59-201](#); ~~[or]~~

1028 (d) the Utah Lake Authority, created in Section [11-65-201](#)~~[-]~~; or

1029 (e) the State Fair Park Authority, created in Section [11-68-201](#).

1030 (4) "Commission" means the State Finance Review Commission created in Section
1031 [63C-25-201](#).

1032 (5) "Concessionaire" means a person who:

1033 (a) operates, finances, maintains, or constructs a government facility under a contract
1034 with a bonding political subdivision; and

1035 (b) is not a bonding political subdivision.

1036 (6) "Creating entity" means the same as that term is defined in Section [17D-4-102](#).

1037 (7) "Government facility" means infrastructure, improvements, or a building that:

1038 (a) costs more than \$5,000,000 to construct; and

1039 (b) has a useful life greater than five years.

1040 (8) "Large public transit district" means the same as that term is defined in Section
1041 [17B-2a-802](#).

1042 (9) "Loan entity" means the board, person, unit, or agency with legal responsibility for
1043 making a loan from a revolving loan fund.

1044 (10) "Obligation" means the same as that term is defined in Section [63B-1-303](#).

1045 (11) "Parameters resolution" means a resolution of a bonding political subdivision, or
1046 public infrastructure district created by a bonding political subdivision, that sets forth for
1047 proposed bonds:

1048 (a) the maximum:

- 1049 (i) amount of bonds;
1050 (ii) term; and
1051 (iii) interest rate; and
1052 (b) the expected security for the bonds.
1053 (12) "Public infrastructure district" means a public infrastructure district created under
1054 Title 17D, Chapter 4, Public Infrastructure District Act.
1055 (13) "Public-private partnership" means a contract:
1056 (a) between a bonding political subdivision and a concessionaire for the operation,
1057 finance, maintenance, or construction of a government facility;
1058 (b) that authorizes the concessionaire to operate the government facility for a term of
1059 five years or longer, including any extension of the contract; and
1060 (c) in which all or some of the annual source of payment to the concessionaire comes
1061 from state funds provided to the bonding political subdivision.
1062 (14) "Revolving loan fund" means:
1063 (a) the Water Resources Conservation and Development Fund, created in Section
1064 73-10-24;
1065 (b) the Water Resources Construction Fund, created in Section 73-10-8;
1066 (c) the Water Resources Cities Water Loan Fund, created in Section 73-10-22;
1067 (d) the Clean Fuel Conversion Funds, created in Title 19, Chapter 1, Part 4, Clean
1068 Fuels and Vehicle Technology Program Act;
1069 (e) the Water Development Security Fund and its subaccounts, created in Section
1070 73-10c-5;
1071 (f) the Agriculture Resource Development Fund, created in Section 4-18-106;
1072 (g) the Utah Rural Rehabilitation Fund, created in Section 4-19-105;
1073 (h) the Permanent Community Impact Fund, created in Section 35A-8-303;
1074 (i) the Petroleum Storage Tank Fund, created in Section 19-6-409;
1075 (j) the School Building Revolving Account, created in Section 53F-9-206;
1076 (k) the State Infrastructure Bank Fund, created in Section 72-2-202;
1077 (l) the Uintah Basin Revitalization Fund, created in Section 35A-8-1602;
1078 (m) the Navajo Revitalization Fund, created in Section 35A-8-1704;
1079 (n) the Energy Efficiency Fund, created in Section 11-45-201;

- 1080 (o) the Brownfields Fund, created in Section 19-8-120;
- 1081 (p) the following enterprise revolving loan funds created in Section 63A-3-402:
- 1082 (i) the inland port infrastructure revolving loan fund;
- 1083 (ii) the point of the mountain infrastructure revolving loan fund; or
- 1084 (iii) the military development infrastructure revolving loan fund; and
- 1085 (q) any other revolving loan fund created in statute where the borrower from the
- 1086 revolving loan fund is a public non-profit entity or political subdivision, including a fund listed
- 1087 in Section 63A-3-205, from which a loan entity is authorized to make a loan.

1088 (15) (a) "State funds" means an appropriation by the Legislature identified as coming

1089 from the General Fund or Education Fund.

1090 (b) "State funds" does not include:

- 1091 (i) a revolving loan fund; or
- 1092 (ii) revenues received by a bonding political subdivision from:
- 1093 (A) a tax levied by the bonding political subdivision;
- 1094 (B) a fee assessed by the bonding political subdivision; or
- 1095 (C) operation of the bonding political subdivision's government facility.

1096 Section 24. Section 63E-1-102 is amended to read:

1097 **63E-1-102. Definitions -- List of independent entities.**

1098 As used in this title:

1099 (1) "Authorizing statute" means the statute creating an entity as an independent entity.

1100 (2) "Committee" means the Retirement and Independent Entities Committee created by

1101 Section 63E-1-201.

1102 (3) "Independent corporation" means a corporation incorporated in accordance with

1103 Chapter 2, Independent Corporations Act.

1104 (4) (a) "Independent entity" means an entity having a public purpose relating to the

1105 state or its citizens that is individually created by the state or is given by the state the right to

1106 exist and conduct its affairs as an:

- 1107 (i) independent state agency; or
- 1108 (ii) independent corporation.

1109 (b) "Independent entity" includes the:

- 1110 (i) Utah Beef Council, created by Section 4-21-103;

- 1111 (ii) Utah Dairy Commission created by Section 4-22-103;
- 1112 (iii) Heber Valley Historic Railroad Authority created by Section 63H-4-102;
- 1113 (iv) Utah Housing Corporation created by Section 63H-8-201;
- 1114 [~~(v) Utah State Fair Corporation created by Section 63H-6-103;~~]
- 1115 [~~(vi)~~] (v) Utah State Retirement Office created by Section 49-11-201;
- 1116 [~~(vii)~~] (vi) School and Institutional Trust Lands Administration created by Section
- 1117 53C-1-201;
- 1118 [~~(viii)~~] (vii) School and Institutional Trust Fund Office created by Section 53D-1-201;
- 1119 [~~(ix)~~] (viii) Utah Communications Authority created by Section 63H-7a-201;
- 1120 [~~(x)~~] (ix) Utah Capital Investment Corporation created by Section 63N-6-301; and
- 1121 [~~(xi)~~] (x) Military Installation Development Authority created by Section 63H-1-201.
- 1122 (c) Notwithstanding this Subsection (4), "independent entity" does not include:
- 1123 (i) the Public Service Commission of Utah created by Section 54-1-1;
- 1124 (ii) an institution within the state system of higher education;
- 1125 (iii) a city, county, or town;
- 1126 (iv) a local school district;
- 1127 (v) a local district under Title 17B, Limited Purpose Local Government Entities - Local
- 1128 Districts; or
- 1129 (vi) a special service district under Title 17D, Chapter 1, Special Service District Act.
- 1130 (5) "Independent state agency" means an entity that is created by the state, but is
- 1131 independent of the governor's direct supervisory control.
- 1132 (6) "Money held in trust" means money maintained for the benefit of:
- 1133 (a) one or more private individuals, including public employees;
- 1134 (b) one or more public or private entities; or
- 1135 (c) the owners of a quasi-public corporation.
- 1136 (7) "Public corporation" means an artificial person, public in ownership, individually
- 1137 created by the state as a body politic and corporate for the administration of a public purpose
- 1138 relating to the state or its citizens.
- 1139 (8) "Quasi-public corporation" means an artificial person, private in ownership,
- 1140 individually created as a corporation by the state, which has accepted from the state the grant of
- 1141 a franchise or contract involving the performance of a public purpose relating to the state or its

1142 citizens.

1143 Section 25. Section **63J-7-102** is amended to read:

1144 **63J-7-102. Scope and applicability of chapter.**

1145 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute
1146 superseding provisions of this chapter by explicit reference to this chapter, the provisions of
1147 this chapter apply to each agency and govern each grant received on or after May 5, 2008.

1148 (2) This chapter does not govern:

1149 (a) a grant deposited into a General Fund restricted account;

1150 (b) a grant deposited into a Fiduciary Fund as defined in Section [51-5-4](#);

1151 (c) a grant deposited into an Enterprise Fund as defined in Section [51-5-4](#);

1152 (d) a grant made to the state without a restriction or other designated purpose that is
1153 deposited into the General Fund as free revenue;

1154 (e) a grant made to the state that is restricted only to "education" and that is deposited
1155 into the Income Tax Fund or Uniform School Fund as free revenue;

1156 (f) in-kind donations;

1157 (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state
1158 when required by state law or application of state law;

1159 (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax
1160 Contribution Act;

1161 (i) a grant received by an agency from another agency or political subdivision;

1162 (j) a grant to the Utah Dairy Commission created in Section [4-22-103](#);

1163 (k) a grant to the Heber Valley Historic Railroad Authority created in Section
1164 [63H-4-102](#);

1165 (l) a grant to the Utah State Railroad Museum Authority created in Section [63H-5-102](#);

1166 (m) a grant to the Utah Housing Corporation created in Section [63H-8-201](#);

1167 (n) a grant to the [~~Utah State Fair Corporation~~] State Fair Park Authority created in
1168 Section [~~[63H-6-103](#)~~] [11-68-201](#);

1169 (o) a grant to the Utah State Retirement Office created in Section [49-11-201](#);

1170 (p) a grant to the School and Institutional Trust Lands Administration created in
1171 Section [53C-1-201](#);

1172 (q) a grant to the Utah Communications Authority created in Section [63H-7a-201](#);

- 1173 (r) a grant to the Medical Education Program created in Section [26-69-403](#);
- 1174 (s) a grant to the Utah Capital Investment Corporation created in Section [63N-6-301](#);
- 1175 (t) a grant to the Utah Charter School Finance Authority created in Section [53G-5-602](#);
- 1176 (u) a grant to the State Building Ownership Authority created in Section [63B-1-304](#); or
- 1177 (v) a grant to the Military Installation Development Authority created in Section
- 1178 [63H-1-201](#).

1179 (3) An agency need not seek legislative review or approval of grants under Part 2,
1180 Grant Approval Requirements, if:

- 1181 (a) the governor has declared a state of emergency; and
- 1182 (b) the grant is donated to the agency to assist victims of the state of emergency under
- 1183 Subsection [53-2a-204](#)(1).

1184 Section 26. Section **67-3-12** is amended to read:

1185 **67-3-12. Utah Public Finance Website -- Establishment and administration --**
1186 **Records disclosure -- Exceptions.**

1187 (1) As used in this section:

1188 (a) (i) Subject to Subsections (1)(a)(ii) and (iii), "independent entity" means the same
1189 as that term is defined in Section [63E-1-102](#).

1190 (ii) "Independent entity" includes an entity that is part of an independent entity
1191 described in Subsection (1)(a)(i), if the entity is considered a component unit of the
1192 independent entity under the governmental accounting standards issued by the Governmental
1193 Accounting Standards Board.

1194 (iii) "Independent entity" does not include the Utah State Retirement Office created in
1195 Section [49-11-201](#).

1196 (b) "Local education agency" means a school district or charter school.

1197 (c) "Participating local entity" means:

1198 (i) a county;

1199 (ii) a municipality;

1200 (iii) the State Fair Park Authority, created in Section [11-68-201](#);

1201 ~~[(iii)]~~ (iv) a local district under Title 17B, Limited Purpose Local Government Entities
1202 - Local Districts;

1203 ~~[(iv)]~~ (v) a special service district under Title 17D, Chapter 1, Special Service District

1204 Act;

1205 [~~(v)~~] (vi) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;

1206 [~~(vi)~~] (vii) a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit

1207 District Act;

1208 [~~(vii)~~] (viii) except for a taxed interlocal entity as defined in Section 11-13-602:

1209 (A) an interlocal entity as defined in Section 11-13-103;

1210 (B) a joint or cooperative undertaking as defined in Section 11-13-103; or

1211 (C) any project, program, or undertaking entered into by interlocal agreement in

1212 accordance with Title 11, Chapter 13, Interlocal Cooperation Act;

1213 [~~(viii)~~] (ix) except for a taxed interlocal entity as defined in Section 11-13-602, an

1214 entity that is part of an entity described in Subsections (1)(c)(i) through [~~(vii)~~] (viii), if the

1215 entity is considered a component unit of the entity described in Subsections (1)(c)(i) through

1216 [~~(vii)~~] (viii) under the governmental accounting standards issued by the Governmental

1217 Accounting Standards Board; or

1218 [~~(ix)~~] (x) a conservation district under Title 17D, Chapter 3, Conservation District Act.

1219 (d) (i) "Participating state entity" means the state of Utah, including its executive,

1220 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,

1221 councils, committees, and institutions.

1222 (ii) "Participating state entity" includes an entity that is part of an entity described in

1223 Subsection (1)(d)(i), if the entity is considered a component unit of the entity described in

1224 Subsection (1)(d)(i) under the governmental accounting standards issued by the Governmental

1225 Accounting Standards Board.

1226 (e) "Public finance website" or "website" means the website established by the state

1227 auditor in accordance with this section.

1228 (f) "Public financial information" means each record that is required under this section

1229 or by rule made by the Office of the State Auditor under Subsection (9) to be made available on

1230 the public finance website, a participating local entity's website, or an independent entity's

1231 website.

1232 (g) "Qualifying entity" means:

1233 (i) an independent entity;

1234 (ii) a participating local entity;

- 1235 (iii) a participating state entity;
- 1236 (iv) a local education agency;
- 1237 (v) a state institution of higher education as defined in Section 53B-3-102;
- 1238 (vi) the Utah Educational Savings Plan created in Section 53B-8a-103;
- 1239 (vii) the Utah Housing Corporation created in Section 63H-8-201;
- 1240 (viii) the School and Institutional Trust Lands Administration created in Section
- 1241 53C-1-201;
- 1242 (ix) the Utah Capital Investment Corporation created in Section 63N-6-301; or
- 1243 (x) a URS-participating employer.
- 1244 (h) (i) "URS-participating employer" means an entity that:
- 1245 (A) is a participating employer, as that term is defined in Section 49-11-102; and
- 1246 (B) is not required to report public financial information under this section as a
- 1247 qualifying entity described in Subsections (1)(g)(i) through (ix).
- 1248 (ii) "URS-participating employer" does not include:
- 1249 (A) the Utah State Retirement Office created in Section 49-11-201;
- 1250 (B) an insurer that is subject to the disclosure requirements of Section 31A-4-113; or
- 1251 (C) a withdrawing entity.
- 1252 (i) (i) "Withdrawing entity" means:
- 1253 (A) an entity that elects to withdraw from participation in a system or plan under Title
- 1254 49, Chapter 11, Part 6, Procedures and Records;
- 1255 (B) until the date determined under Subsection 49-11-626(2)(a), a public employees'
- 1256 association that provides the notice of intent described in Subsection 49-11-626(2)(b); and
- 1257 (C) beginning on the date determined under Subsection 49-11-626(2)(a), a public
- 1258 employees' association that makes an election described in Subsection 49-11-626(3).
- 1259 (ii) "Withdrawing entity" includes a withdrawing entity, as that term is defined in
- 1260 Sections 49-11-623 and 49-11-624.
- 1261 (2) The state auditor shall establish and maintain a public finance website in
- 1262 accordance with this section.
- 1263 (3) The website shall:
- 1264 (a) permit Utah taxpayers to:
- 1265 (i) view, understand, and track the use of taxpayer dollars by making public financial

1266 information available on the Internet for participating state entities, independent entities,
1267 participating local entities, and URS-participating employers, using the website; and
1268 (ii) link to websites administered by participating local entities, independent entities, or
1269 URS-participating employers that do not use the website for the purpose of providing public
1270 financial information as required by this section and by rule made under Subsection (9);
1271 (b) allow a person that has Internet access to use the website without paying a fee;
1272 (c) allow the public to search public financial information on the website;
1273 (d) provide access to financial reports, financial audits, budgets, or other financial
1274 documents that are used to allocate, appropriate, spend, and account for government funds, as
1275 may be established by rule made in accordance with Subsection (9);
1276 (e) have a unique and simplified website address;
1277 (f) be guided by the principles described in Subsection [63A-16-202\(2\)](#);
1278 (g) include other links, features, or functionality that will assist the public in obtaining
1279 and reviewing public financial information, as may be established by rule made under
1280 Subsection (9); and
1281 (h) include a link to school report cards published on the State Board of Education's
1282 website under Section [53E-5-211](#).
1283 (4) The state auditor shall:
1284 (a) establish and maintain the website, including the provision of equipment, resources,
1285 and personnel as necessary;
1286 (b) maintain an archive of all information posted to the website;
1287 (c) coordinate and process the receipt and posting of public financial information from
1288 participating state entities; and
1289 (d) coordinate and regulate the posting of public financial information by participating
1290 local entities and independent entities.
1291 (5) A qualifying entity shall permit the public to view the qualifying entity's public
1292 financial information by posting the public financial information to the public finance website
1293 in accordance with rules made under Subsection (9).
1294 (6) The content of the public financial information posted to the public finance website
1295 is the responsibility of the qualifying entity posting the public financial information.
1296 (7) A URS-participating employer shall provide employee compensation information

1297 for each fiscal year ending on or after June 30, 2022:

1298 (a) to the state auditor for posting on the Utah Public Finance Website; or

1299 (b) (i) through the URS-participating employer's own website; and

1300 (ii) via a link to the website described in Subsection (7)(b)(i), submitted to the state

1301 auditor for posting on the Utah Public Finance Website.

1302 (8) (a) A qualifying entity may not post financial information that is classified as
1303 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and
1304 Management Act, to the public finance website.

1305 (b) An individual who negligently discloses financial information that is classified as
1306 private, protected, or controlled by Title 63G, Chapter 2, Government Records Access and
1307 Management Act, is not criminally or civilly liable for an improper disclosure of the financial
1308 information if the financial information is disclosed solely as a result of the preparation or
1309 publication of the website.

1310 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1311 Office of the State Auditor:

1312 (a) shall make rules to:

1313 (i) establish which records a qualifying entity is required to post to the public finance
1314 website; and

1315 (ii) establish procedures for obtaining, submitting, reporting, storing, and posting
1316 public financial information on the public finance website; and

1317 (b) may make rules governing when a qualifying entity is required to disclose an
1318 expenditure made by a person under contract with the qualifying entity, including the form and
1319 content of the disclosure.

1320 (10) The rules made under Subsection (9) shall only require a URS-participating
1321 employer to provide employee compensation information for each fiscal year ending on or after
1322 June 30, 2022:

1323 (a) to the state auditor for posting on the public finance website; or

1324 (b) (i) through the URS-participating employer's own website; and

1325 (ii) via a link to the website described in Subsection (10)(b)(i), submitted to the state
1326 auditor for posting on the public finance website.

1327 Section 27. **Repealer.**

1328 This bill repeals:
1329 Section **63H-6-101**, Title.
1330 Section **63H-6-201**, Title.
1331 Section **63H-6-202**, **Resolution authorizing issuance of corporation bond --**
1332 **Presentation to Executive Appropriations Committee -- Characteristics of bond.**
1333 Section **63H-6-203**, **Sources from which a corporation bond may be made payable**
1334 **-- Corporation powers regarding corporation bond.**
1335 Section **63H-6-204**, **Purchaser of a corporation bond.**
1336 Section **63H-6-205**, **Obligee rights.**