

1 **STATE FAIR PARK RISK MANAGEMENT**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lyle W. Hillyard**

5 House Sponsor: Jack R. Draxler

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Utah State Fair Corporation Act by allowing the state fair park to
10 be covered under the state Risk Management Fund.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ allows the state fair park to be covered under the state Risk Management Fund; and
- 14 ▶ makes technical changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides an immediate effective date.

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **63H-6-103**, as renumbered and amended by Laws of Utah 2011, Chapter 370

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

24 Section 1. Section **63H-6-103** is amended to read:

25 **63H-6-103. Utah State Fair Corporation -- Legal status -- Powers.**

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

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

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

32 (4) The corporation shall, subject to approval of the board:

33 (a) have general management, supervision, and control over all activities relating to the
34 state fair and have charge of all state expositions except as otherwise provided by statute;

35 (b) for public entertainment, displays, and exhibits or similar events:

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

37 (ii) publicize and promote the events; and

38 (iii) secure funds to cover the cost of the exhibits from:

39 (A) private contributions;

40 (B) public appropriations;

41 (C) admission charges; and

42 (D) other lawful means;

43 (c) establish the time, place, and purpose of state expositions; and

44 (d) acquire and designate exposition sites.

45 (5) (a) The corporation shall:

46 (i) use generally accepted accounting [~~principals~~] principles in accounting for its assets,
47 liabilities, and operations;

48 (ii) seek corporate sponsorships for the state fair park and for individual buildings or
49 facilities within the fair park;

50 (iii) work with county and municipal governments, the Salt Lake Convention and
51 Visitor's Bureau, the Utah Travel Council, and other entities to develop and promote
52 expositions and the use of the state fair park;

53 (iv) develop and maintain a marketing program to promote expositions and the use of
54 the state fair park;

55 (v) in cooperation with the Division of Facilities Construction and Management,
56 maintain the physical appearance and structural integrity of the state fair park and the buildings
57 located at the state fair park;

58 (vi) hold an annual exhibition that:
59 (A) is called the state fair or a similar name;
60 (B) includes expositions of livestock, poultry, agricultural, domestic science,
61 horticultural, floricultural, mineral, and industrial products, manufactured articles, and
62 domestic animals that, in the corporation's opinion will best stimulate agricultural, industrial,
63 artistic, and educational pursuits and the sharing of talents among the people of Utah;
64 (C) includes the award of premiums for the best specimens of the exhibited articles and
65 animals;
66 (D) permits competition by livestock exhibited by citizens of other states and territories
67 of the United States; and
68 (E) is arranged according to plans approved by the board;
69 (vii) fix the conditions of entry to the exposition described in Subsection (5)(a)(vi); and
70 (viii) publish a list of premiums that will be awarded at the exhibition described in
71 Subsection (5)(a)(vi) for the best specimens of exhibited articles and animals.
72 (b) In addition to the state fair to be held in accordance with Subsection (5)(a)(vi), the
73 corporation may hold other exhibitions of livestock, poultry, agricultural, domestic science,
74 horticultural, floricultural, mineral, and industrial products, manufactured articles, and
75 domestic animals that, in its opinion, will best stimulate agricultural, industrial, artistic, and
76 educational pursuits and the sharing of talents among the people of Utah.
77 (6) The corporation may:
78 (a) employ advisers, consultants, and agents, including financial experts and
79 independent legal counsel, and fix their compensation;
80 (b) (i) participate in the state's Risk Management Fund created under Section
81 63A-4-201; or
82 [~~(b)~~] (ii) procure insurance against any loss in connection with its property and other
83 assets, including mortgage loans;
84 (c) receive and accept aid or contributions of money, property, labor, or other things of
85 value from any source, including any grants or appropriations from any department, agency, or

86 instrumentality of the United States or Utah;

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

90 (e) enter into management agreements with any person or entity for the performance of
91 its functions or powers;

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

94 (g) enter into agreements for the leasing of any of the facilities at the state fair park, if
95 approved by the board; and

96 (h) sponsor events as approved by the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

111 (c) The corporation shall comply with the legislative approval requirements for new
112 facilities established in Subsection 63A-5-104(3).

113 Section 2. **Effective date.**

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